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Barry Currier

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From the Managing Director: Acknowledging the Role of the ABA Accreditation Project

Barry Currier
Managing Director of Accreditation and Legal Education

As the project to comprehensively review the ABA Standards and Rules for Approval of Law Schools concludes, it is a good opportunity to review the role that the ABA law school accreditation process (the “Accreditation Project” as we call it) plays in legal education. A lack of appreciation for that role can lead to misunderstandings and misconceptions that spur initiatives threatening its effectiveness and utility. Earnest and understandable reform efforts may overlook the Accreditation Project’s benefits.

The Accreditation Project is a joint venture of the bar, bench, and academy. It is supported and nurtured by the American Bar Association. The Section of Legal Education and Admissions to the Bar was the first formal section of the ABA, and the ABA was also instrumental in the formation of the AALS. The longstanding interest of the ABA in the development of a sound system of legal education in the United States make it an appropriate home for the Accreditation Project.

That said, under the rules of the U.S. Department of Education, the Accreditation Project must and does operate separately and independently of the larger ABA. It’s a mouthful to say that a law school is a “Council of the ABA Section of Legal Education and Admissions to the Bar-approved school”, so we say “ABA-approved.” We are proud to be part of the ABA, but the Accreditation Project is not controlled by its management, Board of Governors, or House of Delegates.

The ABA Standards for Approval of Law Schools are the product of the work of lawyers, judges, public members of key Council entities, and academics. These different perspectives all should be reflected in the Standards, and no one group should control them. One of the common misunderstandings of the process is that it is controlled by legal academics or law school deans. In fact, by rule, not more than half of the membership of the Council and the Accreditation Committee can come from the legal academy.

The process by which the standards are set is open and transparent. Lawyers, judges, professors, schools, law firms, bar associations, students, or others are invited to share their views on what the law
school approval standards should be and those views are carefully considered. The Standards have changed over time, responding to changes in both the educational environment and the legal profession. They will continue to change, no doubt.

In an increasingly borderless world (both at the state level and internationally), the ABA Standards are a *de facto* national set of standards for legal education. Having a national set of baseline educational standards for bar admission makes sense for graduates who may not know into what jurisdictions their jobs searches may take them. It is also helpful to both law schools and bar admissions processes for there to be a shared set of standards. “But for” the ABA Standards, as many of you have heard me say, schools would have to spend time and expense tracking and administering separate state educational requirements, and states would have to develop processes for reviewing and recognizing law school programs. If the Accreditation Project did not exist, it is so effective and efficient that someone would invent it.

While the Standards and the Accreditation Process are overall a tremendous asset to legal education and the legal profession, there are some risks and downsides.

The Standards can become a vehicle for promoting political or social objectives that have little to do with what constitutes a sound program of legal education. It may be impossible to completely avoid this. Given the nature of law, perhaps it would even be inappropriate to do so. But, over time, attention can drift from the Standards’ appropriate primary aim on students and learning and focus too much on ancillary matters. The periodic comprehensive review that takes place is a good opportunity for the Council to take stock and recalibrate. Much of that work was accomplished in this recent review process.

The Standards also can be a barrier to considering and adopting reform measures. The standards review process takes time to do well. Too frequent and dramatic shifts in the Standards impose their own costs on schools and bar admitting authorities. On the other hand, if the process is too slow to respond when change is needed and if the framework of the Standards is too prescriptive and inflexible, then law schools will be hamstrung in their efforts to adapt to the university and professional environments in which they exist. The perception that the process is too slow or unwilling to change no doubt has fueled some state-level efforts at reforming legal education, rather than pushing those efforts to the Council.

A lot of thought and time have been invested in the Accreditation Project over the years. These are worthwhile investments that should be maintained and safeguarded. In fact, the system has worked well enough for long enough that it is to a certain extent taken for granted. I hope that this brief reminder of what the Accreditation Project is and does is will encourage everyone who cares about legal education to pay attention to our work and to see it as the venue for considering and implementing reform. I look forward to continuing to work with the many stakeholders of legal education to assure that the ABA Accreditation Project remains a vital force in assuring an appropriate educational foundation for all those seeking to enter the profession.
Revised Standards and Rules Concurred in by ABA House of Delegates

At its meeting on Monday, August 11 in Boston, the ABA House of Delegates concurred in all of the proposed new Standards and Rules of Procedure for Approval of Law Schools with the exception of Interpretation 305-2. The Interpretation, which prohibits law schools from granting credit for field placement programs for which the student receives compensation, was referred back to the Council after the House heard strong testimony for and against the provision. Because the revised Standards proposed to continue the existing rule on this matter, the existing rule remains in place, pending further review by the Council.

In accordance with the Rules of Procedure, a decision by the Council to adopt, review, 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.

The revised Standards and Rules are legally effective as of the end of the ABA Annual Meeting on August 12. However, cognizant that law schools will need time to do the work that some of the changed Standards will require, the Council and the Section have established a transition and implementation plan. The revised Rules do not require a delay for implementation and are effective immediately.


Immediate Past Council Chair, Chief Judge Solomon Oliver, Jr., of the United States District Court for the Northern District of Ohio, expressed his appreciation for “the careful thought and hard work of my colleagues on the Council; our Standards Review Committee, chaired by Professor Jeff Lewis; Managing Director Barry Currier and staff; and for the helpful comments of so many during the comprehensive review of the Standards over the last six years. I am very pleased that the ABA House of Delegates has concurred in them. The revised Standards will bring significant improvements to legal education, including more skills training, focus on learning outcomes, and increased reporting of consumer information for greater transparency.”

Visit the Section’s Standards Review Committee page for more information on the new Standards and Rules.

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2014-2015 Council Elected at the Section’s Business Meeting in Boston

The slate of Council officers and members was unanimously approved at the Section’s business meeting, Saturday, August 9, in Boston. Joan Howland, associate dean and professor at the University of Minnesota Law School became the chair of the 2014-2015 Council. The Honorable Rebecca White Berch, justice of the Supreme Court of Arizona, is the new chair-elect and Gregory G. Murphy, a private practitioner in Billings, Montana, is the vice-chair. Edward N. Tucker, CPA/ABV, of Ellin & Tucker, Chartered, in Baltimore, Maryland, will serve as the Council’s secretary. Members-at-large Jane Aiken, associate dean for experiential education and professor at Georgetown University Law Center, and Morgan T. Sammons, executive officer of the National Register of Health Service Psychologists, were re-elected to a three-year-term and a one-year term, respectively.

New members-at-large elected to three-year terms are Diane Bosse, of counsel, Hurwitz & Fine, Buffalo, New York; James J. Hanks, Jr., partner, Venable LLP, Baltimore, Maryland; and Raymond C. Pierce, partner; Nelson, Mullins, Riley & Scarborough, LLP; Raleigh, North Carolina.

The Honorable Christine M. Durham, chief justice of the Supreme Court of Utah, was elected to a three-year term as a House of Delegates Representative. Izaac Rowe, a student at the University of Nevada-Las Vegas, William S. Boyd School of Law, will serve as the Law Student Division member during 2014-2015.

The complete 2014-2015 Council roster can be viewed on the Section’s Leadership page.
Incoming Section Chair Joan Howland thanks 2013-2014 Chair Solomon Oliver for his service to the Section Council.

The annual Chair's Dinner was held at Smith & Wollensky in the Battle Room of a historic stone and brick castle structure built in 1891. The evening's activities included recognition of out-going Council members Pauline Schneider and Irene Lehne, Standards Review Committee Chair Jeffrey Lewis, and staff member Cathy Schrage who marked 40 years with the Section this year.
John F. O'Brien, dean of New England Law | Boston was the 2014 recipient of the Robert J. Kutak award. James White, Section consultant emeritus, and Greg Murphy, Kutak committee chair, were on hand to congratulate Dean O'Brien at a reception in Boston.
Solomon Oliver, Section chair; Kent Syverud, immediate past Section chair; Barry Currier, managing director of accreditation and legal education
Barry Currier (left) and Solomon Oliver (right) thank Jeff Lewis for his service as chair of the Standards Review Committee.
Erica Moeser, president and CEO of the National Conference of Bar Examiners, and Daniel Bernstine, president and executive director of the Law School Admission Council
Solomon Oliver, Pauline Schneider, James White, and Barry Currier
Ruth McGregor, Council delegate to the ABA House of Delegates, and William Adams, the Section’s new deputy managing director
Irene Lehne (second from left), the Council Law Student Division member with other representatives of the ABA’s Law Student Division at the Kutak Award reception.
Rebecca White Berch, Council chair-elect, Greg Murphy, Kutak Committee chair, and Roger Dennis, Council member
2014 Kutak Award winner John F. O’Brien with former recipients Robert Walsh, James White, Jeffrey Lewis, and Peter Winograd.
Pauline Schneider; Erika Robinson, former Law Student Division member of the Council; and Leo Brooks, Council member
John O’Brien, Robert Walsh, Solomon Oliver, and Lizabeth Moody
Paulette Brown, former Council member, is ABA President-Elect

Paulette Brown, partner and chief diversity officer at Edwards Wildman Palmer, was elected ABA president-elect at the Annual Meeting in Boston in August. She will serve a one-year term as president-elect before becoming ABA president in August 2015. Ms. Brown served on the Section’s Council from 2010 to 2014.

Camille deJorna, associate consultant, on “Deaning in a Different Voice”

Camille deJorna, the Section’s associate consultant, has written an article to be published in the winter 2014 issue of the Valparaiso University Law Review entitled “Deaning in a Different Voice: Not the Same Old Song.”
New Section Publications

2014-2015 ABA Standards and Rules of Procedure for Approval of Law Schools

Sets forth the Standards that law schools must meet to obtain and retain ABA approval.
PC 529008414ED |
$15.00

The Science and Technology Guidebook for Lawyers
By Joseph R. Carvalko and Cara Morris

To represent a client's interests competently where law, science, and technology come together, a lawyer must be qualified to analyze techno-scientific information. This book provides an easily understandable explanation of particular sciences and technologies by analyzing specific cases.
PC 5290107
Regular price: $99.95
Section member price: $74.95

Visit the Section's Publications page for more selections. Return to cover.
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. Interested parties wishing to comment on current compliance with accreditation standards by law schools undergoing accreditation site visits during spring 2015 are encouraged to submit 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.