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VOLUME 45  NUMBER 1

Message from the Chair
The Honorable Solomon Oliver

FEATURED ARTICLES
Here’s to Our Volunteers
Barry Currier, Managing Director of Accreditation and Legal Education

Comments Invited for Proposed Standards Changes

Changes Proposed for Foreign Study Criteria

NEWS AND ANNOUNCEMENTS
ABA Annual Meeting Recap
Member News
Comments Invited for Upcoming Site Visits
New Section Publications
From the Chair

Volume 45 Number 1

By the Honorable Solomon Oliver

As some of you may know, I was elected for one year as chair of the Section of Legal Education and Admissions to the Bar at the ABA Annual Meeting in August. I have served on the United States District Court for the Northern District of Ohio for over 19 years, the last three of which I have served as Chief Judge. Prior to my appointment to the court, I was associate dean and professor at Cleveland-Marshall College of Law of Cleveland State University. After I joined the Court, I continued my interest and involvement in legal education, serving on the Accreditation and Standards Review committees of the Section.

I am honored to serve as chair of the Council and look forward to working in this capacity with the outstanding men and women who serve on it. I am more convinced than ever that the work done by the Section is vital to the profession. I look forward to working with our staff, the members of the Council, and our many volunteers to insure that our work in the accreditation process remains of the highest quality. I also look forward to working with our staff on the various programs that we sponsor for law schools and administrators; and, it is my hope that our Section will be able to collaborate with our sister organizations in legal education in seeking to address the issues that are most important to the profession.

The Council’s first order of business is to continue its work on the revision of the Standards with the hope that work is completed, or at least largely completed, during my tenure. I urge you to provide feedback on the Standards that are presently out for comment so the Council can take them into consideration before taking final action on the Standards as a whole.

I look forward to reporting to you in December about the work of the Council.
Here’s to Our Volunteers

Volume 45 Number 1

Barry Currier, Managing Director of Accreditation and Legal Education

Facts and figures about legal education are topics of discussion in the public and professional press like never before, at least in my professional lifetime: 203 ABA-approved law schools; 40,000 new 1L students or so this fall; students paying tuitions with sticker prices exceeding $50,000 per year; degrees take no fewer than 58,000 minutes and 24 months; law school debt, on average, is in the $125,000 range; 56 percent of graduates obtain full-time, long-term, J.D.-required jobs 9 months after graduation. And on it goes. Should there be fewer schools, fewer students, less work required for the J.D. degree, reduced cost to earn the degree, more skills training? We toss around numbers to make our points – sometimes these numbers are based on hard data and other times seemingly pulled out of a hat. But the numbers are used to drive and illustrate the points the writer or speaker wants to make.

Illustrated with some hard and soft numbers of my own, my point in this column is that the ABA Section of Legal Education and Admissions to the Bar’s central role in the law school world and in these discussions and debates is largely made possible and driven by the good will and hard work of our volunteers. The value of the time and talent they give is underestimated and seldom proclaimed. I want to do that here. It’s a bit “wonky,” but stay with me.

Volunteers do the work of the Council and its key committees, fill site visit teams, and staff the Section’s other committees, task forces, and projects that provide programs and services to our members and to legal education and the bar admissions community:

Council and key committees: There are 80 to 90 people who serve on the Council, Accreditation Committee, Standards Review Committee, Data Policy and Collection Committee, and Bar Admissions Committee in any given year. They spend, in the aggregate, some 1,100 days in scheduled meetings of their groups. I would estimate that they spend an additional 6,000 person-hours preparing for these meetings or doing other committee-related work.

Site visit process: We annually recruit more than 300 people to serve as site visitors. The visits might be the regular sabbatical site visit to an approved school, visits to schools that are provisionally approved or seeking approval, visits to law school programs located outside the United States, or special fact-finding visits directed by the Accreditation
Committee or in response to a school request for acquiescence in a major change in its program. These 300 individuals give another 1,100-plus person-days for these visits. By my estimate, they invest an additional 2,500 to 3,000 person-hours in pre-visit preparation and post-visit report writing.

Additional committee, task force, and special project work: The number of people and the amount of time spent here varies, but whether one is talking about serving on committees that plan and execute Section conferences, or work on substantial projects like the recently completed Curriculum Survey, certainly an additional 2,500 or so volunteer hours are spent in these endeavors each year.

All of this adds up to 25,000 to 30,000 hours per year of volunteer time from legal educators, lawyers, judges, and the public members who are active in our process. You can apply your own multiplier to get an estimate of the monetary value of this time, but it is unquestionably in the multiple millions of dollars per year.

I draw a few conclusions from this data. First, the law school accreditation process is essentially a volunteer process. All of us in legal education and the profession should remember to acknowledge and thank them for their service. Certainly, the staff is grateful to each of them. Second, the fact that we have so many non-academics (lawyers, judges, public members) participating in the process undercut the notion that the ABA law school approval/accreditation process has been captured by and is controlled by academics. Third, legal education would be much more expensive if we had to pay for this time. Finally and importantly, the amount of time invested is staggering. On the one hand, I suppose we should not be too surprised. Legal education is a substantial, multi-billion dollar enterprise and important undertaking that serves more than 140,000 students and is at the foundation of our legal system. On the other hand, we need to keep looking for ways to effectively streamline and improve our processes, both to reduce the amount of time that the system requires and to maximize our chances to continue to attract outstanding individuals to be interested in what we do.

This brings me to a different point about the effectiveness and efficiency of our process. State supreme courts and their bar admissions processes have long-relied on the ABA law school approval/accreditation process to adopt and enforce appropriate standards for legal education. A J.D. degree from an ABA-approved school is accepted in every state as satisfying the educational requirements that a person must meet to sit for the bar exam in that state. Schools and law students rely on the transportability of the ABA-approved J.D. degree. No state currently has a structure that would allow it to effectively review law schools. And currently no state bar admissions process pays anything to support the accreditation process. That bill is footed by the schools and the ABA. Our process can always be better, but it is a great value for the amount of money invested in it and leverages the time and talent of the volunteers who support it.

As I often say, if our process did not exist, someone would invent it. Without it, each state would have to adopt legal education standards and assess whether each law school meets those standards. Schools would have to track the rules of many, if not all, states. If each school and each jurisdiction simply had to employ one professional and one assistant to manage this work, provide space and support for those people, and each state had to create a committee to adopt rules and review law schools’ compliance with those rules, the cost, at a minimum would likely be millions of
dollars per year, double or triple the cost of the current structure. These would be increased costs for schools and new costs for the bar admissions offices around the country.

Again, this is not to say that our process cannot be more attuned to the current environment and our Standards more sharply focused on the education and training that the J.D. degree should represent (and less focused on tangential matters). It is also not to say that we cannot operate more effectively and efficiently. But, I suggest that all of us with a stake in legal education should devote our efforts to improving the process that we have.

Here’s to all of you who have been volunteers in our process and to recruiting many new volunteers who will help us work toward a more effective and efficient regulatory process going forward. We cannot do it without you.
Standards Notice and Comment: Hearings Scheduled for October and February
Volume 45 Number 1

At its meeting held on August 8-9, 2013, the Section’s Council approved for Notice and Comment proposed revisions to Chapter 1 [General Purposes and Practices], Chapter 3 [Program of Legal Education], Chapter 4 [The Faculty], Standard 203(b) [Dean], and Standard 603(d) [Director of the Law Library] of the ABA Standards and Rules of Procedure for Approval of Law Schools.

The Section’s Standards Review Committee has been conducting a comprehensive review of the Standards. As part of that review, the Committee considered multiple drafts and received informal comments from many interested persons and entities.

The proposed revisions and accompanying explanations are posted on the Section’s website: Notice and Comment. We solicit and encourage written comments on the proposed changes by letter or e-mail. Written comments should be submitted no later than Friday, January 31, 2014.

Hearings on these proposed changes are scheduled for October 2013 and February 2014 (details below). Both hearings will be held at the American Bar Association, 321 N. Clark St., Chicago, IL 60654.

October 21-22, 2013
Monday, October 21, 1 p.m.
Tuesday, October 22, 9 a.m.

February 5-6, 2014
Wednesday, February 5, 1 p.m.
Thursday, February 6, 9 a.m.

Please address written comments on the proposal and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org.
Changes Proposed for Criteria for Student Study at a Foreign Institution

At its meeting held on August 8-9, 2013, the Section's Council approved for Notice and Comment proposed revisions to the following:

Criteria for Accepting Credit for Student Study at a Foreign Institution (“Proposed Criteria”), which would replace the Criteria for Student Study at a Foreign Institution (“Current Criteria”).

The Proposed Criteria make clear that a law school must take steps to assure the quality of the student’s educational experience. Proposed Criterion I.A. requires, among other things, that a law school:

• Ensure that the studies at the foreign institution are such that the law school would grant credit toward its own degree [I.A.1. and 5.]

• Develop and publish a statement that defines the educational objectives the law school seeks to achieve in allowing students to study abroad [I.A.3.]

• Appoint an academic advisor at the law school for any student engaging in studies at a foreign institution [I.A.4.(a)]

• Have the appointed academic advisor and the student develop a written plan that defines the educational objectives [I.A.4.(b)]

Criterion I.B. focuses on the foreign institution only with regard to its status: it must be government sanctioned or recognized, if educational institutions are state regulated; or recognized or approved by an accrediting agency, if such an agency exists; or chartered to award first degrees in law by the appropriate authority within the country.

The proposed revisions and complete commentary are published on the Section’s website: Notice and Comment. We solicit and encourage written comments on the proposed changes by letter or e-mail. Please address written comments on the proposals to JR Clark, Paralegal, at our Chicago office or at jr.clark@americanbar.org. Comments should be submitted no later than October 15, 2013.
ABA Annual Meeting Recap

At the ABA Annual Meeting in San Francisco in August, the Section held its annual business meeting, deans’ breakfast, chair’s dinner, and Kutak Award reception.

2013-2014 Section Council Elected

At the Section’s Business Meeting on Saturday, August 10, the Honorable Solomon Oliver, Jr., chief judge of the United States District Court of Northern Ohio, was elected Section chair for 2013-2014. Joan Howland, associate dean at the University of Minnesota Law School, was elected to the position of chair-elect and the Honorable Rebecca White Berch, chief justice of the Supreme Court of Arizona, was elected to the position of vice chair. Newly elected Council members are Roger Dennis, dean of Drexel University Earle Mack School of Law, and Irene Lehne, the Law Student Division (LSD) member, also from Drexel University Earle Mack School of Law. Daniel Thies, senior law clerk to Judge James F. Holderman of the Northern District of Illinois and the Council’s LSD member from 2008 to 2010, was appointed to serve as the Young Lawyers Division representative for 2013-2014.

Complete list of the Section’s Council officers and members.

Kent Syverud congratulates John O’Brien for his service on the Section Council.

Chair’s Dinner Honors Chair Syverud and Outgoing Council Members

The Velvet Room of the Clift Hotel was the site of the 2013 Chair’s Dinner hosted by the Section’s 2012-2013 chair, Kent Syverud, dean of Washington University School of Law. During the evening’s festivities, John O’Brien, dean of
New England School of Law and the Section’s immediate past chair, Erika Robinson, the Council’s Law Student Division member; and Carlos Escurel, Young Lawyers Division liaison, were recognized for their service to the Section and on the Council.

**Erica Moeser Receives Kutak Award**

Erica Moeser, president and CEO of the National Conference of Bar Examiners, received the 2013 Robert J. Kutak Award at a reception atop the Hotel Nikko in San Francisco. Among those on hand to celebrate were NCBE board members and Law Student Division members. In presenting the award, Kutak Award Committee Chair Greg Murphy recognized Ms. Moeser not only for her service to the Section but for her contributions to bar admissions processes nationally.
The ABA Section of Legal Education and Admissions to the Bar held its annual Chair’s Dinner and Kutak Award reception during the ABA Annual Meeting in San Francisco.
Council awards await their recipients.
Barry Currier, managing director of accreditation and legal education, presents Kent Syverud with a plaque in recognition of his service as Section chair.
Erika Robinson, a 2013 graduate of the University of South Carolina School of Law, served as the Council’s Law Student Division member from 2011-2013.
The birthday of Council member Leo Brooks was also celebrated at the annual Chair’s Dinner.
2013 Kutak Award recipient Erica Moeser and Kutak Award committee chair Greg Murphy
Members of the ABA Law Student Division joined the Kutak festivities.
A crowd gathered to honor Erica Moeser, the 2013 Kutak Award recipient.
Erica Moeser and Margo Melli, professor emerita at the University of Wisconsin Law School.
Past Kutak Award recipients Peter Winograd, James P. White, Nina Appel, Talbot (Sandy) D’Alemberte, and Gerald Vandewalle joined Erica Moeser, the 2013 recipient, at the annual award reception.
Cynthia Nance (right), Council member and dean emeritus at the University of Arkansas School of Law, with members of the Law Student Division at the Kutak Award reception.
Member News

Volume 45 Number 1

Robert D. Dinerstein, founder and director of the Disability Rights Law Clinic at American University’s Washington College of Law, received the American Bar Association’s Paul G. Hearne Award for Disability Rights. The ABA Commission on Disability Rights selected Dinerstein for his more than 35 years of service as a disability rights advocate, scholar, and teacher. Professor Dinerstein has served on the Section in several positions, including terms on the Council and the Standards Review Committee.

Erika Robinson, a 2013 graduate of the University of South Carolina School of Law, received the Gold Key Award presented by the ABA Law Student Division (LSD) in recognition of the highest degree of service, dedication, and leadership to the Association. Ms. Robinson served as the LSD member of the Section’s Council for the past two years.
Comments Invited for Spring 2014 Site Visits

Volume 45 Number 1

Pursuant to the Department of Education criteria, the Section is required to give notice of, and solicit comments about, the law schools scheduled for upcoming site visits. Interested parties wishing to comment on current compliance with accreditation standards by law schools undergoing accreditation site visits during spring 2014 are encouraged to submit signed, written comments to the ABA Section of Legal Education and Admissions to the Bar by January 15, 2014.

Law schools undergoing accreditation site visits in spring 2014 are:

Belmont University College of Law
California Western School of Law
Capital University Law School
Charlotte School of Law
Duquesne University School of Law
Elon University School of Law
George Mason University School of Law
Georgia State University College of Law
University of Houston Law Center
University of Iowa College of Law
University of La Verne College of Law
Lincoln Memorial University Duncan School of Law
University of Massachusetts School of Law-Dartmouth
Mercer University Walter F. George School of Law
University of Miami School of Law
University of Michigan Law School
University of North Dakota School of Law
University of Pennsylvania Law School
Roger Williams University School of Law
Rutgers University School of Law-Camden
Thomas M. Cooley Law School
Valparaiso University School of Law
Willamette University College of Law

Written comments must be received by January 2014 and sent to:
Shirley Gonzalez
American Bar Association
Section of Legal Education and Admissions to the Bar

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321 N. Clark Street
Chicago, IL 60654-7598

Your comments must be signed. Comments, with the signatures redacted, may be provided to the law school and to members of the site team reviewing the law school. Only comments directly relating to the ABA Standards and Rules of Procedure for Approval of Law Schools will be considered.
New from the Section of Legal Education and Admissions to the Bar

Volume 45 Number 1

Think Like a Lawyer: Legal Reasoning for Law Students and Business Professionals, by E. Scott Fruewald

Focuses on fundamental skills necessary for legal problem solving, such as rule-based reasoning, synthesis, analogical reasoning, distinguishing cases, and policy-based reasoning. Useful exercises appear throughout the text so the readers can practice skills as they progress through the chapters.

PC 5290106
$59.95 (Regular)
$49.95 Section of Legal Education and Admissions to the Bar members

2013-2014 ABA Standards and Rules of Procedure for Approval of Law

Sets forth the Standards that law schools must meet to obtain and retain ABA approval. The 2013-2014 edition contains all revisions approved during the 2012-2013 year.

PC 529008413ED
$15.00
Legal Education and Professional Development—An Educational Continuum