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From the Managing Director: Each of Us Has a Responsibility

Barry A. Currier
Managing Director of Accreditation and Legal Education

The recent public debate over bar exam results and law school programs (admissions and academics) has been distressing for me, as I know it has been for many of you. The key actors in the process have their own responsibilities. Unmentioned in that debate so far is one of those key actors: the ABA law school accreditation process, which is the responsibility of the Council of the ABA Section of Legal Education and Admissions to the Bar (the “Section”). Here are a few observations from where I sit.

**Shared Interests**

We share the same goals, including:

- A profession that serves the public interest and the needs of clients at the highest level, composed of lawyers who have the knowledge, skills, and values necessary to the task.
- Opportunities for all who desire to be great lawyers to have the opportunity to enter the profession regardless of background or means.
- Jobs, practices, roles, and careers for lawyers that are professionally fulfilling and maximize their contributions to the public interest and to the communities in which they live and work.

The current environment puts pressure on these aspirations:

- The profession is evolving. There are new and different jobs for lawyers, globalization, fewer jobs of a certain type [e.g., traditional practices in metropolitan areas in large firms], and still many unmet legal needs for certain groups [e.g., the middle class, rural areas].
- The cost of law school is high. Our system for financing those costs is broken, or close to it. Most law graduates have sufficiently large debt that it is often a driving factor in career choice.
• We have the best system of legal education in the world, but it is slow to adapt to the changes in the profession, in higher education, and to the opportunities that law school graduates have.

Assuring a Qualified Bar

In the United States, the process of becoming a lawyer almost universally requires earning a Juris Doctor degree from an ABA-approved law school and passing a bar examination. The ABA accreditation process sets the standards for the J.D. to assure that graduates will have had a sound program of legal education. The Council and Accreditation Committee enforce those standards. This is their responsibility.

Legal education and the bar exam play overlapping and complementary roles. Over time we have arrived at this place. We can imagine other ways to set this up the system, but this one has served the profession and the country well for many decades.

The legal education and bar examiner communities are connected and work closely together in many ways. This is a good thing. Legal educators play and have played for many years important roles in the development of the bar exam. Bar examiners play and have played important roles in the law school accreditation process, where they have volunteered their time as members of ABA site visit teams, members of the Accreditation and Standards Review Committees, and on the Section Council.

We have our independent roles, but we participate in the other’s work and, thereby, gain a deeper understanding of the bigger picture.

Higher Costs, Risk, Opportunity

The risk in pursuing a career in law is higher than it used to be because of the high cost of a legal education, the increasing reliance on borrowed funds to pay the cost, and a challenging job market. There is a conversation about how paternalistic (and I mean this in its most positive sense) law schools and the law school accreditation system should be in deciding who and how many should assume the risk. It is probably true that the less risk we tolerate, the less opportunity we allow.

In this conversation, there are several competing views. They include: (a) someone should stop students from pursuing a J.D. degree because, usually based on a test score and grades, their chances of success are too low and, further, the risk that it will turn out to be a good investment is too low, even if they succeed in graduating; (b) the right intervention is to require more and more fine-grained disclosures so that students can make their own, but more informed, decisions; (c) the cost of law school is artificially inflated and must be reduced; and (d) the federal government is partially or primarily to blame because the market would handle this effectively if loans were not so easily available and borrowing was capped in some fashion. Many subscribe to more than one of these views and there are others, as well. There is some data on these matters, but more data would be helpful.

An Important Conversation

There is an important conversation to be had. But it is not as likely to happen the way that the debate that is shaping up right now. That conversation should include others than the deans and the bar examiners, particularly the leadership of the Section and the Council.
ABA Standard 501(b) states: “a law school shall not admit an applicant who does not appear capable of satisfactorily completing its program of legal education and being admitted to the bar.” Standard 301(a) states: “a law school shall maintain a rigorous program of legal education that prepares its students ... for admission to the bar and for effective ... participation as members of the legal profession.” The only logical inference from some of the rhetoric in the debate so far is that the Council and Accreditation Committee are not doing their jobs in enforcing these Standards.

If a law school is admitting “unqualified” students, or is not offering a program that prepares graduates to pass the bar and to be good lawyers, then the school’s accreditation should not be continued. That is the Council’s and the Accreditation Committee’s responsibility.

My own observation and experience is that the Council and the Accreditation Committee are not abdicating their responsibility to enforce these Standards. Reaching a conclusion that a law school is out of compliance with a Standard is not a simple matter. It cannot and should not be done precipitously. Neither should the process be so slow and cumbersome that the regulatory function of the Standards cannot be achieved.

A number of factors come into play in assessing schools’ programs under this Standard. Bar exam performance is one of those factors. Others include input measures like LSAT scores and undergraduate grade point averages of applicants, a review of a school’s academic program, including academic support, and its attrition rate. Bar examination pass rates are a factor, and an important one, but they are not the only factor that the Standards direct be considered.

It is a different conversation if we want to discuss whether the Standards for what constitutes a sound program of legal education need to be changed – tightened, raised, modified, or completely rethought – in light of current conditions. If we want to have that conversation, there is no time to waste. Let’s get going. The bar examiner community should be involved in that process, as it has been. But, so should academics, the broader legal profession, judges, and the public. No one group controls the conversation.

We live in the “not normal,” if not a new normal world. Schools will have to adapt, and they are. But it takes time. It takes time, too, for the Standards to change, as we have just seen in a multi-year comprehensive review process. But if the times we’re living in demand fundamental change, then let’s commit ourselves to that process and continue to have an on-the-merits and reasoned conversation. Our students, the profession, and the public deserve no less.
Erin Ruehrwein joined the Section in the newly created position of Section Director in December. Erin will be primarily responsible for non-accreditation-related Section activities, conferences, publications, and communications. She will collaborate with the Council, committees, Section members and staff, to provide programs and services of benefit to Section members and to the broader legal education community.

Erin began her career at the ABA in 2005 as a research and marketing specialist with the ABA Journal, where she managed subscriber and readership research and advertising sales support. She then transferred to the Tort Trial & Insurance Practice Section, the ABA’s third largest Section, where she served as marketing and sponsorship manager, handling the Section’s marketing, communications, and sponsorship efforts and supervising the Section’s technology specialist. She holds a bachelor’s degree from the University of Illinois.

Beyond her work-life at the ABA, Erin enjoys participating in races and triathlons – she completed the 2012 Wisconsin Ironman Triathlon and multiple Chicago Marathons – photography, travel, and spending time with her family, including her new nephew Cooper, who was born in November.

“I am very excited to join the Section of Legal Education and Admissions to the Bar,” Erin said, “and look forward to working with the wonderful staff and membership to enhance and deliver the benefits the Section provides its members and the legal education community.”
December 2014 Council Decisions

At its meeting December 5-6, 2014, the Section’s Council rendered the following decisions:

Granted provisional ABA-approval to Lincoln Memorial University Duncan School of Law.

Recognized the Savannah Law School as an approved branch campus of Atlanta’s John Marshall Law School.

Granted acquiescence to Seattle University School of Law in its application to establish a separate location in Anchorage, Alaska.

During the December Council meeting in Puerto Rico, Governor Alejandra Garcia-Pedrosa (right) hosted a reception at La Fortaleza, the 16th century Governor’s Mansion. Among those enjoying the evening’s festivities were Council chair Joan Howland and Council member (and the governor’s brother) Antonio Garcia-Pedrosa.  

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Opportunities for Law School Students

The ABA Forum on Construction Law Student Writing Competition

This competition is open to all law students in good standing and attending an ABA-accredited law school during 2014. Students may submit articles on a wide array of topics related to construction law. Articles should reflect the style of articles published in either the forum’s The Construction Lawyer magazine or the Under Construction newsletter. The deadline for the writing submission is January 15.

The Forum has presented these awards annually since 2010. Senior ABA Forum on Construction Law members will judge the submissions, which will be selected based on creativity, clarity and precision of writing, strength of argument, novelty and timeliness of subject, and quality of research. Winners will receive $2,000, travel expenses, and registration for the forum’s 2015 Annual Meeting, plaque, a one-year membership in the forum and recognition in the forum’s newsletter, Under Construction, and on the website; in addition to the opportunity to be published in one of the forum’s two publications, Under Construction or The Construction Lawyer. Other finalists will be recognized with a plaque and in forum publications. Winners will be announced and notified in March. Forum Chair Steven Lesser will present the awards at its 2015 Annual Meeting, April 16-18 in Boca Raton, Florida

To learn more, visit Law Student Writing Competition.

ABA Commission on Disability Rights/Prudential Financial Summer Internship

The ABA Commission on Disability Rights is partnering with Prudential Financial, Inc. to provide a summer internship at Prudential’s New Jersey/New York offices for a first-year law student with a disability. The 1L summer internship runs for 10 weeks from May 26 to August 7, 2015. Interns will be paid a stipend of approximately $10,000. The application deadline is February 6, 2015.

The summer Internship program provides students with the opportunity to work with attorneys who support the broad reach of Prudential’s business. Other features of the program include:

- Paid attendance at the 1L LCLD Scholars Summit in Dallas on May 28-30
- Participation in training programs presented by Prudential attorneys highlighting different areas of the business and the legal department
- Pairing with an attorney who will serve as a manager during the program and provide guidance on projects
- Pairing with a mentor who will serve as an additional advisor on resume review, interviewing, skill development, networking and other individual needs
- Practice interviews and presentations and shadow attorneys on various projects
- Opportunities to interview with selected local firms for potential 2L internships

To learn more, visit ABA Prudential Internship.
ABA Legal Opportunity Scholarship Fund

The ABA Legal Opportunity Scholarship Fund annually grants 20 incoming diverse law students with $15,000 of financial assistance over the course of their three years in an ABA-approved law school. Recipients are selected based on their qualifications for the scholarship and not on the law school they plan to attend. Applications for the 2015-2016 academic year are now being accepted and are due March 2, 2015.

To learn more, visit ABA Legal Opportunity Scholarship.
Nominating Committee Solicits Names for 2015-2016 Council Slate

The Section’s Nominating Committee invites suggestions for nominations to the 2015-2016 Council of the Section of Legal Education and Admissions to the Bar. There are six at-large positions to be filled, a number of which are filled by individuals who are completing one three-year term and are eligible to be nominated for a second term. Additionally, there are two leadership positions to be filled: chair-elect and vice chair, for one-year terms. Nominees are sought in the categories of judges, academics, practitioners, and public members.

The slate of Section officers and Council members will be presented for election at the Section’s business meeting during the ABA Annual Meeting in Chicago in August.

The deadline for nominations is April 10, 2015. All nominations must be submitted through the online Council Nominations process.

2014-2015 Nominating Committee

Chair:
Kent D. Syverud
Chancellor & President
Syracuse University

Jane H. Aiken
Professor
Georgetown University Law Center

The Honorable Rebecca White Berch
Justice
Supreme Court of Arizona

The Honorable Christine M. Durham
Justice
Supreme Court of Utah

Jerome C. Hafter
Senior Partner
Phelps Dunbar LLP

The Honorable Solomon Oliver Jr.
Chief Judge
U.S. District Court for the Northern District of Ohio

Maureen O’Rourke
Dean
Boston University School of Law

Raymond C. Pierce
Nominations Sought for 2015 Kutak Award

Nominations are sought for the 2015 Robert J. Kutak Award. Established in 1985 by the Section and the national Kutak Rock law firm, the award honors an individual who has made significant contributions to the collaboration of the academy, the bench, and the bar. The award is in memory of Mr. Kutak, a distinguished Omaha lawyer, champion of legal reform, and advocate for legal education.

Nominations can be mailed to:

Kutak Award Committee
Attention: Carl Brambrink
Director of Operations
American Bar Association
Section of Legal Education and Admissions to the Bar
321 N. Clark Street
M.S. 21.2
Chicago, IL 60654

or sent via email to carl.brambrink@americanbar.org

The deadline for submitting nominations is April 10, 2015

The 2015 Kutak Award will be presented at a reception on Friday July 31, at the Chicago Westin River North during the ABA Annual Meeting. For more information about Robert J. Kutak and the list of past winners, visit the Kutak Award page.
ABA Midyear Meeting Events in Houston

The ABA Presidential Commission on the Future of Legal Services will hold a hearing on Saturday, February 7, 2015, from 2:30 to 5:00 p.m. at the George R. Brown Convention Center, Room 351 A/D, Level 3. The Commission is soliciting comments about ways to improve the delivery of and access to legal services in the United States.

If you are interested in testifying or providing written comments, please contact Katy Englehart in the ABA Office of the President at katy.englehart@americanbar.org. To learn more about the Commission, visit www.ambar.org/abafutures.

The ABA Task Force on the Financing of Legal Education will hold public hearings on Friday, February 6 and Saturday, February 7 from 9 a.m. to 4 p.m. to gather information and testimony on the financing of and access to receiving a law degree in the United States. The hearings will be held at the George R. Brown Convention Center, Room 362 B/E, Level 3.
Comments Invited for Law Schools Scheduled for Accreditation Site Visits in Spring 2015

Consistent with Internal Operating Practice 3(a), written comments related to current compliance with the Standards for the Approval of Law Schools may be submitted to the ABA Section of Legal Education and Admissions to the Bar with respect to law schools scheduled for site visits. Interested parties wishing to submit such written comment for law schools undergoing accreditation site visits during spring 2015 may do so by submitting signed, written comments to the Section of Legal Education and Admissions to the Bar by January 15, 2015.

Law schools undergoing accreditation site visits in spring 2015 are:

- Belmont University College of Law (Provisional)
- DePaul University College of Law (Sabbatical)
- Emory University School of Law (Sabbatical)
- Florida State University College of Law (Sabbatical)
- Hofstra University Maurice A. Dean School of Law (Sabbatical)
- Howard University School of Law (Sabbatical)
- University of La Verne College of Law (Provisional)
- Loyola University-New Orleans College of Law (Sabbatical)
- University of Massachusetts School of Law-Dartmouth (Provisional)
- University of New Hampshire School of Law (Sabbatical)
- University of Richmond T.C. Williams School of Law (Sabbatical)
- University of San Francisco School of Law (Sabbatical)
- Santa Clara University School of Law (Sabbatical)
- University of Southern California Gould School of Law (Sabbatical)
- Southern University Law Center (Sabbatical)
- Southwestern Law School (Sabbatical)
- Wake Forest University School of Law (Sabbatical)
- Washburn University School of Law (Sabbatical)

Written comments should be sent to:
Shirley Gonzalez
American Bar Association
Section of Legal Education and Admissions to the Bar
321 N. Clark Street
Chicago, IL 60654-7598
shirley.gonzalez@americanbar.org

Note: 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 related to the ABA Standards and Rules of Procedure for Approval of Law Schools will be considered.

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Serve as a Judge for ABA Law Student Competitions around the Country

ABA Arbitration Competition
The ABA Law Student Division seeks 150 attorneys and non-lawyer arbitrators to participate as competition judges for the 2014-15 Arbitration Competition National Finals January 22-24, 2015, at ABA Headquarters in Chicago. Each competition round is approximately 3.5 hours including orientation. Please visit Arbitration Finals Judges for more details and to sign up.

Negotiation Competition
The ABA Law Student Division seeks 75 attorneys and non-lawyer negotiators to participate as competition judges for the 2014-15 Negotiation Competition National Finals during the ABA Midyear Meeting February 6-7, 2015, at the George R Brown Convention Center in Houston. Each competition round is approximately 4 hours including orientation. Please visit Negotiation Finals Judges for more details and to sign up.

NAAC - Moot Court Competition – Free CLE
The ABA Law Student Division seeks 1,200 licensed attorneys to serve as judges for the National Appellate Advocacy Competition in February / March at federal and state courthouses in Boston, Brooklyn, San Francisco, Seattle, St. Louis, and Washington, DC. Each competition round is between 2.5-4.5 hours including orientation. Please visit NAAC Judges for specific details about the regional moot court competitions and to sign up to be an oral argument judge.
Membership Reminders & Special Offers

Give the Gift of Membership
Share the gift of a free trial ABA and Section of Legal Education and Admissions to the Bar membership with your friends and colleagues by January 31st. Let them know how our resources can help them become better lawyers and advance their careers.

Make the Most of Your Section and ABA Membership!

The Benefits of Membership in the Section of Legal Education and Admissions to the Bar
As a Section member, you can grow your knowledge, experience career development, expand your professional community, and shape the future of legal education through our publications, conferences and workshops, and various opportunities to network with over 12,000 legal educators, judges, practitioners and law students via committee participation, Section conferences, and discussion groups. Learn more about the benefits of your Section membership.

The Benefits of Membership in the ABA
Your ABA membership delivers many benefits. Take advantage of a wide range of resources that can help you enrich your career, sharpen your practice and discover discounts on programming, top-notch publications, award-winning books, travel, and member-only pricing at ABA Advantage companies. Whether you prefer in person, in print or online resources, ABA membership gives you access to up-to-the-minute information to help you stay up-to-date. Learn more about the benefits of your ABA membership.