A Shared Responsibility
Message from the New Section Chairperson

William R. Rakes, Esq.

Chief Justice William Rehnquist used the three-legged stool as an analogy for the legal profession, with the legs representing the practicing bar, the legal academy, and the judiciary. He said, “No leg of the stool can support the profession by itself, and each leg is heavily interdependent on the others.” It is obvious that the three branches of the legal profession have a shared responsibility for the profession and for legal education, which is the foundation on which the profession is based.

I have used Chief Justice Rehnquist’s analogy on many occasions and I think it is a powerful commentary on the importance of the three parts of the profession working together.

That is exactly what the Section of Legal Education and Admissions to the Bar does. The Section and Council are made up of members of all three branches. The Chair of the Council rotates annually among the three branches.

Next year, you will hear a prospective from a practitioner, who is deeply interested in all three branches of our profession and is particularly interested in seeing the three branches work together to accomplish more than can be accomplished working independently of each other.

Fifteen years ago I organized a “Conclave on Legal Education” in Virginia, which brought together deans and professors, practitioners, and judges to consider legal education issues that matter greatly to the profession. The Virginia Conclave model was replicated in more than twenty-five states and was invigorated by the MacCrate Report, which was issued several months after the Virginia Conclave. The conclaves provided a forum for important dialogue on the MacCrate Report and other issues, and involved all three branches.

Because of the importance of continuing to narrow the perceived gap between the branches of the profession and recognizing the importance of a shared responsibility, we plan to hold a national conclave next spring, which will serve two purposes: it will honor Robert MacCrate and

Accreditation Policy Task Force Announced

By Hulett H. Askew, Consultant on Legal Education

Pauline Schneider, a private practitioner from the District of Columbia, has been named Chairperson of the newly appointed Accreditation Policy Task Force. Schneider has a long history of involvement in legal education and has served as Chairperson of the Section of Legal Education and Admissions to the Bar.

The Task Force was appointed by William R. Rakes, Esq., Chairperson of the Council, who stated that its purpose is to consider the policies behind the accreditation standards and recommend appropriate changes. The Task Force is requested to make its report in June of next year.

Schneider stated that the Task Force will solicit input from all

Continued on page 25

IN SIDE:

15 South African Women in Law Indaba
16 Innovative Education
19 Justice O’Connor Receives Award

Continued on page 23
The Best System of Accreditation in America

By Dean Steven R. Smith, Immediate-Past Chairperson

Law school accreditation should be the best accreditation process in the country. The Council discussed this goal during the ABA Annual Meeting and it is fair to say that the goal of having the “Best System” represents a consensus of the Council and other leaders in legal education and the bar. It is a grand goal, but it is important for the simple reason that its achievement will improve the quality of legal education, and thereby improve the profession and increase the quality of what our profession can offer our society.

From the start of law school accreditation, it has been a force for improving legal education, and after World War II became increasingly important. It had an enormous, positive impact on legal education from the late 1960s to the mid-1990s and was perhaps the most effective accreditation system in the country.

The medical profession was fortunate at the beginning of the twentieth century to have had the Flexner Report to modernize and reform medical education. Legal education’s equivalent may have been the accreditation process at the end of the century.

This success was in large part because law school accreditation expressed the shared values and goals of the legal and teaching professions. It was applied rigorously and even fearlessly and had broad (if not universal) acceptance among law schools and the legal profession. The many talented and dedicated people who made the system work helped legal education move from student/faculty ratios of more than 50 to 1 to under 20 to 1; increase diversity among students and faculties; improve American law libraries to be the envy of the world; make clinical education, legal writing instruction and interdisciplinary work standard parts of legal education; upgrade law school facilities and funding; and make research a part of almost every law school. Accreditation played an important role in all of these improvements.

Times and circumstances change, however, and successful institutions must change too. We are at a point when law school accreditation must change if it is to continue to be a force for significant improvement. Patching the current system may not be sufficient, rather a broader consideration of our system of accreditation is required.

It is not yet possible to identify the structure and features of such a system. Only an open, creative process will do that. It may, however, be possible to identify some of the characteristics of the best system. I would include the following:

- Provide a high level of protection for the public by ensuring good quality education and promoting outstanding quality. This is the essential test: whether the public is being served by accreditation standards. Because accreditation is an important part of the licensing process, the public interest is paramount.
- Provide protection for applicants to law school and graduates. The process should ensure not only those students receive a solid and rigorous education, but that they are treated fairly and receive reliable information about law schools. Admitted students should, for example, have a good chance of completing the law school program, successfully being admitted to the bar, and finding an appropriate job following law school.
- Be efficient without reducing the quality expected for law schools and law students. The efficiency should apply to the criteria for accreditation to ensure that there are no unnecessary requirements while imposing all of the requirements to guarantee adequate quality. The accreditation process should be efficient in that it requires no unnecessary work by the school, site visitors or an accreditation committee.
- Provide a consistent level of review among programs. Schools similarly situated should be treated alike and elite schools should not be treated differently than others. At the same time, standards that are essential for a new law school to ensure quality may, for a seasoned law school, be a trivial or unnecessary concern. The goal of consistency may
include recognizing different standards or processes for schools in different states of development.

- And the best system of accreditation should maintain a high level of satisfaction among accredited institutions. Those institutions should be satisfied with the process because it produces clear benefits and is efficient and fair; and the profession should be satisfied because it ensures that all of those graduating from accredited law schools are well prepared.

What has been an enviable system of accreditation is showing signs of losing some of its effectiveness. The current system, in part, is a victim of its own success. The ability to enforce meaningful standards has led groups to seek to use accreditation for their own narrow purposes. Such claims are made, for example, about deans, faculty, clinicians, legal writing instructors and librarians. As a result, some curricular or employment issues that are more appropriately decided by individual faculties now are played out instead at the national accreditation level. At the same time, the success of the process has attracted influential opponents. Some university presidents, for example, have complained that law school accreditation unfairly interferes with their ability to take resources (or control) from the law school for distribution to other parts of the university.

The natural tendency to “cure law with more law” has made the system increasingly technical and complex. This is a result of the admirable, but elusive, goal of consistency because more formal rules may make it easier to achieve consistency of application.

There are also claims that the Standards impose inefficiencies on law schools. Some of these, including unqualified complaints that a Standard “drives up costs,” are not meaningful. Any requirements, of course, say for a faculty, a library, or holding courses drives up costs. Rather the legitimate question is whether it unnecessarily drives up costs without greater benefits.

The broad acceptance that law school accreditation has enjoyed shows some weakening. There have been an increasing number of difficult battles over Standards and Interpretations. Some practitioners suggest that the battles over increasing what is required to pass the bar represent dissatisfaction in the bar with legal education and an accreditation system that is not sufficiently demanding.

Technology, the international aspects of practice, and the trade and competition for legal services, are examples of major forces for change in the legal profession as well as legal education. These factors collectively suggest that law school accreditation is facing significant challenges.

This is an unusual period of transition. We are witnessing the near simultaneous changing of the Consultant, Deputy Consultant, Chair of the Section and Executive Director of the ABA. The end of the decade-long Consent Decree in June freed the Section from some of the obligations that took immense energy and resources.

The current debate about the Standards and about accreditation has produced an atmosphere that is more open than usual to discussing accreditation. Furthermore, disagreements that focus on such specific issues as “conditions of employment,” diversity, library, distance learning, or pro bono requirements may create a

Continued on page 25
On September 1, 2006, I became the Consultant on Legal Education. I was honored that the Council of the Section selected me for this position, and I am excited about the opportunity to work with the Council, the Section committees and the legal education community as I build on the legacies of past Consultants Jim P. White and John A. Sebert. I look forward to the challenge.

Having spent the past fifteen years as director of bar admissions for the Supreme Court of Georgia, the second half of the Section’s charge (“... and Admissions to the Bar”) comes naturally to me, and I plan to exert any influence I have in building better working relationships among law schools, supreme courts and bar admitting authorities. The Bar Admissions Committee of the Section is working on several projects in this regard, which hold great promise and about which you will hear more in future issues of Syllabus.

In terms of the first half of the Section’s title, I have served six years on the Accreditation Committee and two years on the Council, so I have a lot of experience as a volunteer with the accreditation project. I also have a long history of working closely and collaboratively with the five Georgia law schools: the University of Georgia School of Law, Georgia State University College of Law, Emory University School of Law, Mercer University School of Law and John Marshall Law School. This experience has given me a good understanding of many of the issues confronting legal education today and an appreciation for the particularly challenging role of a law school dean.

Given my history, I felt it particularly important that I make myself available to meet and listen to as many deans as possible before I assumed this position. With the permission and support of the Supreme Court of Georgia, I had traveled extensively from March to mid-June of 2006, holding regional deans’ meetings. To date I have held sixteen of these meetings with several more in the works. By the time I finish, over 90 percent of the deans of ABA-approved law schools will have had the opportunity to attend one of these meetings.

My purpose in holding these deans’ meetings was not just to introduce myself, but to listen. I asked the deans to tell me their ideas for, their concerns about and their criticisms of the Section’s work, especially the accreditation project. Almost without exception, the deans I met with were generous with both their time and their suggestions. I came away with a briefcase full of ideas and also a good understanding of the way our accreditation process is experienced and either appreciated or unappreciated by deans. These discussions were truly a gift to me as I enter into this new role.

In last September’s Syllabus, Chairperson Steven R. Smith outlined his goals for his year as Chair. We have all been very fortunate that Steve has been the Chair during a most demanding and sometimes trying year. He served the Section and all of legal education well. In his column, Steve identified three principles that must guide our work: protecting the interests of the public, setting high standards of quality and acting with integrity. I agree with Steve’s articulation of these principles, and I look forward to working with all of you to put them into action. I will have a lot of help in doing that, beginning with the Council, the Accreditation Committee and all the other Section committees and volunteers. Also, Deputy Consultant Dan Freehling will be a particularly good addition to what is an excellent staff in Chicago.

In closing, I would like to thank John Sebert for his six years as consultant and for his professionalism and dedication to the Section as we have worked through this transition. Following John, and my mentor and friend Jim White, is quite a challenge given the amazing productivity he has demonstrated for so long. I look forward to it.

### ASKEW IN BRIEF

<table>
<thead>
<tr>
<th>Year</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Consultant on Legal Education</td>
</tr>
<tr>
<td>1990–2006</td>
<td>Director, Office of Bar Admissions of the Supreme Court of Georgia</td>
</tr>
<tr>
<td>1983–1990</td>
<td>Director, Civil Division, National Legal Aid &amp; Defender Association</td>
</tr>
<tr>
<td>1976–1983</td>
<td>Legal Services Corporation</td>
</tr>
<tr>
<td>1969–1976</td>
<td>Deputy Regional Director for Legal Services, Office of Economic Opportunity</td>
</tr>
<tr>
<td>1967</td>
<td>J.D, Emory University School of Law</td>
</tr>
</tbody>
</table>
Dan H. Freehling Assumes Role of Deputy Consultant

Dan Freehling has assumed the position of Deputy Consultant on Legal Education effective September 1, 2006. Freehling follows Stephen T. Yandle who has held the position over the past two years.

Freehling comes to the Section from Boston University School of Law, where he was on the faculty for the past twenty years. While at BU he held the positions of professor of law, law library director and associate dean for information services. As associate dean, Freehling had reporting responsibility for admissions, financial aid, career planning, graduate programs and computer services.

Freehling has served on a dozen site teams, participated in two special site visits, and has undertaken a number of site visits of foreign summer programs. In addition, he has served on the Accreditation Committee for six years from 1995-2001 and was a member of the Council from 2002-2006.

When asked about assuming the position of deputy consultant, Freehling indicated that there were a variety of factors that led him to the ABA:

“Over the years I have served as a volunteer to the Section in a number of capacities and throughout that time and no matter what volunteer hat I was wearing, I always found that I believed in the substantive work of the Section and that the work provided a great deal of personal satisfaction. I have met many dedicated and talented deans, faculty, judges and public members through Section activities and many of the most interesting and stimulating discussions on legal education I have had during my career have taken place within some sort of Section context.

“I also decided to pursue the deputy consultant position because the time was simply right for me professionally. I was just coming up on twenty years at BU and that seemed to be a milestone worthy of serious contemplation. I decided I wanted to make a career change and, fortunately, the deputy consultant position happened to be open. I was familiar with the position through my work on the Accreditation Committee and the Council. The position itself was very attractive to me and the opportunity to work with newly named Consultant, Bucky Askew, was a significant added bonus. Additionally, when I looked at some of the issues the Section may be taking on, I couldn’t help but be drawn to the exciting opportunities offered by working with the Section full-time. For example, over the next several years one or more entities within the Section will likely be reexamining the Standards that deal with distance education, terms and conditions of employment in law schools and the continued transformation of law libraries, to list but a few. These matters are significant issues in legal education that require careful thought and thorough debate. Of course, the work of the Section goes well beyond accreditation activities. The Section puts on a number of major conferences and workshops and right now the Section is involved in examining issues associated with high debt levels for law school graduates, proposals for a unified bar exam and licensing of foreign legal consultants. One thing is certain, I won’t be wanting for interesting and diverse work.”

Upcoming Conference

May 27-29, 2007 • Broomfield, CO

Seminar for New ABA Law School Deans

The Section will sponsor the annual Seminar for New ABA Law School Deans May 27-29, 2007, at the Omni Interlocken Resort in Broomfield, Colorado. The seminar will examine a day-in-the-life of a dean, relations with faculty and central administration, law school finances, leadership and emerging trends in legal education. This seminar is by invitation only.

Inquiries should be directed to Allison Lisle at 312-988-6749.
A Year of Completion and Transition for the Section


This year was one of completion and transition for the Section of Legal Education and Admissions to the Bar. A number of important multiyear projects were completed: The three-year comprehensive review of the Standards for Approval of Law Schools by the Council and its Standards Review Committee was concluded with the concurrence by the ABA House of Delegates in August in revisions to Chapters 2, 5 and 8 of the Standards. A comprehensive revision of the Rules of Procedure for Approval of Law Schools also was completed when the House concurred in the revisions during its February 2006 meeting. The Consent Decree under which the Council’s accreditation activities had been operating for ten years expired on June 26, 2006, and the Council made important decisions as to how accreditation activities will be managed after the expiration of the Decree. Finally, I have concluded my six years of service as Consultant on Legal Education and will be succeeded in that role by Hulett (Bucky) Askew. This memorandum will discuss those and the many other activities of the Section during 2005-06.

Accreditation Activities

A total of 194 institutions are approved by the American Bar Association: 193 confer the first degree in law (the J.D. degree); the other approved school is the U.S. Army Judge Advocate General’s School, which offers an officer’s resident graduate course, a specialized program beyond the first degree in law. Two of the approved law schools (Thomas Cooley and Widener) have branch campuses, and Penn State University operates a second location. Eight of the 194 approved law schools are provisionally approved: Barry University School of Law; Faulkner University, Thomas Goode Jones School of Law; Florida A & M University College of Law; Florida International University College of Law; John Marshall Law School-Atlanta; the University of La Verne College of Law; Liberty University School of Law; and Western State University College of Law.

Three schools were granted provisional ABA approval during the 2005-06 academic year: Faulkner University, Thomas Goode Jones School of Law; the University of La Verne College of Law; and Liberty University School of Law. Two schools were granted full ABA approval during the 2005-06 academic year: Appalachian School of Law and the University of St. Thomas School of Law (Minneapolis, Minnesota). Two schools are currently on probation: Golden Gate University School of Law and Whittier Law School.

During the past year, forty site evaluation visits were undertaken, involving 234 volunteers as site team members, including forty-nine persons who had not previously served on a site evaluation visit. Twenty-five of the visits were sabbatical site visits, one was the required visit in the third year following full approval, four were of provisionally approved law schools, three were in connection with applications for full approval, four were in connection with an application for provisional approval, and three were fact finder visits. In addition, twenty-eight visits to foreign programs, involving an additional twenty-eight volunteers, were conducted.

During the year the Accreditation Committee, chaired by Professor Edwin Butterfoss of Hamline University School of Law, also considered and granted acquiescence in seven applications from approved law schools regarding the establishment of new post-or non-J.D. degree programs. In addition, the committee approved the establishment of eleven new foreign summer programs to begin in the summer of 2006.

Continuing Revision of Standards and Interpretation

Under the leadership of Dean Richard Morgan of the University of Nevada Las Vegas School of Law, the Standards Review Committee this year assisted the Council in the continuation and completion of a multiyear comprehensive review of the Standards and Rules of Procedure for Approval of Law Schools and its Interpretations. Over the past two years, the Council has adopted and the House of Delegates has concurred in substantial revisions to the following Chapters of the Standards: Chapter 1 (General
The AALS Annual Meeting in January, the ABA Midyear Meeting in February, and the American Law Institute Annual Meeting in May. At its June 2006 meeting, the Council approved revisions to portions of these Chapters, modifying only slightly the recommendations of the Standards Review Committee.

All of the revisions to Chapters 2, 5 and 8 described above were concurred in by the ABA House of Delegates at its August 2006 meeting. Thus the comprehensive review of the Standards begun in 2003 has been completed.

Expiration of the Consent Decree
The Consent Decree that the ABA entered into with the Department of Justice in 1996 was scheduled to expire in June 2006. As usual, prior to the scheduled expiration of any consent decree, the Department of Justice during the first half of 2006 conducted a thorough investigation of compliance during the ten years of the Decree. The Consultant’s Office, the Council and the Accreditation Committee have been rigorous in complying with the substantive, antitrust-related, provisions of the Decree, and the Department found no violations of those substantive provisions. The Department did, however, conclude that there had been instances of noncompliance with some of the other provisions of the Decree. In particular, the Department concluded that in 2005-06 one member of the Standards Review Committee who was classified as a university administrator should have been classified as a law faculty member, resulting in the law faculty membership on that committee for 2005-06 exceeding the limitation that law faculty should not comprise more than 50 percent of the committee’s membership. The Department also found that the practice of generally not assigning nonlaw school university administrators to site teams visiting free-standing law schools violated the requirement that nonlaw school university administrators be assigned to each site evaluation team “to the extent reasonably feasible.”

The Department also found that, on numerous occasions, the ABA Compliance Officer did not comply with various reporting and notification requirements of the Decree.

The matters of noncompliance included not always providing notice to the Department of proposed and adopted changes to the Standards, Interpretations, and Rules of Procedure, at times not filing individual certifications of compliance by those involved in the accreditation process, sometimes not providing the Department with documentation of briefings on the requirements of the Consent Decree, and for some years not providing the required annual certifications of compliance with the Decree.

At the conclusion of the Department’s investigation, the ABA and the Department of Justice reached a settlement in which the ABA acknowledged the matters of noncompliance listed above and agreed to pay the Department $185,000 to defray the expenses of the Department’s investigation. (That payment was made from ABA funds and not from Section monies.) The orders confirming that agreement were signed by United States District Judge Royce Lamberth on June 26, 2006, and the Consent Decree expired as of that date. ABA President Michael Greco, ABA Executive Director Robert Stein, and Council Chair Steve Smith worked very closely together during the period leading to these significant agreements.

At its February 2006 meeting,
the Council determined that, after the expiration of the Consent Decree, the Council would continue to follow all of the substantive provisions of the Consent Decree (such as not having accreditation standards relating to compensation and not collecting or disseminating data concerning compensation of law faculty, deans or staff) and that the Council also will continue to follow almost all of the other provisions of the Consent Decree, with a few modifications. For example, the Council will discontinue the very expensive requirement of publishing proposed Standards revisions and lists of site team members in the ABA Journal (but will continue publishing those and other documents in Section publications and on the Section Web site), and the limitation of service on the Standards Review Committee to one three-year term will be changed to be similar to the six-year maximum period of service that applies to Accreditation Committee members.

The Council reaffirmed these decisions during its August 2006 meeting. More detailed information concerning revisions in policies and procedures related to the expiration of the Consent Decree will be forthcoming during 2006-07.

Rerecognition 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 rerecognition by the Department. The Council was most recently granted recognition by the Department in January 2001, and the Council was scheduled to undergo the rerecognition process during 2005. The Council filed its petition for rerecognition in June 2005. A public hearing on the petition before the Department’s National Advisory Committee on Institutional Quality and Integrity was initially scheduled for December 2005. Prior to the hearing the Department contacted us to express a need for more time to prepare the staff analysis of our application in light of a large volume of third-party comments that were filed with the Department. Upon receiving assurances that postponing review would have no direct negative impact on our accrediting authority, we agreed to postpone review and the appearance before the Advisory Committee was postponed until its next meeting in June 2006.

In April 2006 we received a letter from the Department again delaying the review and appearance before the Advisory Committee until its next meeting in December 2006. In this second postponement the Department was responding to a number of additional third-party commentators (after the first postponement there was a second filing period for third-party comments) regarding proposed changes to Standard 211, which deals with “diversity” issues. The Council’s accrediting authority will continue to be recognized by the Department during this further delay. The Council has already responded in writing to the third-party comments received in fall 2005 that the Department staff believed might be relevant to the Department’s Recognition Criteria. Late this summer or early in the fall we will receive a draft staff analysis that will indicate changes in procedures that the Department staff believe are necessary to bring the Council into full compliance with the Recognition Criteria, and the Council anticipates being able to make most, if not all, of the necessary revisions in procedures before the Council’s appearance before the Department’s Advisory Committee in December 2006.

Revision of Criteria for Foreign Programs
The Council of the Section at its February 2006 meeting approved circulating for comment revisions to the Criteria for Foreign Summer Programs and the Semester Abroad Criteria concerning faculty and changes in location that were proposed by the Accreditation Committee. At its June 2006 meeting the Council adopted the proposed changes to the Criteria for Foreign Summer Programs and the Semester Abroad Criteria, and those revisions are now in effect.

These revisions clarify the Criteria concerning the appointment and qualifications of the director and faculty of approved foreign programs, and provide the Foreign Programs Subcommittee with greater ability to evaluate the effect of a change in location of an approved program or the addition of other locations to an approved program. The adopted revisions concerning changes in location or additional new locations will provide effective tools to monitor an increasingly common phenomenon.

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 was composed of Provost E. Thomas Sullivan, Chair; Jose R. Garcia-Pedrosa, Esq., Dean Jeffrey E. Lewis; Vice Chief Justice Ruth V. McGregor; Dean Rex R. Perschbacher; Pauline A. Schneider, Esq.; and Dean Kent D. Syverud. Additionally, ABA General Counsel, Dar-
ryl L. DePriest, Esq., participated in all of the deliberations of the Committee; John R. Przypyszny, Esq., the Council’s outside counsel for Department of Education matters, provided additional advice; and John A. Sebert, the Consultant, served as reporter for the Committee.

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, and public hearing regarding the proposed revisions was held during the 2005 ABA Annual Meeting. The Council finally adopted the proposed comprehensive revision of the Rules of Procedure at its December 2006 meeting and the House of Delegates concurred in those revisions, and adopted the Council’s proposed revision of House of Delegates Rule 45.9, at the House’s February 2006 meeting.

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 2006 meeting.

The revisions include additional information about advanced degrees awarded and student housing. The most significant change is in the reporting of LSAT scores for matriculants who have taken multiple tests. In the past, multiple LSAT scores were averaged by the law schools and were used in the calculation of the 25th, median, and 75th percentiles. Starting this year, the schools are instructed to use the highest score in the calculation of the percentiles. This is based on policy change by LSAC.

Legal Writing Sourcebook
The Communication Skills Committee, under the leadership of former committee chair and general editor Professor Eric Easton of the University of Baltimore School of Law, has completed revising the Sourcebook on Legal Writing Programs. The first edition of the Sourcebook was published in 1997 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, updates and substantially expands the Sourcebook.

The revised edition has been published and is being distributed to law schools in time for the beginning of the 2006-07 academic year.

Hurricane Katrina
Hurricane Katrina caused tremendous destruction in the Gulf Coast areas of Louisiana, Mississippi and Alabama and, of course, in New Orleans, forcing all of the universities in New Orleans, and the law schools at Loyola University, New Orleans and Tulane University, to suspend their operations when the hurricane struck. One immediate problem was finding places for many of the students of the two schools, and particularly upper-class students, to continue their legal education during the fall of 2005. Five days after Katrina hit land, the Section and the Association of American Law Schools (AALS) developed a Web site (hosted by the AALS) that collected offers by law schools to host Loyola and Tulane students, and to track the status of those students.

More than 170 ABA-approved law schools rose to the occasion and accepted a total of almost 1,000 Loyola and Tulane upper-class students for fall 2005, with the Louisiana State University School of Law itself taking approximately 160 students from the two New Orleans schools. In the meantime, the leadership of the two universities and their law schools, led by Dean Brian Bromberger of Loyola, New Orleans, and Dean Larry Ponoroff of Tulane, worked with amazing speed to get their law schools back in operation. Because of the wonderful generosity of the University of Houston Law Center, Loyola University, New Orleans was able to offer a foreshortened fall 2005 term beginning in late October in Houston. By January 2006, both law schools were back in operation at their New Orleans homes, and each reported that about 85 percent of its students had enrolled in January.

We congratulate these two schools on their tremendous, and tremendously successful efforts in recovering from the devastating effects of Hurricane Katrina, and we wish for them a very successful, and very calm, year in 2006-07.

Law Student Debt Issues
The Council continues to focus on the matter of law student borrowing and high debt loads on graduation. Its Government Relations Committee, chaired by Professor Emeritus Peter Winograd of the University of New Mexico School of Law, worked with the ABA Commission on Loan Forgiveness and others on initiatives at the federal level to improve the borrowing opportunities of law students and the repayment options of law graduates. These law student debt issues were one of the three fea-
tured priorities at ABA Day in May 2005. A loan forgiveness provision very similar to that urged by the Council was adopted by the Senate in the Budget Reconciliation Act in December 2005, but the provision did not survive the conference with the House. The Government Relations Committee is continuing to seek the inclusion of a similar provision through the reauthorization of the Higher Education Act, but it now appears that there probably will be no action by either House of Congress on this legislation during 2006.

Proposed Revisions to the Model Rule for the Licensing of Foreign Legal Consultants
The Model Rule for the Licensing of Foreign Legal Consultants was initially adopted by the House of Delegates in August 1993. Last year the Bar Admissions Committee of the Section, after an extended review, recommended revisions of the Rule that the Council approved and recommended that the House adopt. Subsequently, the Council withdrew its report when other ABA entities indicated they would like to comment on the proposed revisions and to coordinate the presentation of these proposed revisions with other multijurisdiction practice initiatives. The proposed revisions were discussed with interested ABA entities and within a special ad hoc group that was formed. A consensus regarding the revisions was reached by the group and subsequently reviewed and approved by both the Bar Admissions Committee and the Council. At its August 2006 meeting, the ABA House of Delegates adopted the revised Model Rule.

Conferences, Workshops, and Special Events
The Council and its committees offered and supported a number of worthwhile conferences and programs during the past twelve months. The list below provides the location and dates of the conferences and workshops, and a short description of some of the events.

Workshop for Chairpersons of Site Evaluation Teams, Workshop for New Site Evaluators and Schools Undergoing a Site Evaluation. Workshop for Chairpersons of Site Evaluation Teams, Workshop for New Site Evaluators and Schools Undergoing a Site Evaluation. In September 2005 the Section conducted its annual workshop for chairpersons of site visit teams for the 2005-06 year. This program provided an orientation for new chairpersons, an opportunity to discuss with these team leaders the changes in the Standards and Rules over the past year, and a chance to work with this group on ways to make the site evaluation process an even more effective part of the accreditation process. In February 2006, 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. Until 2002, separate workshops were offered for new site evaluators and for school representatives. The school representatives came both from fully approved schools slated for their sabbatical review and schools seeking provisional or full approval. In light of the considerable overlap in the programs, it was both efficient and effective to combine them into one program. A major benefit of combining the two groups was the ability to communicate to all who are involved in the process the same information about the goals and purposes of the site evaluation process and the accreditation process in general. There were 118 attendees at the February 2006 workshop, the largest number ever.

Deans’ Workshop. The annual workshop for law school deans was held at the ABA Midyear Meeting in February 2006 in Chicago (rescheduled from New Orleans). This two-day meeting attracted 105 of the deans of ABA-approved law schools. Participation in this program is limited to the deans of ABA-approved law schools, and it is the best-attended substantive program for deans in the country. Deans Mary Kay Kane of the University of California-Hastings College of Law and Kurt Schmoke of the Howard University School of Law served as cochairs for the workshop.

Deans’ Breakfasts. Along with the Law School Admission Council and the Association of American Law Schools, the Section sponsored a Deans’ Breakfast during the ALI meeting in Washington, District of Columbia, on May 17, 2006, and at the 2006 Annual Meeting in Honolulu, Hawaii.

Law School Facilities Conference. Three hundred and nine registrants attended the March 23-25, 2006, Bricks, Bytes and Continuous Renovation Conference at the University of Washington and Seattle University Law Schools. Sponsored by the Section and organized by members of the Section’s Law School Facilities Committee (chaired by Associate Dean Penny Hazelton of the University of Washington School of Law), the two-and-one-half-day conference featured a full schedule of informative programs designed for law school deans, faculty administrators, librarians, IT professionals and architects who have done a design or renovation of a law school facility space or those who will be doing one in the near future.

Associate Deans’ Conference. The Section sponsored its biannual conference for Associate
Deans in Englewood, Colorado, June 8–11, 2006. The conference was chaired by Dean Walter F. Pratt of the University of South Carolina (formerly associate dean at Notre Dame) and attracted 136 attendees. The program, entitled “Moving Ahead Without Falling Behind,” included the popular session, “A Day in the Life of an Associate Dean.” Richard Mataras, dean and president of New York Law School, delivered the keynote address and Judith Areen, dean emerita of George-town University Law Center, presented the very successful opening plenary session on “Man-aging People and Resources.”

Seminar for New Law School Deans. The Section sponsored the 14th annual seminar for new deans of ABA-approved law schools June 14–16, 2006, in Columbus, Ohio, at the Moritz College of Law of the Ohio State University. The seminar explored topics important to new law school deans, including relations with faculty, senior staff, central administration and the legislature, student services, law school finances and development and alumni relations. Deans or acting/interim deans who will begin their service in the 2006-07 academic year, or who have just completed their first year as dean, were invited to attend. This year’s program attracted fourteen 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 a program on Saturday, August 5, 2006, at the ABA Annual Meeting in Honolulu, Hawaii. The program, “The Process of Bar Admissions” considered the present, future and long-term future of bar admissions. The three panels discussed the current status of the bar examination, explored ways in which the bar examina-
tion might be changed, and investigated broader perspectives concerning the examination process and alternatives to multiple choice questions.

Section Publications
During the current ABA calendar year, the Section continued to publish several useful legal education publications and directories. Perhaps the most visible member benefit is the Section’s newsletter, Syllabus, which includes news, notices of upcoming conferences and workshops, and contemporary legal education topics. Section members receive three issues of Syllabus each year.

The Annual Report of the Consultant’s Office, which is sent to all Section members, provides a brief overview of the events and activities of the Section and the Consultant’s Office over the past year. The Annual Report also includes additional information, such as legal education statistics, and current lists of ABA-approved law schools and of post-J.D. and study abroad programs. This past year, the 2004-05 Annual Report (“Ingredients to Higher Education”) was awarded the 2006 American Inhouse Design Award by the editors of Graphic Design USA.

The Standards and Rules of Procedure for Approval of Law Schools is published annually, in early September. The book contains the Standards and Interpretations that establish the accreditation requirements for ABA-approved law schools, the Rules of Procedure for the accreditation process, the criteria that govern foreign programs sponsored by ABA-approved law schools, and other information related to the accreditation process. This publication can also be viewed online at www.abanet.org/legaled/standards.html.

The Section publication that is most well known by the general public is the annual Official Guide to ABA-Approved Law Schools. The 800+-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 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.lisc.org.

Another widely referenced Section publication is the annual Comprehensive Guide to Bar Admission Requirements, copublished 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. Additionally, the Guide clarifies some of the often confusing rules regarding foreign law school graduates, admission on motion, and reciprocity, comity and the attorney’s exam. The entire Guide can be viewed online at www.abanet.org/legaled/baradmissions/bar.html.

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 key legal education information are all available on the Section’s Web site including a number of the publications mentioned previously. In spring 2006 the Section completed the task of converting all Web pages to the ABA required templates.

Planning for the Future
In 2001 the Council adopted a five-year Strategic Plan. With the expiration of that plan, and the successful completion of most of the goals established by the plan, the Council decided to undertake a new strategic planning process. The Chair of the Council, Dean Steven R. Smith, appointed a Strategic Planning Committee, Co-chaired by Dean Mary Kay Kane and President John Lahey, with a mandate to develop a plan for review and adoption by the Council by its December 2006 meeting.

One new feature of the planning process for this cycle will be a survey of Deans, Associate Deans, and other stakeholders of the Section to seek reactions, suggestions and feedback regarding the initial set of goals recommended by the Committee. The survey, developed with the assistance of the American Bar Foundation, was sent out in early August for completion and submission by September 1. The Committee and Council will review and analyze results of the surveys at the late-September annual retreat of the Council. The Strategic Plan, once adopted in December 2006, will establish goals and priorities for the Section’s next five years.

Staff Developments
In August 2005, our Events and Meetings Manager, Kara Pliscott, left the staff to pursue another professional opportunity. We have been very fortunate to recruit a very experienced meetings planner, Allison Lisle, to this important position. Allison joined the staff in October 2005.

A long-vacant position on the staff was filled at the end of July when Stephanie Kevil joined us in the important role of accreditation assistant. Christina Williams remains a valued member of our staff in the new, and multiple, role of assistant to the deputy and associate consultants and to the executive assistant for accreditation.

Deputy Consultant Stephen Yandle announced last fall that he would be leaving the staff as of the end of August 2006. I have very much enjoyed working with Stephen over the past two years, and both the Council and I have benefited from his sound judgment and excellent drafting skills. All of us wish Stephen the best in his future endeavors.

Bucky Askew has selected Professor Daniel J. Freehling, director of the law library and associate dean for information services at Boston University School of Law, as the new Deputy Consultant. Professor Freehling began his duties September 1, 2006. Dan is an excellent choice for this key position, and I know he will do a superb job. Dan brings to the office extensive experience in legal education and great knowledge of the accreditation project, as he has been a member of the Council for the past three years and previously served on the Accreditation Committee for six years.

Concluding Comments
At the end of this month, I conclude six eventful years as Consultant on Legal Education. It has been an honor and a pleasure to serve the Council, and legal education, in this capacity, and I believe we have accomplished much together over this time. A few highlights include: successfully moving the Consultant’s Office to Chicago; building an expanded staff with broader professional expertise who will remain to assist the Council and its committees in their important work; completing comprehensive reviews both of the Standards for Approval of Law Schools and the Rules of Procedure; involving a much broader and more diverse group of volunteers to serve on site evaluation teams and on our committees; strengthening the programming that we offer schools (and particularly law school administrators); supporting many initiatives in the area of bar admissions and the regulation of the profession (such as the fall 2004 Joint Conference on Legal Education and Bar Admissions, and the revision of the Model Rule on the Licensing of Foreign Legal Consultants); and successfully concluding the era of the Consent Decree.

In closing, I have many thanks to offer. First, to a wonderful, but still very small, staff who work extremely hard to support the wide-ranging activities of the Section. Thanks also to the many volunteers who serve long hours, with no pay other than an occasional good meal and accompanying wine, as members of the Council and of our committees and site evaluation teams; we can do nothing without your committed assistance. I have had the pleasure to work with six excellent Chairs of the Council—Diane Yu, Jerry VandeWalle, Tom Sullivan, Pauline Schneider, Liz Lacy and Steve Smith—and I appreciate each of their support and assistance. This year, I have particularly appreciated the close working relationship that Steve Smith, Chair-Elect Bill Rakes, Bucky Askew and I have had as we have planned for the transition and worked through a number of unexpected, and
unexpectedly difficult, issues. The Section is in excellent hands, and I look forward to observing the progress that Bucky Askew and the Council and our committees will continue to make for the benefit of legal education and the bar admissions community. I will initially do that observing from close range, as this fall I will have offices at the American Bar Foundation and will be serving as advisor to Bucky. My best wishes to all of you as you continue our shared enterprise of continuing to improve the finest system of legal education in the world.

### Associate Deans’ Conference Wrap-Up

One hundred and thirty-nine new and experienced associate deans attended the three-day Associate Deans’ Conference (“Moving Ahead Without Falling Behind”) in Englewood, Colorado, on June 8-11. Dean Richard A. Matasar of New York Law School was the keynote speaker.

The Law School Administration Committee planned sessions that included topics on managing people and resources, how to deal with everyday problems, strategic planning, managing the roles of multiple faculty, and how to effectively handle the onslaught of communications, meetings and events at a law school.

Dean Emeritus and Paul Regis Dean Professor of Law, Judith C. Areen, of Georgetown University Law Center, opened the first plenary session on managing people and resources. The second plenary session on student wellness, conduct and discipline featured Peter F. Lake, Charles A. Dana Chair, Codirector of the Center for Higher Education Law and Policy at Stetson University College of Law.

The University of Denver Sturm College of Law invited attendees to a reception and tour of their “green” law school. They are the only law school in the country and the first to have received the LEED Gold certification from the U.S. Green Building Council. The Sturm College of Law is built to use 40 percent less total energy; designed to use 39 percent less water; (recycling is central to the building’s construction), and the furniture, lockers and carpets are all made from recyclable materials.

The Section of Legal Education thanks the committee, Dean Jack Pratt of the University of South Carolina School of Law; President and Dean Darby Dickerson of Stetson University College of Law; Associate Dean Sharlene W. Lassiter of Northern Kentucky University College of Law, Associate Dean Carol Q. O’Neil of Georgetown University Law Center and Associate Dean Athornia Steele of Capital University Law School.
The Council of the Section of Legal Education and Admissions to the Bar granted full approval to Appalachian School of Law and provisional approval to Faulkner University, Thomas Goode Jones School of Law, at its June 2006 meeting.

Appalachian School of Law, located in Grundy, Virginia, received provisional approval from the American Bar Association in February 2001. The school of law was established in 1994 as a not-for-profit entity and welcomed its first class to its Grundy location in 1997. The school currently has fifty-eight full-time employees and 371 full-time students.

ASL president Lu Ellsworth commented; “This is a momentous achievement in the continuing history of Appalachian School of Law. The success of this event is due to the dedication of our faculty, to the acceptance of our demands and conditions by our students past and present and in no small part to the hard work and generosity of the people of this Appalachian region. I thank and congratulate all of them.”

Appalachian is driven by two fundamental goals: first, a law school committed to a distinctive mission of serving the regional Appalachian community by providing residents an opportunity to pursue a legal education by training lawyers to serve the Appalachian region; and, second, an undertaking capable of driving economic and commercial development in Grundy and the county in which it is located, Buchanan County.

Faulkner University, Thomas Goode Jones School of Law is a private Christian University affiliated with the Churches of Christ, and was founded in 1928 by Circuit Court Judge Walter B. Jones in Montgomery, Alabama, as a proprietary, private educational institution.

Judge Jones was motivated by the request of several young men and women who wanted to pursue a legal education but could not afford to give up their employment to attend a traditional law school. Judge Jones named the school in honor of his father, Thomas Goode Jones.

In 1963, a second owner acquired the school and operated it until 1972, at which time assets were transferred to the Jones Law Institute, a nonprofit corporation organized to operate a law school. In 1983, the Alabama Christian College purchased the law school, which is now called Faulkner University.

“This is a major step forward in the life of the law school,” according to Dean Charles Nelson. “It is recognition of the quality of our program of education and our ability to graduate lawyers who make substantial contributions to the bench and bar.”

Total enrollment for the 2005-06 school years was 259, with twenty-one full-time faculty members. The school’s minority student enrollment reached a high of 12.5 percent in 2004-05, and 8.5 percent in 2005-06.
I was honored recently to participate in a program celebrating “A Century of South African Women Lawyers” in Johannesburg, South Africa. I was invited by the Minister of Justice and Constitutional Development, Ms. Brigitte S. Mabandla, to speak on an international panel addressing diversity and the transformation in U.S. legal education and the development of women’s bar associations in the U.S.

The South African Women in Law Indaba was held May 5-7, 2006, “with a view to bringing women involved in the law together to dialogue about transformation of the legal sector.” In honor of the centennial, the program was used to launch the first women’s bar association, the South African Women Lawyers Association (SAWLA).

The opening address provided by Brigitte Mabandla, the first woman Minister of Justice and Constitutional Development, noted that “this was the first time that we have women from the practice of law assembled in such numbers.” She reminded the group of lawyers that “while we celebrate the Century of SA Women in the Law and the tenth anniversary of the Constitution, it is important to make the organization sustainable and memorable for the average South African, to enable the poorest of the poor to have access to justice.”

The talk entitled, “Outsider Voices, Insider Privilege,” was delivered to over 400 women lawyers, largely women of color. I provided an overview of U.S. legal education in terms of race and gender, describing some history, the current picture and current challenges. I also provided some history on the development of women’s and ethnic bars in the U.S. using the experience of the Black Women Lawyers Association in Chicago to illustrate how specialty bars can address the special issues faced by women lawyers.

I attempted in my remarks to describe how by using “outsider voices and exercising insider privilege” we can as Professor Lani Guinier wrote, “make a difference for our clients, our communities and for each other.” The panel was organized by CUNY faculty member and international human rights lawyer, Professor Penelope Andrews.

The program, held at Birchwood a pleasant conference center in Gauteng province about 20 minutes from the Jo’burg airport, was designed to “provide women lawyers with a platform for networking and engaging in constructive dialogue on transformation while serving as a launching pad for a unified networking structure for women lawyers.”

Representatives from the judiciary, the legal profession and the academy joined together to exchange ideas on programs, plans and policies to address gender equity in the delivery of legal services. Chief Justice Pius Langa moderated the session on “Empowerment of Women in the Judiciary.” By the end of the conference, attendees had drafted a constitution and elected an Interim Executive Committee of the South African Women Lawyers Association.

It was a privilege to be included in this historic event.
Innovative
EDUCATION
By Joe Puskarz, Editor

ABA Curriculum Survey Encourages New Curriculum Program

Legal educators often ask
“How are other ABA-approved law schools improving or greatly expanding their curriculum programs?”

Law school deans and curriculum committees over the past decade have looked for ways to respond to faculty demands and curricular resources, and how best to incorporate more skills training, professionalism, and other disciplines into legal education.

Southwestern University School of Law in Los Angeles has looked at what other law schools are doing to expand their curriculum programs. The school of law has utilized the ABA Survey of Law School Curricula report to develop a comprehensive overhaul of their first-year required courses in fifteen years.

Fall 2006 students will be introduced to a new innovative first-year curriculum tailored to the academic and professional needs of Southwestern students. The new curriculum will:

• Provide students more time to master their courses;
• Place an emphasis on the realities of legal practice, the construction of legal careers and social responsibilities of lawyers;
• Include more development of basic lawyering skills and earlier exposure to litigation, interviewing and counseling skills;
• Provide students the privilege to study specialized areas in the first year; and
• Increase academic support to help students improve their learning skills.

“The new curriculum is a terrific mix of what we can do well as a law school and what the students can use to build the skills and professional identities appropriate for effective transitions into the legal profession,” said Dean Bryant Garth. “As new dean, I was amazed by the faculty’s willingness to rethink all aspects of the first-year curriculum.”

Law school curricula have been greatly expanded over the years and recent studies, including the Survey of Law School Curricula report, recommend that law schools bridge the gap from theory to a more practice-oriented approach.

Southwestern’s new Legal Analysis, Writing and Skills (LAWS) program takes the practice approach to provide students further instruction in such areas as legal methods and legal reasoning, client and witness interviewing, and appellate advocacy. The program also teaches students how lawyers make their careers and the role of professional values in career success and personal satisfaction.

“Business schools have done well with case studies of how businesses succeed or fail,” said Dean Garth. “We will use lawyer careers as a springboard to examine just what makes professional success.”

LAWS fulfill six units, three in the fall and three in the spring. First-year full-time students have the option of taking a three-unit elective course in areas such as copyright, criminal procedure, legal profession, international law, or an academic support course in Defenses in the Law.

The new curriculum also provides academic support to struggling first-year students, and offers a series of activities to help those students seeking to master a new way of thinking. The law school will offer an academic support program; faculty one-on-one tutoring for upper division students on probation from the first year and exam writing workshops.
Defenses in the Law will be available by invitation to first-year day students and to second-year evening students. The academic support program will instruct students in critical thinking, writing, listening, case-briefing and test-taking skills in the context of new doctrinal material.

“I am confident that we enacted a first-year curriculum that truly takes advantage of the experience of other schools, the best scholarship about legal education, the talents of our faculty, and the careers that our graduates ultimately will pursue,” said Dean Garth.

Pepperdine University Odell McConnell Law Center also found the Curriculum Survey to be helpful as the law center made reforms to its curriculum.

The law center faculty voted to remove criminal procedure from their first-year curriculum, as the Curriculum Survey demonstrated that very few schools offer criminal procedure in the first year. Pepperdine found that the survey was helpful to the broader faculty, as well as to the committee in considering proposals for curricular reform.

Pepperdine will continue to use the Survey as it considers whether to reform its upper division required curriculum.

The Curriculum Survey is based on the responses of 152 ABA-approved law schools. The survey covers five concentrated areas: graduation requirements, first-year courses, upper-level offerings, clinical opportunities, post-J.D. degrees and distance education.

The overall findings of the survey results found that 10 percent of law schools require pro bono service, while 20 percent of the schools require skills simulation courses. Credit hours for graduation have remained consistent, while the credit hours to committed courses have fallen from forty-six to forty-three. Approximately 84 percent of the law schools are offering in-house live clinical opportunities, and nearly 85 percent of all ABA-approved law schools offering one or more joint degree programs. Finally, 12.5 percent of law schools are offering distance education courses.

The Survey of Law School Curricula report is available for online purchase at the ABA bookstore (www.ababooks.org) or by calling the ABA Service Center at 800-285-2221.

“Innovative Education” is a column focusing on innovative law program 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 Legal Education at legaled@abanet.org for editorial consideration.

Upcoming Conference

May 29-June 1, 2007 • Broomfield, CO

2007 Law School Development Conference

Save the date for the Section’s ninth conference on law school development. This event, designed specifically for law school deans and senior law development and alumni relations officers, will take place on May 29 through June 1, 2007, at the Omni Interlocken Resort in Broomfield, Colorado. The resort has a 27-hole championship golf course, driving range, swimming pool, spa and fitness center and more than 15 miles of scenic trails to explore after the programs. For more information, please visit the Section’s Web site at: www.abanet.org/legaled.
A distinguished group of professionals, who have dedicated their work and effort to the betterment of legal education, presented a three-hour program on Bar Admissions at the ABA Annual Meeting in Hawaii on August 5, 2006.

Three panels presented facts, opinions, praises, criticisms, on the present bar admissions process, the future, and offered ideas about the broader perspectives of the process that they envision. Chairperson Steven R. Smith, president and dean, California Western School of Law, opened the program with welcoming remarks to the presenters and those attending.

The first panel, “the present,” was moderated by Consultant Designate Hulett H. Askew, Section of Legal Education and Admissions to the Bar. Focusing on current issues and problems with the bar exam were: Chancellor and Dean Mary Kay Kane, University of California-Hastings College of Law; President Erica Moeser, National Conference of Bar Examiners, and Chief Justice Gerald VandeWalle, North Dakota Supreme Court.

The panel presented questions and opinions on subjects such as: why so many students are failing the bar exam in some states, the number of subjects on the bar exam, the quality of questions and grading, improving the exam and the consequences on minority applicants of changes in the exam, reasons for the wide variation among states in what is required to pass the bar exam, and the issue of a national cut score or national bar exam.

The second panel discussed “the future of the bar exam,” which focused on issues ranging from revamping and restructuring the bar exam, the possibility of a national exam, international trade and the bar exam (as international trade assumes increasing importance), the relationship between law schools and law examiners, and greater integration of skills into bar exams. The discussion included Marva Brooks, Chair of the Board, National Conference of Bar Examiners; Justice Elizabeth B. Lacy, Supreme Court of Virginia; President and Dean Richard Matasar, New York Law School. Chairperson Steven R. Smith, Legal Education and Admissions to the Bar; president and dean, California Western School of Law, moderated the discussion.

A “broader perspective of the bar process” was presented by a third panel and moderated by Dean Avi Soifer, University of Hawaii School of Law. Professor John B. Garvey, Franklin Pierce Law Center; Professor Eileen Kaufman, Touro Law Center; and Dean Kent D. Syverud, Washington University School of Law, focused an attention on alternatives to multiple choice testing, both for law schools (LSATs) and for bar examiners. The alternative testing issues looked at the Wisconsin diploma privilege, the NH experiment with a clerkship alternative, as an alternative to the bar examination. In a similar fashion, the panel also discussed standardized testing and whether law schools could or should be decreasing use of LSATs through special programs and other considerations.

This program was recorded on video. If you would like further information about the program or to be placed on a list to receive a copy of the tape, please contact Carl Brambrink at cbrambrink@staff.abanet.org.
The Honorable Sandra Day O’Connor, retired Supreme Court Justice of the United States, received the 2006 Robert J. Kutak Award for her strong interest in legal education and in enhancing the relationship between the legal academy and the practice of law.

Chief Justice Ruth V. McGregor of the Arizona Supreme Court, who also had clerked for Justice O’Connor, presented the award at the ABA Annual Meeting in Honolulu, Hawaii.

“Justice O’Connor has done much to increase the understanding between legal education and the active practice of law. She has shown through her repeated visits to law schools across this country and her conversations with the students there, how much she appreciates the need for an excellent legal education. And by virtue of telling about her own experience and observations, she has been able to talk with the law students, and I think make them understand how important it is that they use the knowledge they gained in law school, in the profession, and to better the profession,” said McGregor.

“Thousands of law students have been inspired by her to use what they have learned for the benefit not only for their clients, but for the benefit of the profession, the legal system, and the public in general. She has done more, she has used her considerable influence to encourage lawyers and judges from this country to meet and work with lawyers and judges in other countries so that we can teach one another to make our education system and legal system better. She also has constantly encouraged greater professionalism among lawyers, and by her own good example, has shown us what real professionalism demands. In short, Justice O’Connor stands as a prime example of what lawyers should be and what this award seeks to recognize,” added McGregor.

The Honorable Sandra Day O’Connor was born in El Paso, Texas, and was raised in rural Arizona on the Lazy B cattle ranch that her grandfather had founded. She is a graduate of Stanford University from which she also received her law degree. She has been a private practitioner, state senator, and a state court judge. In 1981 Justice O’Connor became the first woman appointed to the Supreme Court of the United States. As Section Vice-Chair Ruth V. McGregor has observed, the Court “gained the services of a woman who would use her influence, coupled with her considerable intellect and energy, to improve justice systems here and internationally. She became personally and deeply involved to improve the status of women in the legal profession, to spread the rule of law, and to increase professionalism among lawyers.”

Justice O’Connor has lectured at many law schools and spoken at law building dedications, and law school commencements. She has always made herself available to law students and faculty in the spirit of the Kutak Award. Justice O’Connor was a founding member of the Central and Eastern European Law Initiative and has served on the executive committee of CEELI since its inception in 1990. She has championed sister law school programs between American law schools and law schools throughout the world.

She has received many honors and honorary degrees including the ABA medal in 1997 and the naming of Arizona State University College of Law as the Sandra Day O’Connor College of Law in 2005. Justice O’Connor was unable to be at the ceremony in Hawaii; however, her acceptance speech was video recorded shortly after she was notified by the Section’s Kutak Award Committee about her being the 2006 award recipient. To view Justice O’Connor’s recorded acceptance, go to the Section’s Web site at: www.abanet.org/legaled.
2006-07 Council Members Elected

At the Section’s annual business meeting in August, the following members were elected or reelected to serve on the 2006-07 Council of the Section of Legal Education and Admissions to the Bar.

**COUNCIL MEMBERS**

*William R. Rakes, Esq., Chairperson (automatic under the Bylaws)*, 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 a 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, during which period he served as Board of Governors Liaison to the Section of Legal Education and Admissions to the Bar. Mr. Rakes served as an elected member of the Council of the Section of Legal Education and Admissions to the Bar from 1995 until 1998 and from 2002 to the present.

*Honorable Ruth V. McGregor, Chairperson-Elect Nominee*, 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 an M.A. in 1965. She received her J.D., summa cum laude from the Arizona State University College of Law in 1974. In 1974, 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 she 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.

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

*Steven R. Smith, Immediate Past-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. Special research interests include confidentiality and privilege, withholding treatment, malpractice, mental health care delivery and expert witnesses. He has served on a number of national and state boards, served as chair of the Association of American Law Schools Committee on Accreditation, and is a former member of the Ethics Committee on the American Psychological Association. Dean Smith has served on the Council since 1997 and is currently the chairperson. He has served on the Section’s Questionnaire and Standards Review Committees.

**NONMEMBER AS SECTION DELEGATE TO ABA HOUSE OF DELEGATES NOMINEE**

*Sidney S. Eagles, Jr., Esq.* is with the law firm of Smith Moore LLP in North Carolina. He served for twenty-one years as judge, and later chief judge, of the North Carolina Court of Appeals until his retirement from the court at the end of 2003. Mr. Eagles received his J.D. from Wake Forest School of Law. Prior to his appointment to the court, he served in North Carolina as deputy attorney general, counsel to the House Speaker, and engaged in private practice with the firm Eagles, Hafer & Hall and as a solo
practitioner. Mr. Eagles is a former vice-president of the North Carolina Bar Association, former chair of the North Carolina Judicial Standards Commission, and the 1993-94 chair of the ABA Appellate Judges Conference. He has served as a member of the ABA House of Delegates since 1992. He served on the Section’s Standards Review Committee from 1999-2002. He served as an at-large member of the Council from 2002-04 and has been a Section Delegate to the ABA House of Delegates since 2004.

**AT-LARGE COUNCIL MEMBER NOMINEES**

**Reelection to Three-Year Term**

**Honorable Christine M. Durham** is chief justice of the Supreme Court of Utah. She has served on the Supreme Court of Utah since 1982 and became chief justice in 2002. Justice Durham received her law degree from Duke University and later practiced law in Durham, North Carolina, and was an instructor of legal medicine at Duke University Medical School. After moving to Utah, she served as a judge on the Utah District Court for four years until she was appointed to the Supreme Court. She is a trustee of Duke University, a member of the American Inns of Court Foundation Board of Trustees and of the Council of the American Law Institute. Justice Durham also is a past president of the National Association of Women Judges and a former member of the Federal Judicial Conference’s Advisory Committee on the Rules of Civil Procedure. She also leads the Education for Justice Project, a partnership between public education, the judicial branch, and the legal profession to improve education about the justice system in Utah public schools, and she is a member of the Utah Constitutional Revision Commission. She has served on the Council since 2004.

**Election to Three-Year Term**

**Joseph F. Baca, Esq.,** is a retired chief justice of the New Mexico Supreme Court and currently engages in a private practice of arbitration and mediation. Mr. Baca was elected to the court in 1988 and served thirteen years. He also served sixteen years as district judge in the Second Judicial District. Mr. Baca earned his J.D. degree at George Washington University School of Law, and an LL.M. degree from the University of Virginia Law School. He previously served on the Section’s Accreditation Committee, the ABA Task Force on Opportunities for Minorities in Law Schools and Opportunities for Minorities in the Judiciary. President Clinton appointed Mr. Baca to the State Justice Institute Board of Directors, where he currently serves as vice-chairman. He has received numerous awards, including the J. William Fulbright Award for Distinguished Public Service from the George Washington University Law School and the Outstanding Judicial Service Award from the New Mexico Bar Association. He was named twice by *Hispanic Business* Magazine as one of the “100 Most Influential Hispanics” in America.

**Associate Dean Joan S. Howland** is a professor and associate dean of Information and Technology at the
University of Minnesota Law School. Professor Howland teaches American Indian Legal History and Law in Cyberspace. Her scholarship focuses on American Indian law and culture, cyberlaw, business management, legal research methodologies, and law librarianship. She has served on the Accreditation Committee since 2001, and was a member of the ABA Law Libraries Committee from 1992 through 1994 and cochaired that Committee from 1994 through 1996. Professor Howland is active in the AALS, the Law School Admissions Council, the American Association of Law Libraries, and the American Indian Library Association. She is a member of the American Law Institute. In 2003, she received the “Spirit of Law Librarianship” award for her volunteer work with American Indian populations and with indigenous communities in South America. In addition to a J.D., Professor Howland earned master’s degrees in history, library science, and business administration. Prior to joining the faculty at Minnesota, she held administrative positions in the law libraries at U.C. Berkeley, Harvard, and Stanford.

Dean Dennis O. Lynch is dean and professor of law at the University of Miami School of Law. He holds a B.A. from the University of Oregon, a J.D. from Harvard Law School, and J.S.D. and LL.M. degrees from Yale Law School. Professor Lynch was a program advisor in law and urban affairs for the Ford Foundation in Bogotá, Colombia in 1969-72. In 1974 he was appointed to the faculty of the University of Miami School of Law where he taught until 1990, having served as associate dean from 1983 to 1986. He served as dean and professor at University of Denver College of Law from 1990 to 1997, and was appointed dean of the University of Miami School of Law in 1999. A nationally recognized authority on Latin American law, employment law, and labor arbitration, Dean Lynch received several awards and grants, including a Fulbright Scholar in economics in Venezuela (1965-66), a Research Fellowship in Law and Modernization (Yale, 1972-74), and an International Legal Center Research Grant (1974-77) for the study of the Colombian legal profession. He has served the AALS, the Law School Admission Council as a Board Member, and the Accreditation Committee of the Section of Legal Education and Admissions to the Bar from 2001-05.

Barry Sullivan, Esq., is a partner in the firm of Jenner & Block LLP, where he is co-chair of the firm’s Appellate and Supreme Court practice. Mr. Sullivan graduated from Middlebury College and the University of Chicago Law School, and clerked for Judge John Minor Wisdom of the United States Court of Appeals for the Fifth Circuit. He served as an assistant to the Solicitor General of the United States in 1980 and 1981 and was dean of the law school of Washington and Lee University from 1994 to 1999. He is currently a member of the editorial board of the Dublin University Law Journal and a senior lecturer in the Irving B. Harris Graduate School of Public Policy Studies of the University of Chicago. Mr. Sullivan has been Chair of the Section of Legal Education’s Professionalism Committee and a member of both the Standards Review Committee and the Law School Administration Committee. He has twice served on the ABA Standing Committee on Amicus Curiae Briefs and was the first Chair of the ABA’s AIDS Coordinating Committee from 1988 to 1994.

LAW STUDENT DIVISION MEMBER NOMINEE

Election to a One-Year Term

Cesley M. Hopper is a second-year law student at Arizona State University College of Law. She received a Master of Arts in Psychology from Pepperdine University Graduate School of Education and Psychology, and a Bachelor of Arts in Psychology from the University of California. Ms. Hopper currently works as a legal writing intern at Shughart Thomson & Kilroy P.C. in Phoenix, Arizona.
his task force on the fifteenth anniversary of the issuance of the MacCrate Report and will also consider other issues important to the future of the profession. The conclave will consider whether the "gap" has been narrowed in the last fifteen years and assess the changes in legal education that have occurred and those recommendations from the Report that have not been adopted.

We will also have two miniconclaves in connection with our Council meetings in Naples, Florida, in December and Charlottesville, Virginia, in June. Prior to these meetings of the Council, we will assemble representatives from the law schools located in the state, along with leading practitioners and judges for a dialogue on topical issues of importance to the profession.

The Section engages in many activities through its committees and as such, serves as a national forum for the consideration of issues relating to legal education.

The single most important activity of the Section (and possibly of the ABA) is the accreditation of the nation’s law schools. The Council of the Section is designated by the United States Department of Education as the official accrediting body for law schools.

The Council has just completed a five-year review of the Standards and last year a study was completed of the process of accreditation. Our Standards and our procedures have evolved over a substantial period of time and if we were designing a system of accreditation from scratch, it is doubtful it would look exactly like what we have today. I have spoken with a number of people who agree that it would be useful to consider accreditation by looking at it conceptually, from a distance and from a policy standpoint.

From these conversations, I have appointed an Accreditation Policy Task Force to consider the relevant concepts and broad issues of accreditation with the goal that the Task Force’s work will be a first step in ensuring that we have the best accreditation system in America.

The charge to the Task Force is to review the standards for accreditation used by other accrediting groups, determine the issues important to and required by the Department of Education, and to formulate an agenda that will address those issues that raise concerns as to whether it is appropriate and necessary for our accreditation standards to prescribe conduct on the part of law schools that tend to limit innovation and impose requirements that are not basic to the goals of accreditation.

In other words, the Task Force was asked to take a fresh look at accreditation from a policy perspective.

The Task Force will seek broad input and will hold forums at which interested parties will be able to consider with the Task Force all aspects of the issues being considered. (See article on page 1 of this issue of Syllabus.)

Two additional new committees have been appointed. One is a committee to consider the Section’s appropriate role in international activities and the other is a committee on governance. Because the Section has consulted with foreign law schools over the years on legal education matters, it would be appropriate to coordinate the activities of the Section with the ABA, because most presidents of the ABA have an international or rule of law initiative. This committee will be a one-year study committee and charged with designing a plan for the Section’s involvement in international activities. The other new committee is a governance committee that will be asked to review the Section’s bylaws and advise the Council on various governance issues. The Governance Committee will also undertake the formulation of a voluntary antitrust compliance program.

We have staked out an ambitious program for this year. In addition to the initiatives mentioned, the Council is scheduled for rerecognition by the Department of Education, which takes place every five years. Work is well under way on a new five-year strategic plan for the Section that will be adopted by the Council at its December meeting.

The work of the Section is dependent on both the volunteers and the staff. We are fortunate to have outstanding academics, practitioners and judges actively involved in the work of the Section. I am personally grateful for the opportunities I have had to work with them and for the excellence of their leadership. We are also fortunate to have an outstanding staff. The new Consultant on Legal Education to the American Bar Association, Bucky Askew, and Deputy Consultant, Dan H. Freehling, have hit the ground running after working with their predecessors, John A. Sebert and Stephen Yandle, for several months to effect a smooth transition. All four are commended for their excellent spirit of cooperation and effectiveness. They are truly professionals and on behalf of the Section, I thank them.

I am honored to have the opportunity to lead the Section this year. I will do my best to provide the kind of balanced leadership that will be in the best interests of legal education and the profession. I solicit your advice, support and active participation. ☑
Starting with the 2006 academic year, the University of Oregon School of Law’s entire senior administration (deans and associate deans) is comprised entirely of women under the deanship of Margaret L. Paris. With this extremely rare happening, following statistics show the growth of female leadership in ABA-approved law schools over the last few years, including minority female leadership.

In 2002, there were 31 female deans, comprising 15.8 percent of the total number of deans. These figures had modest changes over the next two years: 34 in 2003 (17.9 percent) and 35 in 2004 (18.2 percent). By 2005, the number of female deans had jumped to 46, a 48.4 percent increase since 2002, making up 20.4 percent of deans at ABA-approved law schools. The number of minority female deans has doubled from 2002 to 2005.

There were 172 female associate/vice deans, comprising 39.9 percent of the total in 2002. Over the next three years, the number has grown to 191 in 2003 (42.4 percent of the total), 214 in 2004 (45.5 percent of the total), and 254 in 2005 (45.5 percent of the total). The percentage change in the number of female associate/vice deans from 2002 to 2005 closely mirrors the percentage change in the number of female deans at 47.4 percent. The number of minority female associate/vice deans grew 124 percent over the last four years.
interested parties as it develops its agenda. She stated that open forums to discuss the agenda and work of the Task Force will be held at the American Association of Law Schools meeting in early January, in D.C., and the ABA Midyear Meeting in February, in Miami.

Comments and recommendations may be sent to Schneider at paschneider@orrick.com or Orrick, Herrington & Sutcliffe LLP, 3050 K Street, N.W., Washington, DC 20007, or Hulett Askew, Consultant on Legal Education to the American Bar Association at askewh@staff.abanet.org or 321 N. Clark Street, Chicago, IL 60610.

In addition to Schneider, the members of the Task Force are: Jose Garcia-Pedrosa, Section Representative to the House of Delegates of the ABA and a former Chair of the Section; Randy Hertz, Professor at New York University and Vice-Chair of the Council; John Jeffries, Dean at University of Virginia; John Lahey, President of Quinnipiac University; Richard Morgan, Dean at University of Nevada–Las Vegas and Chair of the Section's Standards Review Committee; Karen Rothenberg, Dean at University of Maryland; Randall Shepard, Chief Justice of Indiana and former Chair of Council; Steven Smith, Dean at California Western School of Law and immediate past Chair of the Section; Barry Sullivan, Jenner & Block, LLC, and former Dean at Washington and Lee; and Kent Syverud, Dean at Washington University and Chair of the Law School Admissions Council.

For further information on the Task Force, see the columns of the Chairperson and the immediate past Chairperson in this issue of *Syllabus*.

---

**THE BEST SYSTEM OF ACCREDITATION IN AMERICA**

Continued from page 3

A system that reliably protects the public by ensuring basic quality and encouraging excellence, protects those interested in joining the profession, is consistent and flexible, and has high satisfaction would be worthy of a great profession. The process of producing such a system will not be easy. The issues that will arise range from refining the characteristics or goals of the system to considering what the process would be like; what the criteria or standards should be; what the relationship should be with established schools, new schools and prospective schools; how the criteria should be maintained or enforced; and what resources would be necessary.

Bill Rakes has appointed a special committee to look at accreditation during this year (see the article, "A Shared Responsibility," on page 1 of this issue of *Syllabus*). This important initiative will provide a great opportunity to address both narrow questions and broader issues.

The prospect of working to restructure our accreditation system with the goal of being the best for the next twenty years is exciting and intimidating. It will require creativity, openness to new approaches and a lot of hard work. It calls for the best of our profession. There is little doubt that we can create this system if we fully address that challenge.

**Endnote**

Commentary on Revisions to Standards for Approval of Law Schools 2005-06

The Council of the Section on Legal Education and Admissions to the Bar has undertaken over the past three years a comprehensive review of the Standards for 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. A brief summary of the comprehensive review is useful to place the revisions that were made in 2005-06 in context.

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 in 2003-04 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 were included in the commentary for 2003-04 revisions. The commentary for the set concurred in at the February 2005 meeting of the House was included in the 2004-05 commentary.

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 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 Standards 402 and 405. At its December 4-5, 2004, meeting, the Council adopted changes to Standards 401-404 and approved for notice and comment revisions to Standards 402 and 405. 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 changes.

The Standards Review Committee at its September and November 2004 meetings conducted a thorough review of Chapters 1, 6 and 7 to prepare its recommendations to the Council for changes to the Standards and Interpretations for these three chapters. The review of Chapter 1—General Purposes and Practices; Definitions—was coordinated with the contemporaneous review of the Rules of Procedure for the Approval of Law Schools that was to be conducted by a separate special committee. For its review of Chapter 6—Library and Information Resources—the Committee received detailed input from the Law Libraries Committee, which contributed significantly to the Committee’s recommendations for changes. The Technology Committee was consulted regarding the changes to Chapter 6 and Chapter 7—Facilities.

At its February 12–13, 2005, meeting, the Council of the Section of Legal Education and Admissions to the Bar approved for notice and comment revisions to Chapters 1, 6, and 7. At its meeting on June 17-19, 2005, the Council reviewed the comments and recommendations from the Standards Review Committee and approved changes to these chapters.

At its meeting in Chicago on August 9, 2005, the House of Delegates of the American Bar Association concurred with the changes approved by the Council for Chapters 1, 4, 6 and 7, and upon that concurrence the changes were effective.

Continuing Matters
In addition to the changes that were approved and are described above, the Standards Review Committee and the Council considered other changes to the Standards and Interpretations during 2004-05.

The Standards Review Committee made recommendations to the Council for changes to Standards 210-212 regarding equal opportunity and diversity. At its meeting in August 2005, the Council approved for notice and comment changes to these Standards and Interpretations with the expectation that the Council would 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 subsequent recommendations to the Council during 2005-06.

The changes to Chapter 3, that were approved by the Council in August 2004 and concurred in by the House of Delegates in February 2005, 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. Final action was expected to be taken 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. 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 a change to Standard 803. Council referred the matter back to the Committee for further review in 2005-06.

Revisions Considered During 2005-06

Standards 210-212
The Council of the Section of Legal Education and Admissions to the Bar and its Standards Review Committee during 2004 through 2006 examined Standards 210-212 and the Interpretations of those Standards, which deal with equality of opportunity and diversity. Those provisions had not been substantially reviewed or revised since 1994. The Committee and Council agreed that it was time to reexamine 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 in order to provide adequate guidance both to law schools and to the Accreditation Committee.

Preliminary discussion of proposed changes was begun at the November 2004 meeting of the Standards Review Committee. The Committee devoted its March 19, 2005, meeting to developing recommendations for presentation to the Council in August. At that time, the Committee already had before it various recommendations for revisions of these provisions prepared by the Section’s Diversity Committee, and 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).

In developing its proposals in March of 2005, the Committee established several overarching goals for the proposed revisions:

1. To distinguish the obligations of nondiscrimination and equality of opportunity (Standard 210) and the obligations of equal opportunity and diversity (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.

In August 2005, the Council considered the Committee’s recommendations and the Palm proposals, and the Council approved distributing for comment the proposed revisions to Standards 210–212 and the Interpretations of those Standards. The proposed revisions were widely distributed for comment and also were posted on the Section’s website. A hearing to elicit comment was held during the Association of American Law Schools Annual Meeting on January 5, 2006, and many individuals appeared to speak to these proposals at that hearing. Also, a large number of written and e-mail comments were received during the formal comment period.

At its meeting on January 6, 2006, the Standards Review Committee carefully considered all of the comments that had been received, including the many comments that were made during the January 5 hearing. The Committee presented to the Council its final recommendations for revision of Standards 210–212 for review and action at the Council’s meeting on February 11, 2006. The Council approved the recommended changes with some modification.

Following the Council action there was an extensive amount of public commentary concerning the revisions adopted by the Council. Unfortunately, much of that commentary—which was not raised during the extensive public comment process that preceded the Council’s adoption of these revisions—was misinformed and reflected serious misconceptions concerning the revisions and their effect.

- The revisions do not impose significant new requirements on law schools. Most of the revisions merely provide greater clarity and transparency in the Standards and more guidance to
law schools concerning long-standing practices of the Council and the Accreditation Committee in enforcing the current, but more generally phrased, Standards and Interpretations.

- The revised Standards and Interpretations do not require law schools to consider race or ethnicity in their admissions decisions. Interpretation 211-2 states only that law schools “may” use race and ethnicity in their admissions decisions in a manner permitted by Grutter v. Bollinger.

- The revised Standards and Interpretations do not establish or mandate a system of “quotas” for minority enrollment. In fact, the Committee and the Council explicitly rejected a recommendation that the Standards require that law schools enroll a “critical mass” of students from underrepresented minority groups and did so in part because such a requirement could be viewed by some as establishing a quota requirement. The requirement of the Standard is that law schools “demonstrate by concrete action . . . a commitment” to having a diverse student body, faculty and staff. Interpretation 211-3 does indicate that the results that a school achieves in its diversity efforts are “relevant,” but results are not dispositive and the requirement of the Standard is that law schools must demonstrate a commitment to diversity.

- The revised Standards and Interpretations do not require law schools to violate state or federal law that prohibits the consideration of gender, race, ethnicity or national origin in admissions or employment decisions. Because the Standards do not require a school to consider gender, race, ethnicity or national origin in its admissions or employment selection policies, Interpretation 211–1 makes the logical point that a constitutional or statutory provision that prohibits the consideration of such factors in admissions or employment decisions does not relieve a law school of the obligation to comply with the requirements of Standard 211, which is to demonstrate a commitment to having a diverse student body, faculty and staff. The second sentence of Interpretation 211–1 makes it clear that law schools that operate under such constitutional or statutory constraints would have to demonstrate the commitment required by the Standards by means other than having race-conscious admissions or employment selection policies. In the admissions context, for example, schools could make, and have made, that demonstration by employing some of a large range of well-known methods, other than race-conscious admissions decisions, for seeking to recruit and enroll a diverse student body. A partial list of such efforts would include: admissions recruitment outreach to undergraduate campuses having a substantial population of minority students; “pipeline” efforts to encourage persons from underrepresented groups, even as early as high school, to consider the legal profession as a career; careful consideration of factors in addition to LSAT score and undergraduate grade point average, such as achievements in student leadership, the workplace and graduate education, when making admissions decisions; holding or collaborating in summer programs that assist those of all races and ethnic backgrounds to be more well prepared for admission to and success in law school; enhanced efforts to encourage minority students who have been admitted actually to enroll; etc.

At its May 17, 2006, meeting the Standards Review Committee reviewed these approved changes in light of the comments following the Council’s action to make it even clearer that the Standards do not require law schools to violate state law in order to comply, an additional sentence was added to Interpretation 211-1. The Council approved the addition at its June 10, 2006, meeting.

The ABA House of Delegates concurred in the approved changes to Standards 210-212 at its August 7-8, 2006, meeting, and the revised Standards and Interpretations became effective at the conclusion of the meeting.

**Standard 210. Nondiscrimination and Equality of Opportunity**

The revisions to Standard 210 state a comprehensive requirement of nondiscrimination and equality of opportunity. “Nondiscrimination” has been added to the title of the Standard. Changes throughout the Standard make clear that the two terms are linked and required. Except for a few new requirements that are highlighted below, these revisions are consistent with the manner in which the existing Standard has been applied over many years by the Accreditation Committee and the Council.

Throughout the Standard and Interpretations, “age” and “disability” were added to the categories designated for nondiscrimination and equality of opportunity. Although age might be viewed as distinguishable from the other protected categories, the 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 against 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 nondiscrimination and equality of opportunity.

To reflect the prevailing terminology, “sex” was changed to “gender” throughout the Standard and Interpretations.

In section (b), “may” was changed to “shall” to be consistent with directive language of section (a).

The Standards Review Committee recommended the deletion of existing sections (c) and (d) as these sections appear no longer to have relevance as the type of de jure segregation to which these sections were directed no longer exists. Some of the comments that were received suggested that it might be a mistake to delete these two provisions, asserting that the underlying principle was still relevant and that deletion of these provisions might send a signal of a diminished commitment to prohibiting discrimination. The Council decided to retain section (c)/(2) but as new Interpretation 210-4, and to retain section (d) but as new Interpretation 210-5. For both new Interpretations the protected categories included are conformed to the changes made to sections (a) and (b).

Editorial revisions have been made to former section (e) [new section (c)], and revisions consistent with those in sections (a) and (b) also have been made.

In new section (d) [existing section (f)], “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 who use the school’s placement assistance the expectation that they will observe the principles of nondiscrimination and equal opportunity. The illustrations of possible violations of those principles contained in the current Standard have been deleted as unnecessary. Renumbered Interpretation 210-3 continues to provide that a school is not required to exclude from receiving placement assistance an employer that discriminates lawfully.

**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.

**Renumbered Interpretations 210-2 and 210-3**

These provisions contain minor editing and numbering changes from their predecessors.

**Standard 211. Equal Opportunity and Diversity**

Standard 211 had been primarily directed to the admission of students, although actions by the Accreditation Committee and Council have applied the same principles to faculty. The revisions make explicit that the Standard also applies to faculty and staff as well as to students. 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 a commitment that is demonstrated by concrete action. There was extended discussion on this issue, both when the Committee and Council were developing the proposed revisions in 2005 and in the comments on those proposals. Some urged that the Standard be stated in terms of results and also 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.

The Council was persuaded that it would be infeasible to develop and enforce a Standard that is based on requiring schools to attain a “critical mass” of persons from underrepresented groups, both because of the difficulty of defining “critical mass” and because of the widely varying demographics of the markets in which different law schools recruit their student bodies. There also was concern that a “critical mass” requirement could be viewed by some as establishing a quota requirement that might be impermissible under applicable federal or state law. The Council believes that the Standard should require a commitment demonstrable by concrete action. Because the core of the requirement extends beyond mere effort, the term “effort” was deleted from the title of the section.

The Council also recognized that the results achieved are very relevant, though not dispositive, in evaluating commitment. Thus the second sentence of Interpretation 211-3 provides: “The determination of a law school’s satisfaction of such obligations is based on the totality of the law school’s actions and the results achieved.” The Council understands that this sentence is consistent with the current practice of the Accreditation Committee, which does consider the diversity results that a school has achieved as a factor in evaluating the school’s compliance with current Standard 211.

In section (a) “qualified” has been deleted as superfluous given other Standards regarding student selection and retention that ensure that students are qualified. “Underrepresented” 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 are diverse with respect to gender, race and ethnicity.

**New Interpretation 211-1**

As stated above, the revised Standards and Interpretations do not require law schools to violate state or federal law that prohibits the consideration of gender, race, ethnicity or national origin in admissions or employment decisions. Because the Standards do not require a school to consider gender, race, ethnicity or national origin in its admissions policies, Interpretation 211-1 makes the logical point that a constitutional or statutory provision that prohibits the consideration of such factors in admissions or employment decisions does not relieve a law school of the obligation to comply with the requirements of Standard 211, which is to demonstrate a commitment to having a diverse student body, faculty and staff. The second sentence of Standard 211-1 makes it clear that law schools that operate under such constitutional or statutory constraints would have to demonstrate the commitment required by the Standards by means other than having a race-conscious admissions policy. (See the earlier discussion of possible ways that schools could make, and have made, the necessary demonstration of a commitment to seeking a diverse student body.) The Council understands that this Interpretation is consistent with the practice of the Accreditation Committee in applying the existing Standards.

**New Interpretation 211-2**

The first sentence relies on _Grutter_ for the proposition that a school may use race and ethnicity in its admissions standards. The Interpretation also indicates that, as part of a school’s effort to satisfy the basic requirements of Standard 211, schools “shall take concrete actions to enroll a diverse student body” that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students better to understand persons of different races, ethnic groups and backgrounds. The Council approved the use of “shall” in order to be consistent with the black-letter, which establishes an obligation (“shall”) to have a commitment to having a diverse faculty, staff and student body.

**New Interpretation 211-3**

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. As explained above, the addition of the phrase “and the results achieved” at the end of the second sentence is intended to make it clear that the results achieved are relevant, although not dispositive, in determining a school’s compliance with the Standard.

**Current Interpretation 211-2**

This Interpretation has been deleted. The Council agreed with the recommendation of the Standards Review Committee 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 noncompliance with the diversity plan requirement when the school has nonetheless been successful in achieving significant diversity in its faculty and student body. The proposed revised 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 or student body, the absence of a written plan still 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 nondiscrimination against individuals with disabilities has been moved from this Standard to Standard 210. Standard 212 now deals only with the required provision of reasonable accommodations to individuals with disabilities. In this Standard, the term “qualified” was retained to correlate with federal law’s use of this term when considering the rights of persons with disabilities.

**Interpretation 212-1**

A reference to Standard 210 is added and an incorrect citation in the current Interpretation is corrected.

**Interpretation 212-2**

There has been minor editing to this Interpretation, and a reference to Standard 210 has also been added.

**Interpretation 212-3**

The statement of the law school’s obligation is more
clearly focused by editing to eliminate some advisory language. The Council made some changes to the existing language of the Interpretation to remove what could have been perceived, though not intended, as negative implications regarding reasonable accommodation.

**Chapters 2, 5 and 8**

The Standards Review Committee examined at its fall meetings Chapter 2 (Organization and Administration), Chapter 5 (Admissions and Student Services) and Chapter 8 (Council Authority, Variances and Amendments) of the Standards, and made recommendations to the Council for changes. At its December 2-3, 2005, meeting the Council reviewed those recommendations and approved a number of changes to the Standards for public review and comment.

The Standards Review Committee held hearings on these proposed revisions at the AALS Annual Meeting, the ABA Midyear Meeting, and the American Law Institute Annual Meeting. The dates, times and locations of those hearings were as follows:

**AALS Annual Meeting**
Wednesday, January 4, 2006
3:30–5:00 p.m.
Hilton Washington and Towers
Dupont Room—Terrace Level
1919 Connecticut Avenue NW, Washington, DC

**ABA Midyear Meeting**
Thursday, February 9, 2006
5:00–6:00 p.m.
Swissotel
333 East Wacker Drive, Chicago, IL

**American Law Institute Annual Meeting**
Wednesday, May 17, 2006
10:00–11:30 a.m.
Mayflower Hotel
1127 Connecticut Avenue NW, Washington, DC

Comments were also received by letter and e-mail. At its May 17, 2006, meeting the Committee reviewed the public comments and made final recommendations for changes to the Council.

At its June 8-11, 2006, meeting, the Council approved revisions to portions of Chapters 2, 5 and 8, modifying slightly the recommendations from the Standards Review Committee.

At the August 7-8, 2006, meeting of the ABA House of Delegates, the House concurred in these revisions, and the revised Standards and Interpretations became effective at the conclusion of that meeting.

**Chapter 2 – Organization and Administration**

**Standard 202:** Because the self-study is a document developed in connection with a site evaluation, the Council has deleted from the current Standard the requirement that a school “periodically revise” its self-study. A requirement for continuing planning and assessment is added in new Standard 203 noted below. The Council also thought it was anomalous for Standard 202(b) to direct that the self-study address compliance with one particular Standard, Standard 301, even though that is a very important Standard. The Council considered revising Standard 202(b) to require that the self-study address compliance with all of Chapter 3, or all of the Standards. The Council ultimately concluded, however, that if schools were directed to address compliance with all of Chapter 3, or with all of the Standards, that could make the self-study only a checklist and would duplicate the requirements of the Site Evaluation Questionnaire. Thus the Council ultimately approved deleting current section 202(b).

**Proposed New Standard 203:** The Accreditation Committee has found it necessary to cite many schools in recent years for failure to comply with the last portion of section 202(a) by failing to set goals and identify the means to accomplish those goals. The new Standard seeks to place stronger emphasis on the need for schools to do careful planning by setting goals, monitoring success in achieving those goals, and appropriately reexamining their goals. The new Standard makes clear that the requirement for strategic planning and assessment is ongoing and is not limited to preparation for sabbatical site evaluations.

Standard 203 contemplates that the required planning may be initiated in the self-study process, or in separate planning processes, but that the planning process be a continual and evolving process rather than a once-in-seven-years event. The Council notes that many law schools that are connected with universities are required by their universities to engage periodically in planning processes, and that the cycle for those planning processes often differs from the law school’s site evaluation cycle. The Council also notes that thorough strategic planning is a central requirement of all regional accrediting agencies and many other specialized and professional accrediting agencies.

The remaining sections in Chapter 2, sections 203-212, are renumbered sections 204-213.

**Chapter 5 – Admissions and Student Services**

In recent years, the Council has examined and made revisions to many of the provisions of Chapter 5, par-
particularly Standard 503 (Admissions Test) and Standard 511 (Student Support Services). After reviewing the other provisions of Chapter 5, the Council approved revisions only to Standards 501, 503, 506 and 509. In the course of its deliberations, the Council had before it and thoroughly considered recommendations for revisions submitted by Gary Palm, Vernellia Randall, Jose Roberto Juarez, Antoinette Sedillo Lopez and Peter Joy, and subsequently endorsed by a number of organizations. Additional comments were also received and in accordance with a new practice comments were made available for public review on the Section’s website.

A number of comments suggested that language be added to the Standards to prohibit use of an admission policy or practice that has the effect of discriminating against individuals in protected categories unless the policy or practice has been proven by objective evidence to be valid and reliable in assessing an applicant’s capacity to complete the law school’s program successfully. The Council was not persuaded that this “disparate impact” test was workable; believed that much that such a test might be intended to accomplish would be achieved by other changes that the Council approved; and was concerned that the proposals were not within the ambit of the current comment process.

Revisions to Standard 501: Language has been added to the existing Standard making clear that a law school “shall” maintain sound admissions policies and practices.

New Interpretations 501-1: This new Interpretation lists elements of sound admissions policies and practices. This proposed revision moves to an Interpretation of Standard 501 the essence of the last sentence of recently revised Interpretation 503-2. The Council believes it is more appropriate to have this nonexclusive list of factors that may be considered in admissions decisions be in the general admissions Standard (501) rather than in the Standard directed solely to the admissions test (503).

Changes to Interpretation 501-2: The revisions make it clear that a school’s admissions Standards shall be consistent with the Standards on equal opportunity and diversity. The references in the current Interpretation to Standards 201 (financial resources) and 301 (objectives of the program of legal education) seem unnecessary, and the Council approved their deletion.

New Interpretation 501-3: This provision states explicitly the major factors that the Accreditation Committee considers in determining compliance with Standard 501(b)—entering academic credentials, academic attrition rates, bar passage rates, and the effectiveness of academic support programs. Compare newly adopted Interpretation 301-3, which lists factors that are considered in determining whether a school complies with the requirement of Standard 301(a) that it have an educational program that prepares its students for admission to the bar and for effective and responsible participation in the legal profession. While there are some levels of UGPA, LSAT, attrition and bar passage rates that, if occurring frequently, almost always lead to further inquiry by the Accreditation Committee, the ultimate determination of whether to cite a school under Standard 501(a) depends upon the totality of the circumstances. Thus the Council believes that it would not be feasible to state specific numeric criteria for LSAT or UGPA in this Interpretation, and the Council notes that setting minimum LSAT criteria would run counter to long-standing LSAC cautionary policies.

Changes to Standard 503: The changes make clear that the purpose of the requirement for an admission test is to provide assessment of applicants to a first year J.D. program regarding their capacity to complete satisfactorily the school’s education program. The assessment is to serve both the school and the applicant. The changes also add explicit language requiring that schools use admission tests in a sound manner, in accordance with the testing agency’s guidelines regarding its proper use. New Interpretation 503-4 cites a specific example of the type of guidelines to which the Standard refers. The addition of new Interpretation 501-1 makes a portion of current Interpretation 501-2 redundant, so it is deleted.

Revision of Standard 506: Standard 506 is intended to make it clear that ABA-approved law schools may grant some transfer credit to students attending law schools that are not ABA-approved. The Standard is permissive only, and approved law schools are not required by this Standard to accept transfer applicants from law schools that are not approved by the ABA.

The term “state-accredited,” though used in the 1996 Consent Decree, is difficult to apply because of the extreme variation in the means by and extent to which various jurisdictions exercise oversight of law schools that are not approved by the ABA. In California, for example, there are two categories of non-ABA-approved law schools: “California-accredited schools,” over which the California bar admissions authorities exercise some oversight and whose students are exempt from the “baby bar exam,” and “unapproved” schools over which there is little oversight and whose graduates must pass the “baby bar exam.”
exam” in order to continue beyond the first year of law school. Other states that permit graduates of some non-ABA-approved law schools to take their bar exams vary widely in the level of oversight that they exercise over such schools. It is impossible for the Consultant’s Office to make judgments that distinguish between the various non-ABA-approved law schools for the purpose of Standard 506, and it would be unrealistic to expect law schools to be able to make those judgments. Thus the term “state-accredited law school” is replaced by the term “law school that is not approved by the American Bar Association” or “non-ABA-approved law school.”

New Standard 506(a)(1) incorporates what may have been the original intent of the “state-accredited” language by requiring that the non-ABA-approved law school from which a student is seeking to transfer have authority from the appropriate governmental authority in its jurisdiction to grant the J.D. degree or, in the alternative, that graduates of the unapproved law school be eligible to sit for the bar examination in the jurisdiction in which the unapproved law school is located. The alternative standard is proposed because not all states have a formal process for giving an educational institution approval to grant a particular degree.

The revisions to Standard 506(a)(2) are necessary to accommodate revisions that previously were made to Standards 304 and the addition of Standard 306 (Distance Education). The revision to Standard 506(b) reflects the substitution of the term “non-ABA approved law school” for “state-accredited law school.”

Interpretation 509-6: The Accreditation Committee has adopted a practice of frequently citing schools under Standard 509 if there were a substantial number of courses still listed in the school’s course offerings that had not been offered during the prior two years, and thus were not effectively available to one full-time graduating class during its upper-class years. Interpretation 509-6 provides transparency by incorporating a statement of the Accreditation Committee’s practice in the Standards.

Chapter 8 – Council Authority, Variances, and Amendments

Standard 802 – Variance:
Current Standard 802 provides little guidance concerning the circumstances in which a variance might be granted or the procedures for consideration of variance requests. The proposed changes provide that guidance.

No changes are made to the current statement in Standard 802 of the bases on which the Council may grant a variance. The Council has added statements that normally a variance would not last for more than three years and that the variance may be terminated early for non-compliance with imposed conditions. After operating under a variance for three years, a school should be required to apply for renewal of the variance. If the school’s experience under the variance has been successful, however, it also might be appropriate at that time to consider revising the Standards so that all schools would be permitted to engage in similar practices.

Interpretation 802-1: The Committee believes that there are two primary circumstances in which granting a variance might be appropriate: the existence of extraordinary circumstances (e.g., Hurricane Katrina) that made it impossible for a school to comply with specific Standards, or a well-structured experimental program that, among other benefits, might provide useful evidence to consider in eventually making revisions of the Standards. The Interpretation implements that view.

Interpretations 802-2 and 802-3: These Interpretations provide guidance concerning the content and timing of an application for a variance and put schools on notice that a fact finder might be appointed in connection with considering the variance application.

Interpretations 802-4 and 802-5: Interpretation 802-4 provides that written reports concerning the variance may be requested from the school. Interpretation 802-5 states explicitly that the granting of a variance is dependent upon the situation of and proposal by a particular school. Another law school seeking a variance based on a situation that it might believe to be similar must support its request on its own facts and merits.

Standard 803(d): Current Standard 803(d) is anomalous in that it apparently requires direct review by the Council (before referring the matter to the Standards Review Committee) of any proposal, by any member of the ABA, for revision of any of the Standards, Interpretations or Rules of Procedure. Initial direct review by the Council of proposed revisions is not required by the Consent Decree or by Department of Education Recognition Criteria, and such direct review is inconsistent with current practice and with Internal Operating Practice 12 (which accurately states current practice):

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

IOP 12 establishes a process that is more comprehensive than that set forth in Standard 803(d)—in that IOP 12 applies to any proposal received by the Section rather than only to proposals from ABA members—and that is more regular in that the proposals are first considered by the Standards Review Committee. IOP 12 was specifically reviewed by the Department of Education during the 2000 rerecognition process, and the last sentence was added to comply with one of the recognition criteria. Thus the Council revised Standard 803(d) to state, in the Standards, the essence of the process established in IOP 12—that recommendations for revision to the Standards, Interpretations or Rules should be submitted to the Consultant, who will refer the recommendations to the Standards Review Committee or another appropriate committee. The Council added an explicit requirement that the Committee report to the Council its recommendation concerning any referred matter—even if it is a recommendation that no revisions be made—within twelve months after the recommendation had been referred to the Committee.

This revision essentially preserves, expands upon, and regularizes the concept of the existing Standard by not limiting the right to propose revisions to ABA members, by providing for review of all proposals in the same regular process and by requiring a report to the Council from whatever committee within twelve months.

Nothing in the current or revised Standard 803 refers to revision of “policies,” and there currently are no “Council Policies.” There are “Council Statements” (see the last section of the Standards book), but those are not binding on ABA-approved law schools and are not subject to the type of notice, comment and review process established by Standard 803. Thus the Council approved that the title of the section be revised as indicated.

Proposed New Interpretation 302-10

At its meeting of December 2-3, 2005, Council of the Section of Legal Education and Admissions to the Bar approved a new Interpretation 302-10 upon the recommendation of the Standards Review Committee following a period of public comment.

This Interpretation was intended to provide additional guidance for determining compliance with the requirements of Standard 302(b)(2), which the Council adopted in August 2004.

Standard 302(b)(2) provides:

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

. . .

(2) student participation in pro bono activities. . . .

When the Council initially approved the pro bono requirement, the Council 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 nonlaw-related activities, the proposed Interpretation states that pro bono programs “should generally” involve law-related services, but it also makes it clear that nonlaw-related activities may be included within a school’s overall pro bono program. Some nonlaw-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 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.

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 of limited means or to organizations that serve such persons. 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.

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 Standards Review Committee in making the recommendation that the Council approve this Interpretation reviewed at its meeting of November 4-5, 2005, all of the comments received during the public comment period including statements made at the public hearing on this proposed Interpretation at the Annual Meeting of the American Bar Association in Chicago in August 2005. Most of the comments addressed, with differing points of view, whether “nonlaw-related” activities should be considered as fulfilling the pro bono requirement and whether “for credit” activities would fulfill the requirement. Because the requirement of Standard 302(b)(2) that law schools provide substantial opportunities for pro bono activities is a new requirement, the Committee concluded that Interpretation 302-10 should remain broad, essentially as initially proposed by the Committee. Because there has been little experience with this new requirement, the Committee thought it premature at this point to exclude any type of substantial pro bono activity that is currently among the types of pro bono programs offered by approved law schools. The Committee also recognized, however, that the experience of the Accreditation Committee in monitoring compliance with the pro bono requirement over the next few years may well provide a basis for later recommending a narrowing of the types of experiences that meet the requirement.

The Committee and the Council believed that the 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.

In discussion at the August 7-8, 2006, meeting of the ABA House of Delegates, questions were raised regarding this Interpretation’s congruence with ABA pro bono policy. It was noted in the discussion that the Interpretation’s definition of qualifying pro bono service is broader than the ABA definition of pro bono service as it applies to practicing attorneys, particularly in that nonlaw-related service is included in the Interpretation’s definition and excluded in the ABA policy definition. The request for concurrence was withdrawn so that the Standards Review Committee and the Council may give the Interpretation further review in light of the concerns raised by various ABA entities.

Rules of Procedure for the Approval of Law Schools

At its December 2005 meeting, the Council adopted a comprehensive revision of the Rules of Procedure for the Approval of Law Schools and associated revisions of Standards 103 and 106. The House of Delegates concurred in those revisions at its meeting on February 13, 2006. The revisions were effective immediately. These changes are described in detail in another document.

For the latest Section news, events, publications and more, visit the Section’s Web site at:

www.abanet.org/legaled
Approved Changes to the Standards
Approval of Law Schools and Associated Interpretations

August 2006
(Marked-up)

Standard 210. NONDISCRIMINATION AND EQUALITY OF OPPORTUNITY: (to be renumbered 211)

(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 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, sex, gender, or sexual orientation.

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

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

(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.

(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.

(ec) 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.

(f) Equality Nondiscrimination and equality of opportunity in legal education includes equal opportunity to obtain employment. A law school should shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principles of nondiscrimination and equality of opportunity on the basis of race, color, religion, national
origin, gender, sexual orientation, age and disability 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: [to be renumbered 211-1]
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.

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.

Interpretation 210-3: [to be renumbered 211-2]
As long as a school complies with the requirements of Standard 210(ce) [to be renumbered 211(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.

Interpretation 210-4: [to be renumbered 211-4]
The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, sexual orientation, age or disability if the basis of denial relied upon is an admissions qualification of the school which is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability though not purporting to do so.

Interpretation 210-5: [to be renumbered 211-5]
The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, religion, national origin, gender, sexual orientation, age or disability if the basis of denial relied upon is an employment policy of the school which is intended to prevent the employment of individuals on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability though not purporting to do so.

Standard 211. EQUAL OPPORTUNITY AND DIVERSITY EFFORT: (to be renumbered 212)

(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 determining the potential of these applicants through the admission process, special recruitment efforts, and a program that assists in meeting the unusual financial needs of many of these students, but a law school is not obligated to apply standards for the award of financial assistance different from those applied to other students.

(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: [to be renumbered 212-1]
The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity or national origin in admissions or employment decisions is not a justification for a school’s noncompliance with Standard 211 [to be renumbered 212]. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 211 [to be renumbered 212] by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 211-2: [to be renumbered 212-2]
Consistent with the U.S. Supreme Court’s decision in Grutter v. Bollinger, 529 U.S. 306 (2003), a law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity. Through its admissions policies and practices, a law school shall take concrete actions to enroll 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 211-3: [to be renumbered 212-3]
This Standard does not specify the forms of concrete actions a law school must take in order to satisfy its equal employment obligation. The satisfaction of such obligation is based on the totality of the law school’s actions and the results achieved. 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, programs that assist in meeting the academic and financial needs of many of these students and that create a more favorable environment for students from underrepresented groups.

Interpretation 211-4:
This standard does not specify the forms of concrete actions a school must take in order to satisfy its equal opportunity and diversity obligations. The determination of a law school’s satisfaction of such obligations is based on the totality of the law school’s actions and the results achieved. 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, programs that assist in meeting the academic and financial needs of many of these students and that create a more favorable environment for students from underrepresented groups.

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.

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.

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.

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

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.
Standard 212. REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES: (to be renumbered 213)

Assuring equality of opportunity for qualified individuals with disabilities, as required by Standard 210 (to be renumbered 211), may require a law school 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: (to be renumbered 213-1]
Individual with disability. For the purpose of this Standard, and Standard 210 (to be renumbered 211), disability is defined as in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706-794, as further defined by the regulations on postsecondary 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.

Interpretation 212-2: (to be renumbered 213-2)
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 (to be renumbered 211) is designed to impose obligations upon law schools beyond those provided by those statutes.

Interpretation 212-3: (to be renumbered 213-3]
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 he or she meets the academic standards requisite to admission and participation in the law school program. The use of the term “qualified” in the Standard requires a careful and thorough consideration of each applicant and each student’s qualifications in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the fundamental nature of the program, school’s program of legal education, that can be provided without undue financial or administrative burden, and that can be provided without lowering while maintaining academic and other essential performance standards.

Standard 202. SELF-STUDY.

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

(b) The self-study shall address and describe how the law school’s program of legal education conforms to the requirements of Standards 201(a) and (b).

Interpretation 202-1:
A current self-study shall be submitted by a law school seeking provisional approval, a provisionally approved law school before its annual site evaluation, and a fully approved law school before any regular or special site evaluation.

Standard 203. STRATEGIC PLANNING AND ASSESSMENT: (remaining sections to be renumbered)

In addition to the self-study described in Standard 202, a law school shall demonstrate that it regularly identifies specific goals for improving the law school’s program, identifies means to achieve the established goals, assesses its success in realizing the established goals and periodically reexamines and appropriately revises its established goals.

Standard 501. ADMISSIONS.

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

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

Interpretation 501-1:
Sound admissions policies and practices may include
consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

Interpretation 501-2:
A law school’s admission policies shall be consistent with Standards 201, 210 and 211 [to be renumbered 211 and 212], and 301.

Interpretation 501-3:
Among the factors to consider in assessing compliance with Standard 501(b) are the academic and admission test credentials of the law school’s entering students, the academic attrition rate of the law school’s students, the bar passage rate of its graduates, and the effectiveness of the law school’s academic support programs.

Interpretation 501-4: (formerly 501-1)
A law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration. A law school may face a conflict of interest whenever the exercise of sound judgment in the application of admission policies or academic standards and retention policies might reduce enrollment below the level necessary to support the program.

Standard 503. ADMISSION TEST.

A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant’s capability of satisfactorily completing the school’s educational program. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

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

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

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

Interpretation 503-4:
The “Cautionary Policies Concerning LSAT Scores and Related Services” published by the Law School Admissions Council is an example of the testing agency guidelines referred to in Standard 503.

Standard 506. APPLICANTS FROM STATE-ACCREDITED LAW SCHOOLS NOT APPROVED BY THE ABA.

(a) A law school may admit a student with advanced standing and allow credit for studies at a state-accredited law school in the United States that is not approved by the American Bar Association (“non-ABA-approved law school”) if:

(1) the non-ABA-approved law school has been granted the power to confer the J.D. degree by the appropriate governmental authority in the unapproved law school’s jurisdiction, or graduates of the non-ABA-approved law school are permitted to sit for the bar examination in the jurisdiction in which the school is located;

(2) the studies were “in residence” as provided in Standard 304(b), or qualify for credit under Standard 305 or Standard 306; and

(3) the content of the studies was such that credit therefor would have been granted towards satisfaction of degree requirements at the admitting school.
(b) Advanced standing and credit hours granted for study at a state-accredited non-ABA-approved law school may not exceed one-third of the total required by an admitting school for its J.D. degree.

Standard 509. BASIC CONSUMER INFORMATION.

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

**Interpretation 509-1:**
The following categories of consumer information are considered basic:

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

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

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

**Interpretation 509-4:**
All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees.

**Interpretation 509-5:**
If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

**Interpretation 509-6:**
A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard.

Standard 802. VARIANCES.

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance and shall, may impose the conditions and shall impose time limits it considers appropriate. The Council may terminate a variance prior to the end of the stated time limit if the school fails to comply with any conditions imposed by the Council. As a general rule, the duration of a variance should not exceed three years.

**Interpretation 802-1:**
Variances are generally limited to proposals based on one or more of the following:

1. a response to extraordinary circumstances that would create extreme hardship for students or for an approved law school; or
(b) an experimental program based on all of the following:

(1) good reason to believe that there is a likelihood of success;

(2) high quality experimental design;

(3) clear and measurable criteria for assessing the success of the experimental program;

(4) strong reason to believe that the benefits of the experiment will be greater than its risks; and

(5) adequately informed participation by students involved in the experiment.

Interpretation 802-2:
A school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:

(a) a precise statement of the variance sought;

(b) an explanation of the bases and reasons for the variance; and

(c) additional information needed to support the application.

Interpretation 802-3:
The Chair of the Accreditation Committee or the Consultant may appoint one or more fact finders to elicit facts relevant to consideration of the application for a variance. Thus an application for a variance must be filed well in advance of consideration of the application by the Accreditation Committee and the Council.

Interpretation 802-4:
The Consultant, the Accreditation Committee or the Council may from time to time request written reports from the school concerning the variance.

Interpretation 802-5:
Variances are school-specific and based on the circumstances existing at the law school filing the request.

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

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

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

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

(d) Proposals for amendments to the Standards, Interpretations or Rules may be submitted to the Consultant, who shall refer the proposal to the Standards Review Committee or other appropriate committee. The committee to which any such proposal is referred shall report its recommendation concerning that proposal to the Council within twelve months after the proposal had been referred to the Committee. Any member of the Association may propose an amendment, whether by revision, addition, or repeal, of the Standards, Interpretations, or Rules by submitting it and a statement of its purposes to the Council. The Council shall consider the proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. In its consideration, the Council may refer the proposal to the Standards Review Committee and other committees for recommendation. If the proposed amendment is not adopted by the Council, the Council shall inform the proposer of its action and the reasons therefore.
CALENDAR

OCTOBER
14    Bar Admissions Committee Meeting
      Columbus, OH
26-28  Accreditation Meeting
      San Diego, CA

NOVEMBER
10-11  Standards Review Committee Meeting
      San Antonio, TX

DECEMBER
2-3    Council Meeting
      Naples, FL

JANUARY 2007
25-27  Accreditation Committee Meeting
      Austin, TX

FEBRUARY 2007
7-12    ABA Midyear Meeting
        Miami, FL
8-9     Deans’ Workshop
        Miami, FL
10-11   Council Meeting
        Miami, FL
17     Site Evaluation Workshop
        Chicago, IL

MARCH 2007
TBA    Bar Admissions Committee Meeting
       TBA

APRIL 2007
TBA    Questionnaire Committee Meeting
       Chicago, IL
19-21  Accreditation Committee Meeting
       Chicago, IL

MAY 2007
16    Standards Review Committee
      Hearing and Meeting
      San Francisco, CA
16    Mayflower I
      San Francisco, CA
17    Mayflower II
      San Francisco, CA
27-29  New Deans’ Seminar
      Broomfield, CO
29-    Law School Development Conference
      June 1
         Broomfield, CO

JUNE 2007
8-10   Council Meeting
       Charlottesville, VA
21-23  Accreditation Committee Meeting
       Whitefish, MT

AUGUST 2007
9-14   ABA Annual Meeting
       San Francisco, CA
9-10   Council Meeting
       San Francisco, CA
9      Chairpersons’ Dinner
       San Francisco, CA
10     Kutak Reception
       San Francisco, CA
11     Deans’ Breakfast
       San Francisco, CA
11     Section Programs
       San Francisco, CA
11     Annual Business Meeting
       San Francisco, CA
The **New Sourcebook**
on Legal Writing Programs

The revised edition of the *Sourcebook on Legal Writing Programs* is available for purchase at [www.abanet.org/legaled/publications/pubs.html](http://www.abanet.org/legaled/publications/pubs.html).

Like the original Sourcebook, published in 1997, the second edition is designed to help improve the overall quality of legal writing programs across the country, while increasing the consistency with which those programs are administered. The new edition is written for several constituencies:

- faculty committees charged with revamping all or part of a school’s legal writing program,
- a newly hired legal writing program director,
- an experienced director seeking information about pedagogical and administrative alternatives, and
- a dean who wants information on legal writing programs.

The revised Sourcebook reflects the progress that has been made in the legal writing field: new ideas, new forms, new substance, and new importance in legal education.

Among the topics covered by the Sourcebook are the goals and content of legal writing programs, pedagogical methods, grading and academic credit, staffing models, hiring a director, administration and training, advanced courses and writing beyond the first year, politics and resources. The new edition also includes a brand new section on teaching students who speak English as a second language, and a comprehensive bibliography of scholarly and practical literature in the legal writing field.

The Sourcebook is the project of the Section’s Communication Skills Committee; and all members of the committee, and other experienced legal writing faculty, have contributed to the project. Professor Eric Easton of the University of Baltimore School of Law served as general editor.