Lessons from Sweet Briar
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FEATURED ARTICLES
Section Spotlight: Revisiting the Value of Your Membership
Erin Ruehrwein, Section Director

ABA Standards Out for Notice and Comment

New ABA Resources

Join us in Chicago for the ABA Annual Meeting

NEWS AND ANNOUNCEMENTS
Subscribe to a Section Discussion Group

New Dean Appointments

Call for Council Nominations

Nominations Sought for Kutak Award

Upcoming Conferences and Workshops

Third Party Comments Invited for Upcoming Site Visits
Lessons from Sweet Briar

Barry Currier
Managing Director of Accreditation and Legal Education

Are there lessons for law schools and the legal education community from Sweet Briar College’s March 3 announcement that, after more than a century of operation, the college will shut down its academic programs and close in August?

Sweet Briar is a small, women’s liberal arts college in the Virginia foothills of the Blue Ridge Mountains. It has a Phi Beta Kappa chapter, was an early leader in international study programs, and has a beautiful campus with a number of buildings located on the National Register of Historic Places. It has distinctive academic programs and centers, including a leading equine program. It has close ties to the Virginia Center for Creative Arts, adjacent to the campus, which is one of the largest artists’ retreats and communities in the nation. The College reports a student/faculty ratio of 8:1 and an average class size of 11. With an enrollment of 750-800 students, the school offers 46 degree programs, among the most popular of which are business, biology, and engineering. The college website states that in the National Survey of Student Engagement Sweet Briar receives high marks for student-faculty interaction, the quality of its academic programs, its career and job placement services, and the supportive nature of its campus environment. It has attracted students from around the country and internationally, with just half the students coming from Virginia. It has a healthy, if not spectacular, endowment exceeding $80 million.

The college’s accreditations were not in jeopardy. While Standard & Poor’s Credit Rating Service changed its outlook on the college’s creditworthiness from stable to negative last November, the agency reaffirmed its college’s BBB credit rating, indicating that the school had the capacity to meet its obligations. S & P found that the institution had strong financial
resources, moderate debt, a history of successful fundraising, and adequate student demand. Prior to the closure announcement, the school had not declared a state of financial exigency.

Sweet Briar, in sum, is a venerable institution with quality academic programs, a student-centered culture, international study opportunities, an outstanding campus and facilities, degree programs that are sensitive to the needs of the market, and substantial resources. It seemed to be doing so many things right.

Yet, Sweet Briar’s board of directors voted to close the college, based on “insurmountable financial challenges,” deriving from two key factors not under the school’s control: “the declining number of students choosing to attend small, rural, private liberal arts colleges and even fewer young women willing to consider a single-sex education.” Consequently, the statement reported, the tuition discount rate that that the school had to budget to enroll each new class had become financially unsustainable. Further reporting showed that in recent years the annual discount rate exceeded 60 percent, while something in the range of 70 percent of the school’s $80+ million endowment was highly restricted and not available to cover annual operating deficits.

Legal education optimists may think that there is nothing to learn from Sweet Briar. A small, rural, single-sex college that has limited endowment/surplus to get itself through a rough patch and a lot of competition from other small liberal arts colleges, for them, is nothing at all like a law school.

Legal education pessimists will understand it differently, noting that the primary problem for Sweet Briar was, given its advantages and disadvantages, its inability to attract enough students with acceptable credentials at a price point to sustain the school. And, further, after careful study, the school could not determine any changes, big or small, that would lead to a different outcome.

Recently, my former boss, Andy Rosen, now the chairman of Kaplan, Inc., spoke to deans at the annual ABA Deans Workshop. Andy is a Yale Law School graduate who moved from the practice of law into the business world. He was a key player in the evolution of Kaplan from a test prep company to an international company providing a wide variety of education programming around the globe.

Andy, who acknowledged the value of his legal education to his successes at Kaplan, said that he is optimistic about the possibility that law schools will grow again, both in enrollments and in their importance to civil society. But, he was not necessarily optimistic for each and every law school:

“I believe you all, as a group, are doing the right things. And if you keep doing the right things, day after day, month after month, year after year, over the course of the next decade or two . . . a lot of your institutions will be out of business....Your problem is not that you’re doing the wrong things. It’s that the right things are killing you.”
He watched that tale unfold in the newspaper business (Kaplan was a part of the Washington Post Company). He watched as readers and advertisers increasingly turned to Yahoo, the Huffington Post, Facebook, Buzzfeed, and Politico, and the Post’s business suffered. Yet reporters and editors continued to believe that their readers wanted a newspaper because they wanted the investigative reporting and on-the-ground coverage of major news events that a major daily newspaper provided. Andy observed that these new competitors “steadily pulled away paid subscribers and advertisers, and as hard as the Post worked at reducing costs through buyouts and layoffs, it was never enough.”

The Post, he observed, “kept winning Pulitzers, [and] kept delivering the kind of reporting that our democracy needs to function effectively. It did the right thing, but a changed market punished it.”

He continued:

“Just because you’re doing things the right way; just because you’re doing exactly what your students, your alumni, your faculty and your university are asking you to do; just because society needs you to do what you are doing, does not mean you will survive. It’s not a moral issue. It’s an economic one. Do you have a value proposition that is strong enough to survive in the marketplace? You won’t get any passes because the economy is down, or the legal profession is struggling, or your accreditor won’t let you do what you want. Or because you love the people you work with, and want to protect them.”

I accept Andy Rosen’s critique. I try to think about Sweet Briar as neither a pessimist not an optimist about legal education. Rather I try to process what happened there, what is happening in the market for news, and in other businesses and undertakings, as a legal education realist. Matt Reed, a blogger at Inside Higher Education, titled a post about Sweet Briar, “Gradually, and Then All at Once,” a reference to Ernest Hemingway’s description of going bankrupt in The Sun Also Rises. Sweet Briar had resources to turn to, for a while. But then, in that light bulb moment, the President and the Board realized that these resources, eroding over time, were not enough to sustain the trend lines the school was facing.

To be fair, it wasn’t a sudden realization. The leadership of the institution had been exploring options. Could it reinvent itself as a different sort of institution? What about a merger? What about further restructuring, new programs, program eliminations, and the like? What about further fund-raising from the college’s graduates and friends who would surely rise to the occasion if they understand how dire the situation had become? [Does any of this sound familiar?]

At the end of the day, the leadership concluded that there were no good and realistic options. The right thing to do, they concluded was to exit higher education with honor and integrity,
with time to conclude operations “in an orderly, compassionate, and ethical way that pays homage to those who are [at the College] today and to those who came before us.”

What can we take from what the market is telling us about the value proposition for legal education? What do we understand our responsibilities to society to be? Doing more of the same exceedingly well may not be good enough, in which case we let down ourselves, our colleagues, our institutions, and the public we exist to serve.

Andy Rosen concluded his remarks to the deans with this:

“Frankly, I’m not sure how people run companies, nonprofits and government agencies nowadays without some legal education. America hasn’t become a nation less focused on law. The nation doesn’t need fewer people understanding the law; we need more. But they may not all need a J.D., or their J.D.’s may not need to look like the ones you’re offering now. While some things that lawyers used to do are being disrupted by technology and offshoring, the need to oversee those functions and to comply with an increasingly complex legal environment keeps getting more important.”

I see some lessons for legal education and for law schools from Sweet Briar. Andy Rosen is right to say to us that there are opportunities to seize and responsibilities to accept. Being, I hope, a legal education realist, what I take from Sweet Briar is that there is no time to waste. Many outcomes are possible for each law school and for the broader legal education community. I trust that we will all agree that the “gradually, but all at once” scenario is not one of them.
Section Spotlight: Revisiting the Value of Your Membership

Erin Ruehrwein
Section Director

It’s an exciting time to be a member of the Section of Legal Education & Admissions to the Bar as the landscape of legal education continues to evolve. While a very large and vital part of our work concentrates on the accreditation and standards review processes, we are also eager to grow our foundation of valuable publications, networking opportunities, and programming, in an effort to better serve and support you, our members, and the important work of those involved in legal education.

As many of you know, sections play an integral role within the ABA as they offer a “home” for members based on areas of interest, specific areas of law, and career stages. A section creates a sense of community by bringing together legal professionals from all over the country, while providing valuable opportunities to learn, network, serve, lead, and present, to name a few. It is the mission of the Section of Legal Education and Admissions to the Bar to be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions. I look forward to working with our members and staff as we fulfill our mission by enriching and expanding the member benefits we deliver to ensure your member experience is a worthwhile one.

With nearly 12,000 members, the Section produces a number of relevant publications to keep you informed on legal education issues and Section activities. For starters, this quarterly newsletter, Syllabus, is an excellent resource that keeps you up-to-date on topics such as law school accreditation and Standards updates, law school enrollment statistics, Section conferences and workshops, new publications, and more. In addition, the Section’s Annual Report provides a comprehensive overview of the Section’s activities and accomplishments of the past year, including site visit information. The Section also publishes an array of books, which are discounted for Section members, on topics ranging from legal writing programs, to building a high-tech law school and best practices for adjunct faculty.

An essential benefit of Section membership is the opportunity to network. The Section provides a unique platform for law school faculty, law students and all those with an interest in legal education to
connect at various ABA and Section meetings and conferences, as well as through our valuable listserv discussion groups.

The Section presents opportunities to learn, collaborate and network at our conferences and workshops, which include the annual Deans and New Deans Workshops. We also meet during the ABA Annual Meeting, which is in Chicago this year. I hope you will join us at our Kutak Award Reception and Annual Business Meeting. We will also co-sponsor a program focusing on debt counseling with the Law Student Division during the Annual Meeting. In other exciting news, the Section is currently in the planning stages to present our always popular and engaging Law School Development and Associate Deans conferences in the summer of 2016. Please watch for more information on these great events as details become available.

And let’s not forget the myriad of resources you can find on our website. From a listing of ABA-approved law schools, to student loan repayment and forgiveness resources, and important legal education statistics and reports, we provide you with the everyday information you need.

I encourage you to re-visit our website to make sure you are taking advantage of the many benefits that your Section membership provides. If you are looking for new ways to become involved with the Section, perhaps you’re interested in our publications programs, speaking opportunities, or would like to share how we can better serve you and the legal education community, please contact me at Erin.Ruehrwein@americanbar.org. I welcome your comments and suggestions and look forward to the year ahead.
Council Approves Proposed Revisions to ABA Standards and Rules for Notice and Comment

At its meeting held on March 13-14, 2015, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment the following proposed revisions to the ABA Standards and Rules of Procedure for Approval of Law Schools:

- Definition (17) and Standard 106
- Standard 304
- Standard 311(a) and Interpretation 311-1
- Standard 311(f) and Standard 308(a)
- Standard 505(b)
- Rule 27 and Rule 28
- Rule 29
- Rule 30

The proposed revisions and accompanying explanations 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. Written comments should be submitted no later than Friday, April 24, 2015.

A hearing on these proposed changes is scheduled for Thursday, April 30, 2015, from 3 to 5 p.m. at the American Bar Association, 321 N. Clark Street, Chicago.

Please address written comments on the proposals and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org, by Friday, April 24, 2015.
Information reported by ABA-approved law schools in their annual Standard 509 Information Reports is now publicly available in online spreadsheets that enable easy searching, sorting, school-by-school comparisons and analysis. The spreadsheets significantly improve the accessibility of information for prospective law students, pre-law advisors, media outlets, and others who study and write about legal education.

The spreadsheets are divided into 11 categories:

- The Basics
- Tuition, Fees, and Living Expenses
- Conditional Scholarships
- Enrollment and Ethnicity
- GPA and LSAT Scores
- Grants and Scholarships
- Curriculum
- JD Attrition
- Transfers In
- Faculty and Administration
- Bar Passage Rates
Standard 509 of the ABA Standards and Rules of Procedure for Approval of Law Schools requires law schools to annually disclose data in 11 categories, covering admissions, tuition and living costs, financial aid, class and faculty demographics, employment outcomes, bar passage and other areas. Law Schools are required to post their Standard 509 information reports on their websites.

The new spreadsheets cover the years 2011-2014. To access the spreadsheets, explanatory information, and the Section’s database of Standard 509 reports, visit www.abarequireddisclosures.org.

Published in conjunction with the National Conference of Bar Examiners, the Comprehensive Guide sets out the rules and practices of all U.S. jurisdictions for admission to the bar and on motion. It also includes a directory of state bar admission agencies. The Guide is available for purchase in the ABA webstore or as a free download.
ABA Leisure is created for you to:

- **CONNECT**: Network while engaging in the leisure activities you enjoy.
- **UNWIND**: Relax while participating in activities designed around your interests.
- **DISCOVER**: Enhance your life with new leisure and educational experiences.

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Section Headquarters Hotel
The Westin Chicago River North
320 N. Dearborn
Chicago, Illinois
312.744.1900

Preliminary Section Schedule

Thursday, July 30
Council Meeting
Chair’s Dinner

Friday, July 31
Council Meeting
Kutak Award Reception

Saturday, August 1
Deans Breakfast
Annual Section Business Meeting

Sunday, August 2
Legal Education/Law Student Division Program
Chicago Marriott Downtown Magnificent Mile
9:00-10:30 a.m.

Details will be posted on the Section’s website as they become available.

Register for the 2015 ABA Annual Meeting.
Join a Section Discussion Group

Open to members of ABA-approved law schools, the Section’s complimentary discussion listservs provide valuable opportunities to engage with your peers and others who share your professional interests. Learn about new developments in your specific area of interest while connecting with and learning from others who face similar day-to-day challenges.

LEAP-ABAQUESTIONNAIRE: For users of the ABA Annual Questionnaires

LEAP-ADJUNCTFACULTY: For adjunct faculty at ABA-approved law schools

LEAP-ASSOCIATE-DEANS: For associate and assistant deans at ABA-approved law schools

LEAP-CAREER-SERVICES: For users of the ABA annual Questionnaires and Employment Data

LEAP-DEANOFSTUDENTS: For deans of students at ABA-approved law schools.

To subscribe to a discussion group, log on to http://apps.americanbar.org/elistserv/home.cfm. You will be asked to provide your ABA username and password. If you do not have an ABA profile, you have the option to create one. Once you are logged in, you can select the discussion group to which you wish to subscribe.

Archives

To access the archives of groups to which you are subscribed, go to http://mail.abanet.org/scripts/wa.exe?INDEX

Locate the search field below and type in the list name you want to access:
If you have not already used this feature, you will be asked to login and provide a password to proceed and view the archived messages in the discussion group. Remember to login using the email address that is subscribed to the list.

For technical support contact Harold Bradford at Harold.bradford@americanbar.org.
Law School Dean Appointments

The Section has been advised of the following new dean appointments:

Albany Law School
Alicia Ouellette (July 1, 2015)

University of Buffalo Law School
Interim Dean James Gardner (December 2014)

University of Cincinnati College of Law
Jennifer S. Bard (July 2015)

Columbia University School of Law
Gillian Lester (January 1, 2015)

Creighton University School of Law
Paul McGreal (July 1, 2015)

Fordham University School of Law
Matthew Diller (Summer 2015)

University of Georgia School of Law
Peter Rutledge (January 1, 2015)

Liberty University School of Law
Interim Dean Rena Lindevaedsen

University of Maine School of Law
Danielle Conway (July 1, 2015)

University of Montana School of Law
Paul Kirgis (July 1, 2015)

University of Pennsylvania Law School
Theodore Ruger (July 1, 2015)

University of Southern California Gould School of Law
Andrew T. Guzman (July 1, 2015)

University of Tennessee College of Law
Melanie Wilson (July 1, 2015)

The University of Tulsa College of Law
Lyn Entzeroth (July 1, 2015)
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 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.
Plan to Attend a Section Workshop or Conference

New Deans Seminar
June 9-11, 2015
Chicago, Illinois

Site Evaluation Questionnaire Workshop
July 16, 2015
Chicago, Illinois

Annual Questionnaire Workshop
July 17, 2015
Chicago, Illinois

Law School Development Conference
Summer 2016
We are pleased to announce the return of the Law School Development Conference in 2016. Check the Section’s website for important updates as we finalize the date and location for this premier conference that presents a valuable opportunity to learn about the current law school development landscape while networking with your colleagues and other law school development professionals.
Third Party Comments Invited for Law Schools Undergoing Accreditation Site Visits in Fall 2015

Consistent with Internal Operating Procedure 3(a), written comments related to current compliance with the Standards for 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 by August 15, 2015.

Law schools undergoing accreditation site visits in Fall 2015 are:

- Ave Maria School of Law (Sabbatical)
- Belmont University College of Law (Application for Full Approval)
- Campbell University Norman Adrian Wiggins School of Law (Sabbatical)
- Case Western Reserve University Franklin T. Backus School of Law (Sabbatical)
- University of Colorado Law School (Sabbatical)
- Hamline University School of Law (Sabbatical)
- Inter American University of Puerto Rico School of Law (Sabbatical)
- University of La Verne College of Law (Provisional)
- Lewis & Clark Law School (Sabbatical)
- University of North Texas College of Law (Application for Provisional Approval)
- University of Oklahoma College of Law (Sabbatical)
- Seton Hall University School of Law (Sabbatical)
- University of St. Thomas School of Law (Sabbatical)
- University of South Carolina School of Law (Sabbatical)
- Stetson University College of Law (Sabbatical)
- Tulane University Law School (Sabbatical)
- Washington and Lee 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.