

ABA

ACCREDITED

Schools

#12



# AMERICAN BAR ASSOCIATION

SECTION OF LEGAL  
EDUCATION AND  
ADMISSIONS TO  
THE BAR

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March 14, 1980

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Bart Rozell, President-Elect  
Alaska Bar Association  
311 Franklin Street  
Juneau, Alaska 99801

Dear Mr. Rozell:

This is in response to your request for information about law school accreditation by the American Bar Association.

A total of 45 jurisdictions (43 states plus the District of Columbia and Puerto Rico) require graduation from an ABA approved law school as a prerequisite for initial admission to the bar. For applicants who are lawyers in another jurisdiction, with at least five years' practice experience, the educational requirement is waived by 14 of these jurisdictions.

For all practical purposes, only California and Indiana are exceptions to the general rule. Graduation from an ABA approved law school makes a person eligible to take the bar examination in both California and Indiana. However, California has its own separate accreditation process, and the Indiana rule is that a person must graduate from a law school which is accredited in the state in which it is located.

Alabama limits bar admission to graduates of ABA approved law schools and graduates of three law schools located in Alabama. Delaware requires graduation from an ABA approved law school, except that graduates of the law schools of Oxford University or Cambridge University, England, are eligible as well. Michigan recognizes some Canadian law schools in addition to ABA approved law schools. New York actually limits admission to graduates of ABA approved law schools, but it is the Department of Education of New York which recognizes ABA approved law schools, and the court in turn recognizes the New York Department of Education's determination.

Bart Rozell, President-Elect  
Page Two  
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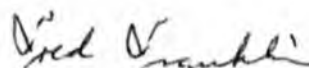
Tennessee limits bar admission to graduates of ABA approved law schools and one other, namely the Nashville YMCA law school. (Georgia and Mississippi recently amended their bar admission rules to join the list of states which limit initial bar admission to graduates of ABA approved law schools.)

We believe the ABA Standards are minimum standards, which a law school should reasonably be required to meet for the protection of the public. The ABA accreditation process has never been used to limit the number of law schools. This is evidenced by the fact that the number of ABA approved law schools has increased by 31 schools within the last ten years, from 138 to 169 schools.

Enclosed as you requested are two copies of a pamphlet containing the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. Also enclosed are two sets of the Interpretations thereto.

If you need any additional information, please let me know.

Sincerely,



Frederick R. Franklin

FRF:bsm  
7949D



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February 8, 1980

## MEMORANDUM 7980-31

**TO:** Deans of ABA Approved Law Schools  
**FROM:** James P. White, Consultant on Legal Education  
to the American Bar Association  
**SUBJECT:** Interpretations of the American Bar Association  
Standards and Rules of Procedure for Approval  
of Law Schools [Note: This Memorandum is an  
addendum to Memorandum 7879-11, dated  
September 25, 1978.]

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, at its December, 1979 meeting and February, 1980 meeting, considered recommendations for interpretations submitted by the Standards Review Committee and the Accreditation Committee. The following interpretations of the Standards for Approval of Law Schools by the American Bar Association were adopted by the Council:

### Standard 103:

103 In order to obtain or retain approval by the American Bar Association, a law school must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it is being operated in accordance with the Standards.

Interpretation: The intent of Standard 103, in part, is to put the obligation on the school to demonstrate that its program is consistent with sound educational policy and to establish that it is being operated in accordance with the Standards. Each law school, to retain approval, shall, in accordance with Rule III(1),

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furnish the Council with such information as is requested by the Council. The reinspection and annual questionnaires distributed by the Consultant on behalf of the Council provide the means through which each school demonstrates continuing compliance with the Standards. The annual questionnaire not only furnishes the Council with information regarding the status of each school, but, in meeting its concern with legal education as a whole, furnishes the Council with information regarding American law schools generally, so that the Council can determine the areas in which improvements are being made and the areas in which appropriate action should be taken and to provide the Council with information which reflects the norms of legal education. The annual questionnaire provides a uniform and regular method for the Council to meet its responsibilities, and, accordingly, each school shall furnish all the information requested on the annual questionnaire.

Standards 403 and 405:

- 403 The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members.
- (a) Students shall receive substantially all of the instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum, and a major proportion of their total instruction from full-time faculty members.
- (b) The proper use of qualified practicing lawyers and judges as part-time faculty members is an appropriate means of enriching the educational program.
- 405 The law school shall establish and maintain conditions adequate to attract and retain a competent faculty.
- (a) The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid

faculty members at a school seeking approval should be comparable with that paid faculty members at similar approved law schools in the same general geographical area.

(b) The law school shall afford faculty members reasonable opportunity for leaves of absence and for scholarly research.

(c) The law school shall afford faculty members reasonable secretarial and clerical assistance.

(d) The law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.

Interpretation:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board.

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December 10, 1979

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MEMORANDUM 7980-27

**TO:** Deans of ABA Approved Law Schools  
**FROM:** James P. White, Consultant on Legal Education  
to the American Bar Association  
**SUBJECT:** Revision of Rule III(4) of the Rules of  
Procedure for Approval of Law Schools by the  
American Bar Association

The Council of the Section of Legal Education and Admissions to the Bar, at its December 1, 1979 meeting, amended Rule III(4) of the Rules of Procedure for Approval of Law Schools by the American Bar Association as follows:

Rule III

(4) Written complaints from faculty or students at ABA approved schools are received by the Council of the Section of Legal Education and Admissions to the Bar. Upon receipt of a complaint, the Consultant on Legal Education to the American Bar Association acknowledges receipt of the complaint and makes a request for any additional information which is deemed necessary.

~~If evidence indicates conditions, practices, or actions in violation of the Standards for Approval of Law Schools, if a complaint alleges facts which warrant further investigation, the Chairperson of the Council or the Chairperson of the Accreditation Committee may appoint a~~

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Hearing Commission to visit the institution to obtain additional information and to report to the Council and its Accreditation Committee. The aggrieved party may also be given an opportunity to meet with the Hearing Commissioner or members of the Hearing Commission.

*Auditation* ~~Travel and associated actual expenses of inspectors and those involved in the hearing process authorized by the Consultant or the Committee or the Council are the obligation of the School.~~

The Council and its Accreditation Committee may then review the matter with notice to all concerned parties. If the Council finds that the school is in violation of the Standards, it may then take appropriate action under provisions of its Standards and Rules of Procedure for Approval of Law Schools for removal of the institution from the list of approved schools.

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February 7, 1979

MEMORANDUM 7879-33

**TO:** Deans of ABA Approved Law Schools  
**FROM:** James P. White, Consultant on Legal Education  
to the American Bar Association  
**SUBJECT:** Interpretations of the American Bar Association  
Standards and Rules of Procedure for Approval  
of Law Schools  
[Note: This Memorandum is an addendum to  
Memorandum 7879-11, September 25, 1978]

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, at its December, 1978 meeting, adopted the following as interpretations of the Standards for Approval of Law Schools by the American Bar Association:

Standard 205:

205 Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

Interpretation: The law faculty shall have a substantial degree of involvement in the process by which a law dean is selected, appointed, or (as to terms over one year) reappointed. The process should entail a joint effort by the law faculty and the university administration or governing board. Except in rare cases and for compelling reasons, a law dean shall not be appointed or reappointed over the objections of a majority of the law faculty.

(See Memorandum 7879-11, Pages 7-9, for additional interpretations of Standard 205.)

Standards 105 and 210:

- 105 An approved law school should seek to exceed the minimum requirements of the Standards.
- 210 Affiliation between a law school and a University is desirable, but is not required for approval. If the law school is affiliated with or a part of a University, the relationship shall serve to enhance the program of the law school. If the law school is an independent institution, it shall endeavor to secure the advantages that would normally result from being part of a University.
- (a) A University affiliation permits an educational program that extends beyond the traditional law school curriculum, the development of academic programs that involve other disciplines, and enables law students and faculty to enjoy the advantages of the University library and other facilities and to participate in the academic life of the University community.
- (b) If a law school is separate, either because it is unaffiliated with a University, or although affiliated, is so located as to be physically remote from the rest of the University, it should take appropriate measures to supply the advantages of University affiliation, for example, by providing a more extensive library, particularly on non-legal subjects, and by developing a working relationship with other institutions of higher learning in the community.
- (c) If the University's general policies relating to rank, advancement, tenure, and compensation do not provide adequately for the recruitment and retention of a qualified law faculty, separate policies should be established for the law school.

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MEMORANDUM 7879-33  
February 7, 1979

Interpretation: In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources.

(See Memorandum 7879-11, Pages 3-4 and 9-11, for additional interpretations of Standards 105 and 210.)

JPW/mss

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SECTION OF LEGAL EDUCATION AND ADMISSIONS  
AMERICAN BAR ASSOCIATION

September 25, 1978

### MEMORANDUM 7879-11

**TO:** Deans of ABA Approved Law Schools

**FROM:** James P. White, Consultant on Legal Education  
to the American Bar Association

**SUBJECT:** Interpretations of the American Bar Association  
Standards and Rules of Procedure for Approval  
of Law Schools  
[Note: Supersedes Memorandum 7778-27, dated  
February 1, 1978]

Many requests seeking information pertaining to interpretations of the American Bar Association Standards have been received by this, and other offices of the Section of Legal Education. We have tried to reply to these requests in a timely fashion. In this regard, this office has instigated the practice of compiling all interpretations so that they may be readily available to anyone who should desire this information. The following is a summary of the interpretations, and their author, which have been rendered regarding certain Standards. All interpretations contained in this memorandum have been reviewed by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

### Standards 102 and 103:

102 The American Bar Association believes that every candidate for admission to the bar should have graduated from a law school approved by the American Bar Association, that graduation from a law school should not alone confer the right of admission to the bar, and that every candidate for admission should be examined by public authority to determine his fitness for admission.

103 In order to obtain or retain approval by the American Bar Association, a law school must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it is being operated in accordance with the Standards.

Interpretation 1: Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. Charles D. Kelso, Chairman, July 3, 1974.

Interpretation 2: It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. Council, August, 1977.

Interpretation 3: It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. Accreditation Committee, July, 1977 and Council, August, 1977.

Standard 104(a):

104 (a) A law school will be granted provisional approval when it establishes that it substantially complies with the Standards and gives assurance that it will be in full compliance with the Standards within three years after receiving provisional approval.

Interpretation 1 of 104(a): A law school seeking provisional approval by the American Bar Association must furnish separate financial operating statements for the last three fiscal years. If the applicant institution is a private institution, the statements shall be certified. Council, August, 1977.

Interpretation 2 of 104(a): A law school seeking provisional approval by the ABA shall provide appropriate supporting documents detailing the actual cost of

all facilities used solely for the support of the law school.

If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for support of the law school. Council, August, 1977.

Interpretation 3 of 104(a): Substantial compliance means appropriate and substantial compliance with each of the Standards for Approval of Law Schools and further, that a law school gives assurance that it will be in full compliance within three years after receiving provisional approval. Council, June, 1978.

Interpretation 4 of 104(a): Plans for construction, financing, library improvement, salary increases and employment of faculty which are presented by a law school seeking provisional approval are not, in themselves, matters of substantial compliance with the Standards. Substantial compliance means substantial compliance at the time a law school seeks provisional approval and not future realization of existing plans. Council, June, 1978.

Standard 104(c):

104 (c) A law school that is provisionally approved may have this approval withdrawn if it is determined that it is not substantially complying with the Standards, or if more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval and the Council has not extended the time within which full approval must be obtained.

Interpretation: Provisional approval may be withdrawn if more than five years have elapsed since a law school was provisionally approved if the law school has not qualified for full approval by placing itself in full compliance with each and every Standard. Council, June, 1978.

Standard 105:

105 An approved school should seek to exceed the minimum requirements of the Standards.

Interpretation: A law school whose academic program does not meet its own stated goals and objectives does not comply with the Standards for Approval of Law Schools by the American Bar Association. Council, August, 1977.

Standards 201 and 209:

201 The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes.

209 The present and anticipated financial resources of the law school shall be adequate to sustain a sound educational program.

(a) If tuition is a substantial source of the law school's income, the school is faced with a potential 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 its program. The law school shall not permit financial considerations detrimentally to affect those policies and their administration.

(b) The law school may not base the compensation paid any person for service to the law school (other than compensation paid a student or associate for reading and correcting papers or similar activity) on the number of persons enrolled in the law school or in any class or on the number of persons applying for admission to or registering in the law school.

Interpretation: A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are

themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and

- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body together with substantial increases in student tuition.

Council, June, 1978.

Interpretation of 201: Although a particular law school may satisfy minimal Standards, failure of a law school to achieve its own stated goals and objectives may place the school in violation of the Standards.  
Council, August, 1977.

Standard 202:

202 The law school shall be organized as a non-profit educational institution and may not be operated for private profit.

Interpretation:

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February 12, 1977:

- (1) "That at this time no change or material modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended to the House of Delegates."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of June 30, 1979, it will accept an application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and gives assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval;

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association.

Council, June, 1977.

Standard 203:

203 The law school shall be governed by a Board whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of such an institution, and have no financial interest in the operation of the law school.

Interpretation: For some time, both members of the Accreditation Committee and representatives of law schools have expressed concern with regard to deans of free-standing law schools serving as a trustee of the law school. While the Standards do not prohibit the dean of a free-standing law school from serving as a trustee, I believe that substantial possibility of conflict of interest exists. The dean, as the chief executive officer of the institution, would, as a matter of course, always attend and participate in trustees' meetings. James P. White, Consultant, July 29, 1976.

Standards 204 and 205:

- 204 The Governing Board may establish general policies for the law school, provided they are consistent with a sound educational program and the Standards.
- 205 Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

Interpretation: The intent of Standards 204 and 205 is that the Governing Board of an educational institution establish policies and procedures for the institution but implementation of these policies and procedures is a matter for action by the dean and faculty of the law school. Thus, the Governing Board of the University additionally might and should develop a requirement for documentation as to the quality of teaching, scholarship, research and public service of a faculty member who is under consideration for promotion or the granting of tenure. The general university committee might undertake to examine the submission of the law school committee to determine that the submission was in a manner that insures that the law school has fully considered the matter, has complied with the Rules of Procedure and has fully documented its recommendation.

It is not appropriate for the general university committee to exercise an independent judgment with regard to the quality of scholarship, teaching or service of a particular faculty member upon which the law faculty makes a determination and recommendation as to a particular faculty member's status relating to promotion or the granting of tenure.

As I have observed, these Standards and their interpretations are long-standing and I believe carefully formulated. We would not presume to have a committee of law faculty pass on the merit or demerit of persons applying for promotion and the granting of tenure by a college of arts and sciences. Thus, it is not appropriate that such a committee pass on the merit or demerit of a recommendation of a law faculty member for promotion or the granting of tenure.

It is my opinion and the long-standing opinion of the Council and the Accreditation Committee of the Section of Legal Education and Admissions to the Bar that if a university committee exercises independent judgment as to the substantive performance of a law faculty member, then the action of that committee and the action of the university is in clear violation of Standard 205. Such action might, of course, place accreditation of the law school in some jeopardy. James P. White, Consultant, April 1, 1977.

Standard 205:

Standard 205 is previously cited above.

Interpretation 1: A law faculty as a professional faculty should not be required to be part of a general university bargaining unit. Council, July, 1975.

Interpretation 2: The intent of Standard 205 is that there be full communication between the dean and faculty that the dean and faculty together join in the establishment of general educational policies and the development of the School's educational goals and objectives. Accreditation Committee, July, 1977.

Interpretation 3: To facilitate the accomplishment of the objectives of the school, the dean and faculty must engage in and complete a self-study. This self-study, in its current form, is to be submitted by a school seeking provisional approval, by a provisionally approved law school having its annual inspection, and by a fully approved law school having a regular or special inspection. Council, June, 1978.

Interpretation 4: A university policy which permits review and overriding of decisions of the law faculty as to sanctions imposed upon law students found guilty of academic dishonesty appears to violate the intent of Standard 205. Accreditation Committee, July, 1978; Council, August, 1978.

Interpretation 5: Law faculty promotion and tenure decisions which are subject to review on their merit by a general university area advisory committee appear to violate Standard 205 and the Council's interpretation of that standard, permitting review of law school procedures, but prohibiting evaluation of qualifications for tenure and promotion review by non-law faculty committees. Accreditation Committee, July, 1978; Council, August, 1978.

Standards 205 and 206:

Standard 205 is previously cited above.

206 The dean and faculty of the law school shall have the opportunity to present their recommendations on budgetary matters before the budget for the law school is submitted to the Governing Board.

Interpretation: Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. Council, December, 1975.

Standard 209(a):

Standard 209(a) is previously cited above.

Interpretation: Where a law school has a present student body which is only marginally qualified for the study of law and where this student body is considered with the school's reported plans to increase the size of its student body, at a time when the number of applications for admission to law school is declining, provoke a serious concern with regard to Standard 209(a). Accreditation Committee, May, 1977; Council, June, 1977.

Interpretation of 201 and 209: A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. Accreditation Committee, May, 1978; Council, June, 1978.

Standard 210:

210 Affiliation between a law school and a University is desirable, but is not required for approval. If the law school is affiliated with or a part of a University, that relationship shall serve to enhance the program of the law school. If the law school is an independent institution, it shall endeavor to secure the advantages that would normally result from being part of a university.

(a) A University affiliation permits an educational program that extends beyond the traditional law school curriculum, the development of academic programs that involve other disciplines, and enables law students and faculty to enjoy the advantages of the University library and other facilities and to participate in the academic life of the University community.

(b) If a law school is separate, either because it is unaffiliated with a University, or although affiliated, is so located as to be physically remote from the rest of the University, it should take appropriate measures to supply the advantages of University affiliation, for example, by providing a more extensive library, particularly on non-legal subjects, and by developing a working relationship with other institutions of higher learning in the community.

(c) If the University's general policies relating to rank, advancement, tenure, and compensation do not provide adequately for the recruitment and retention of a qualified law faculty, separate policies should be established for the law school.

Interpretation: The intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts and property interests committed to the law school. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. Accreditation Committee, July, 1978; Council, August, 1978.

Interpretation of 210(c): University tenure and promotion policies which are dependent upon the fiscal stability of the parent university may inadequately

provide for the recruitment and retention of qualified law faculty as required by Standard 210(c). Accreditation Committee, November, 1977.

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. Council, June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. Accreditation Committee, May, 1978; Council, June, 1978.

Standard 211:

211 The law school shall maintain equality of opportunity in legal education without discrimination or segregation on the ground of race, color, religion, national origin, or sex.

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

(i) 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, or sex; or

(ii) an admissions qualification of the school that is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, or sex though not purporting to do so.

(b) The denial by a law school of employment to a qualified individual will be treated as made upon the ground of race, color, religion, national origin, or sex 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, or sex though not purporting to do so.

(c) Equality of opportunity in legal education includes equal opportunity to obtain employment. Each school should 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 principle of equal opportunity and will avoid objectionable practices such as

(i) refusing to hire or promote members of the groups protected by this policy because of the prejudices of clients or of professional or official associates;

(ii) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise;

(iii) maintaining a starting or promotional salary scale that is lower than is applied otherwise; and

(iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.

Interpretation: The Council has directed the Consultant on Legal Education to the American Bar Association to advise each approved law school that it is the opinion of the Council that, in those cases where a law firm (or lawyer professional corporation) holds out to prospective lawyer employees, expressly or by implication, the possibility or probability of eventual advancement in partnership (or equivalent status in a lawyer professional corporation) after a period of salaried employment, it is an improper practice for such law firm (or corporation) to discriminate in advancement of its employees to partnership (or such equivalent status) on ground of race, color, religion,

national origin, or sex. Council, June, 1976.

Standard 212:

212 The law school should provide adequate staff, space and resources, in view of the size and program of the school to maintain an active placement service to assist its graduates to make sound career choices.

Interpretation: The Council does affirm that it encourages the establishment and effective operation of placement programs in all approved law schools. Council, August, 1978.

Standard 301(a):

301 (a) The law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar.

Interpretation: Courses conducted specifically for improving student performance on bar examinations may be offered at law schools approved by the American Bar Association, but credit may not be given for courses conducted for this purpose. Council, August, 1977.

Standard 302:

302 (a) The law school shall offer:

(i) instruction in those subjects generally regarded as the core of the law school curriculum,

(ii) training in professional skills, such as counselling, the drafting of legal documents and materials and trial and appellate advocacy,

(iii) and shall provide and require for all student candidates for a professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Code of Professional Responsibility, are all covered. Each law school is encouraged to involve members of the bench and bar

in such instruction.

(b) The law school may not offer to its students, for academic credit or as a condition to graduation, instruction that is designed as a bar examination review course.

Interpretation 1 of 302(a)(ii): There is no ABA ruling that a student requesting enrollment in an advocacy course must be admitted to that course. The Standard in question states merely that the law school shall offer training in the professional skills. Frederick R. Franklin, Staff Director, June 14, 1974.

Interpretation 2 of 302(a)(ii): This section requires training in professional skills. To which of the many professional skills the curriculum will give special attention is left to the individual schools. Therefore, it is incorrect to say that this Standard requires an approved school to offer a course in Trial Practice. The only subject matter in which approved law schools must provide instruction is in professional responsibility. Council, August, 1975.

Interpretation of 302: The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. Council, August, 1978.

Standard 304:

304 (a) The law school shall maintain and adhere to sound standards of legal scholarship, including clearly defined standards for good standing, advancement, and graduation.

(b) The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, courses involving extensive written work such as moot court, practice court, legal writing and drafting, and seminars and individual research projects.

(c) A law school shall not, either by initial admission or subsequent retention, en-

roll or continue a person whose inability to do satisfactory work is sufficiently manifest that his continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.

Interpretation of 304(b): The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent of the Standard is to have a meaningful faculty assessment of the student's work product. James P. White, February 12, 1975.

Interpretation of 304(c): A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. Accreditation Committee, July, 1978; Council, August, 1978.

Standard 305:

305 (a) Subject to the qualifications and exceptions contained in this Chapter, the law school shall require, as a condition for graduation, the completion of a course of study in residence of not less than 1200 class hours, extending over a period of not less than ninety weeks for full-time students, or not less than one hundred and twenty weeks for part-time students.

(i) "In residence" means attendance at classes in the law school.

(ii) "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding ten percent of the total number of class session hours.

(iii) "Full-time student" means a student who devotes substantially all of his working hours to the study of law.

(b) To receive residence credit for an academic period, a full-time student must be enrolled in a schedule requiring a minimum of ten class hours a week and must receive credit for at least nine class hours and a part-time student must be enrolled in a schedule requiring a minimum of eight class hours a week and must receive credit for at least eight class hours. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in this subsection, he may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.

(c) Regular and punctual class attendance is necessary to satisfy residence and class hours requirements.

Interpretation: A law school must undertake to enforce appropriate rules in order to assure that full-time division students satisfy requirements for full-time study. Council, June, 1978.

Interpretation 1 of 305(a): In computing the weeks of residence study, the time devoted to class instruction and examination is counted. The period devoted to vacation and registration is not counted. If a school has fifteen weeks in each semester, then it meets the ABA requirement of at least 90 weeks for a three-year, full-time program. Millard H. Ruud, Consultant, November 6, 1973.

Interpretation 2 of 305(a): Time spent in regularly scheduled class sessions does not include the time allotted to reading periods. The Council resolution was that "reading periods"--a period of time usually designated prior to examinations during which no classes are scheduled and the student has "free time"--cannot be included within the required 1200 class hours as defined in Standard 305. Council, June, 1976.

Interpretation 3 of 305(a): Classes for full-time students should extend over not less than 90 weeks and classes for part-time students should extend over not less than 120 weeks; that a week as defined in 305(a) means a week in which classes are regularly scheduled to meet at least Monday through Friday; and that the 90 and 120 week requirements does not include time allotted for reading periods. Council, August, 1976.

Interpretation 1 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding 10 percent of the total number of class session hours and not including time allotted for reading periods and not exceeding one week of examinations.

Interpretation 2 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding 10 percent of the total number of class sessions, not exceeding one week, and not including time allotted for reading periods. Council, June, 1976.

Interpretation of 305(a)(iii): A student may not work in excess of 15 hours per week while attending a school on a full-time basis. These restrictions also apply during the summer in the same manner as they do during the normal year if the student is enrolled for summer session. James P. White, October 28, 1974; December 12, 1974. Council, February, 1975.

Interpretation of 305(a), (b) and (c): These Standards should be interpreted by the school in which a student is enrolled and not by the ABA when the Standard relates to a school's individual program. The reason for this is that it would not be proper for the ABA to intervene in the school's operation of its individual curriculum by making rulings directly to its students. James P. White, in responding on May 13, 1975, to a letter from a student at Catholic University Law School.

Interpretation of 305(b): The ABA has long-standing interpretations of the Standards that transfer credit may be given for work taken only at another ABA approved school. There is a pending proposal which would add a new section, 308, to the Standards, which would allow the transfer of credit from a prior foreign law school where the "admitting" school is satisfied that the quality of the educational program of the prior foreign law school is at least equal to that required for an approved school. James P. White, Consultant, November 5, 1975.

Interpretation of 305(a) and (b):

- (1) It is the interpretation of the Council of the Section of Legal Education and Admissions to the Bar that a "class hour" as stated in

Section 305 of the Standards for Approval of Law Schools is to be defined as a unit of class room instruction of 50 to 60 minutes in duration. An additional fraction of a class hour may only be computed in increments of 10 minutes or more. Examples of acceptable units of instruction are 50, 60, 70, 80, and 90 minutes in duration.

- (2) "The Council at its August 6, 1977 meeting also approved a 75 minute teaching unit (one and one-half 50 minute units) as an acceptable teaching unit for compliance with this aspect of 305. In all other instances a 5 minute increment would be counted to the lower ten, e.g., 55 minutes would be counted as 50 minutes, etc."
- (3) In addition, Section 305 mandates 750 minutes of class room instruction per semester credit or at least 500 minutes of class room instruction per quarter credit.
- (4) However, even if a school meets or exceeds the minimum number of class room minutes required by 305 the school still must meet the minimum week standard imposed by 305.
- (5) Thus, a school on the semester system must offer at least 750 minutes of class room instruction over a 15 week period per semester credit to meet 305. A school on the quarter system must offer at least 500 minutes of class room instruction over a 10 week period per quarter credit to meet 305.

Council, August, 1977.

Interpretation of 305(c): This Standard is very specific, which is indicative of the fact that the ABA considers the matter of class attendance to be of importance. "It is the interpretation of the American Bar Association that regular and punctual class attendance is an important part of the learning process." "This Standard is a very direct statement in regard to attendance." "The implementation of the rule is left to the good judgment of the various faculty and the administration of each law school." James P. White, Consultant, August 14, 1974, and October 30, 1975.

Standards 305 and 306:

Standard 305 is previously cited above.

306 If the law school has a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

(a) The residence and class hours credit allowed must be commensurate with the time and effort expended by and the educational benefits to the participating student.

(b) The studies or activities must be approved in advance, in accordance with the school's established procedures for curriculum approval and determination.

(c) Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty to insure that in its actual operation it is achieving its educational objectives and that the credit allowed therefore is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating student.

(d) At least 900 hours of the total time credited towards satisfying the "in residence" and "class hours" requirements of this Chapter shall be in actual attendance in regularly scheduled class sessions in the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.

Interpretation 1: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1200 hours of study, may be in studies or courses outside the law school and may be used to satisfy re-

quirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. Interpretation of Committee on Standards, February 1, 1974.

Interpretation 2: This Standard "requires that at least 900 hours (60 semester hours) must be in actual attendance in regularly scheduled class sessions in the law school. The remaining hours may be in studies or activities away from the law school provided such study or activity is conducted or periodically reviewed by a member of the faculty of the law school." Frederick R. Franklin, Staff Director, November 1, 1974.

Interpretation of 306(c): Lack of substantial supervision given by a law school faculty to law students working with practicing lawyers throughout a state does not conform with Standard 306(c). Accreditation Committee, November, 1977.

Standard 307:

307 Upon request, the Council may authorize a fully approved law school to establish a course of study leading to a degree other than the first professional law degree. Programs in addition to the first professional law degree may not detract from the law school's ability to maintain a sound educational program leading to that degree. A law school shall not undertake a program in addition to the first professional law degree unless the quality of its program leading to the first professional law degree exceeds the requirements of the Standards.

Interpretation: The Accreditation Committee and Council in denying previous applications with regard to the proposed establishment of an LL.M. program gave as reasons for the denial:

- (1) Inadequate full-time faculty sufficient to conduct the J.D. program of the School of Law.
- (2) Lack of sufficient full-time faculty to direct and conduct a full-time LL.M. program.

- (3) Lack of a fully adequate physical plant.
- (4) Lack of an adequate law library to support both a J.D. and LL.M. program.
- (5) A J.D. curriculum lacking sufficient diversity and richness in course offerings.

Accreditation Committee, August, 1977; Council, August, 1977.

Interpretation 2: The quality of the first-degree-in-law program of a law school must exceed the requirements of the Standards as required, in order for the law school to establish a graduate law program in compliance with Standard 307. Council, June, 1978.

Standard 308:

308 The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies

(i) either were "in residence" as provided in Section 305, or qualify for credit under Section 306, and

(ii) the content of the studies was such that credit therefor would have been allowed towards satisfaction of degree requirements at the admitting school, and

(iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

The maximum advanced standing and credit allowed may not exceed one-third of the total required by these Standards for the first professional degree.

Interpretation 1: Section 308 states the only circumstances under which an approved school may admit with advanced standing and allow credit for studies at a law school that is not on the list of law schools approved by the American Bar Association. Credit may not be allowed for studies at a law school in the United States that is not on the list of law schools approved by the American Bar Association. Credit may be allowed for studies at a law school in the United States that is

on the list of law schools approved by the American Bar Association in the discretion of the admitting school. Credit may be allowed for studies at a law school outside the United States only to the extent authorized by Section 308. Standards Committee, December, 1976; Council, February, 1977.

Interpretation 2: A candidate school for provisional approval may accept student transfer credit from an approved law school, but may not accept student transfer credit from unapproved law schools. Accreditation Committee, November, 1977; Council, December, 1977.

Standards 401-405:

- 401 The members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.
- 402 (a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs for its educational program, with due consideration for
- (i) the size of the student body and the opportunity for students to meet with and consult faculty members on an individual basis,
  - (ii) the nature and scope of the educational program, and
  - (iii) adequate opportunity for effective participation by the faculty in the governance of the law school.
- (b) A full-time faculty member is one who during the academic year devotes substantially all his working time to teaching and legal scholarship, has no outside office or business activities and whose outside professional activities, if any, are limited to those which relate to his major academic interests or enrich his capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with his responsibilities as a faculty member.

403 The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members.

(a) Students shall receive substantially all of their instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum, and a major proportion of their total instruction from full-time faculty members.

(b) The proper use of qualified practicing lawyers and judges as part-time faculty members is an appropriate means of enriching the educational program.

404 (a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, he shall not teach more than

(i) an average of eight scheduled class hours per week, counting repetitions during the same academic period as one-half for this purpose, or

(ii) an average of ten scheduled class hours per week, counting repetitions during the same academic period at full value.

(b) To the extent that a faculty member's teaching assignment is not limited to regularly scheduled class sessions over fixed periods of time, his total teaching responsibilities may not exceed a maximum comparable to that set forth in subsection (a).

(c) If the institutional responsibilities of a full-time faculty member include extensive participation in activities of the academic community, research, or public service, the maximum assignments permitted by this section shall be correspondingly adjusted.

405 The law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

- (a) The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid faculty members at a school seeking approval should be comparable with that paid faculty members at similar approved law schools in the same general geographical area.
- (b) The law school shall afford faculty members reasonable opportunity for leaves of absence and for scholarly research.
- (c) The law school shall afford faculty members reasonable secretarial and clerical assistance.
- (d) The law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.

#### Background and Discussion of Educational Effect

A. Background. A series of actions by the Accreditation Committee, over the period 1975-78, together with the Committee's analysis of statistics from the last decade of law school growth in the United States, indicate a deterioration in legal education of the values and academic opportunities which Standards 201 and 401-405 are designed to insure. It has become clear that ratios of students to full-time faculty have increased remarkably. Attention to this fact and to the educational effects of the size of the full-time law faculty has occupied increasing amounts of the Committee's time, and has increased its determination to become more rigorous.

Every approved school is required by Standard 105 and Rule III(3) to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

B. Educational Effect. Inquiry into the effect of the size of a full-time faculty takes into account every aspect of Standards 201 and 401-405 and should consider, among other effects, the following:

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

(2) Effect on Small-Group Classes. Legal educators have traditionally found special value in classes of fewer than 30 students each. The Committee has recently, and in several cases, required extensive documentation on size of classes in schools which are before it, in an effort to find out whether the average student spends a significant amount of class time in groups where collaborative teaching techniques (simulation, clinical work, close discussion) are possible, and there can be hope for personal relationships with teachers. In most cases, these small classes are in either specially-sectioned required or core courses or in elective courses, and, typically, they are taught by full-time faculty. The intellectual difference is that required or core courses are in basic subjects (contracts, torts, corporations) and electives are in the more specialized areas to which a maturing teacher tends to devote special interest (legal history, estate planning, business planning, juvenile law, mass communications law, products liability). There are two disadvantages in a program which does not seek this small-class effect:

(a) Faculty are denied the experience of teaching small groups of students, with the attendant rapport and personal growth which the small group provides for a teacher.

(b) Faculty are denied the intellectual experience of ordering and teaching a subject which is more complex and specialized than elementary law school instruction.

Both disadvantages have student-centered implications. Legal educators assume that a full-time, experienced teacher knows how to use the advantages of small groups and specialized subject matter. The result of the teacher's opportunity in these courses will be better and more innovative teaching methods, methods which benefit students in ways students do not benefit from larger classes.

The typical law student should spend a substantial part of his or her education in small classes taught by full-time teachers. Students who are denied this experience are denied one of the principal benefits which Standards 401-405 are meant to give them.

(3) Effect of Pervasive Large Classes. A normal effect of a favorable student/faculty ratio is that some elementary law courses are taught in small groups. The advantages to student and teacher are similar to those of small classes in elective courses, but the advantages are more pervasive since the basic-course small class reaches all students. It is therefore peculiarly important to give some play to small-group teaching methods in basic courses. Some law schools provide these advantages in elementary courses (first-year courses in contracts and torts, for example) by employing enough faculty to provide every student with one or more small-group classes. The learning effect beyond communication of information is almost certainly different in a class of 30 than in a class of 150. The psychological effect of learning in a group which is small enough to invite collaboration is one of the principal reasons law schools try to provide small classes. Classes of more than 50 students tend to be taught with impersonal methods (lecture, largely), and relatively structured syllabi.

(4) Effect on Student/Faculty Contact. The dominant model in law teaching is an academic model. The model of the academy assures personal contact between teachers and students. Standards 401-405 contemplate that a full-time teacher on a law faculty be able to spend time with each of his students in each of his courses. Heavy student-hour loads, and assignments which make significant student-teacher consultation difficult, tend to a law school climate in which only the

occasional student, or the exceptional student, seeks the benefit of personal conference with his teachers.

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three montns are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching in specialized areas in one's own field, or teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

(8) Effect on Examinations. Most law school programs tend to depend on stiff, end-of-course examinations. An inquiry into the adequacy of

the size of a full-time faculty should consider that it probably requires half an hour to grade a student in a three-hour course. This burden may become so great that a teacher is not likely to have time to reorganize, redraft, and, most importantly, re-think what is done in the preparation of an examination. An unreasonable grading burden on teachers is certain to accelerate entropy in the examination process. Teachers who are required to spend an unreasonable amount of time in grading cannot fail to reduce the attention they pay to teaching and scholarship.

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

#### Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time and full-time equivalent student body as a significant factor.

A. Statement and Effect of Ratio. Ratios are indicative and useful, but in no case are they a sufficient guide to compliance with Standards 201 and 401-405. Based on the Committee's recent experience:

(1) A ratio of 20:1 or less is favorable, but the Committee and Council should inquire into the effects of faculty size, to make certain that the size and duties of the full-time faculty meet Standards 201 and 401-405.

(2) A ratio of 30:1 or more is not favorable; the Committee and Council should require schools with unfavorable ratios to demonstrate that their programs meet Standards 201 and 401-405.

B. Computation of Ratio. For purposes of the foregoing, in computing student/faculty ratio, the Committee will consider as full-time only those teachers who are (a) employed as full-time teachers; and (b) do

not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are in a part-time program, as that is defined in Standard 305(a), as computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students. The Committee takes into account that teaching administrators and librarians, and part-time teachers, may provide strength to a school which has an adequate full-time faculty. Teaching contributions from these sources are taken into account in assessing each of the educational effects which are considered in the Discussion of Educational Effect above. Council, June, 1978.

Interpretation of 402: The historic interpretation of Standard 402 by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and its Accreditation Committee has been that the count of full-time faculty, under the provisions of Standard 402, does not include the dean, librarian, associate or assistant deans or other administrators holding academic appointment. The interpretation of Standard 402 by the Council and its Accreditation Committee continues to be that of not including the dean, librarian, associate or assistant deans or other administrators holding academic appointment, in any computation of full-time faculty, under the provisions of Standard 402. Council, August, 1976.

Interpretation 1 of 402(a): The intent of Standard 402(a) is that a single division law school in its first year of operation should have a minimum of six full-time faculty, in addition to a full-time dean and law librarian. A dual division law school or a law school offering instruction in more than one year must have additional full-time faculty in a satisfactory proportional ratio. Council and Accreditation Committee, August, 1976.

Interpretation 2 of 402(a): A law school having a f.t.e. student to full-time faculty ratio of 40:1, 39:1, or 38:1 is not in compliance with Standard 402(a) of the Standards for Approval of Law Schools by the American Bar Association. Council, June and August, 1977.

Interpretation 3 of 402(a): A law school needs experienced core faculty to fulfill the needs of its educational programs, to reduce teaching obligations and to provide reasonable opportunity for scholarly research and writing. Council, August, 1977.

Interpretation 4 of 402(a): A high student/faculty ratio and the consequent need for additional full-time faculty or the reduction of admissions are necessary to fulfill the requirements of the Standards and the needs of the law school's educational program. Accreditation Committee, November, 1977; Council, December, 1977.

Interpretation of 402(a)(iii): While the Standards for Approval of Law Schools by the American Bar Association do not specifically deal with the process of the selection and appointment of a dean, a long-established practice in law schools approved by the American Bar Association requires that the faculty have a substantial role in the process of the selection and appointment of a dean. Further, the practices of the American Bar Association mandate that a dean not be appointed over the objections of a majority of the faculty. While the legal authority for appointment of the dean and faculty rests with a university board of trustees, which acts upon the recommendations of the president of the institution, we believe it is the spirit and the intent of the Standards that no dean be appointed over the objection of a majority of the faculty. James P. White, March 28, 1977.

Interpretation 1 of 402(b): A full-time faculty member of an ABA approved law school who is teaching an additional full-time load at another ABA approved law school cannot be considered as full-time faculty for either institution. Council, February, 1977.

Interpretation 2 of 402(b): Faculty who are "of counsel" to a law firm may not be considered as full-time faculty within the definition of 402(b). Council, July, 1977.

Standard 403:

Standard 403 is previously cited above.

Interpretation: In the usual course of events, a prospective appointee as dean or a person serving as dean who has failed to acquire or has lost the confidence of the substantial majority of the faculty should not be appointed or have his appointment as dean continued. The appointment of a law school dean must be in both the spirit and the letter of ABA Standards and Regulations. Council, June, 1978.

Standard 405:

Standard 405 is previously cited above.

Interpretation 1: Any fixed limit on the percent of a law faculty that may hold tenure under any circumstances is in violation of the Standards, especially Standard 405. Resolution of the Council of the Section of Legal Education at Cleveland, Ohio, meeting in 1973.

Interpretation 2: Subsection (a) of Standard 405 must be read as one of the things to consider when determining whether the requirements of Section 405 "to establish and maintain conditions adequate to attract and retain a competent faculty" are met. The word "similar" does not exclude state supported schools, nor exclude national, as opposed to "regional" schools. James P. White.

Interpretation 3: The Council adopted the position in 1971 and reaffirmed it in July of 1975 that "a law faculty as a professional faculty should not be required to be a part of the general university bargaining unit." The Council further expressed the view that the inclusion of a law faculty in the general university bargaining unit would be inconsistent with the American Bar Association Standards for Approval of Law Schools. Council, July, 1975.

Interpretation 4: If law school merit salary raises are precluded and if "across-the-board" salary increases are limited to an amount substantially less than the annual increase in the cost of living a law school may not comply with Standard 405. Accreditation Committee; Council, August, 1977.

Interpretation 5: When faculty salaries are too low; there is an unfavorable f.t.e. student/full-time faculty ratio; there is no paid research assistant support for faculty research; and faculty tenure is limited by a percentage quota; the conditions with respect to the faculty do not conform to the requirements of Standard 405(a), (b) and (c). Accreditation Committee, May, 1978; Council, June, 1978.

Interpretation 6: Adequate research, travel, and secretarial support must be available to a faculty in order to enable it to develop academically and professionally. Accreditation Committee, May, 1978; Council, June, 1978.

Interpretation 7: A law school which appears to have no comprehensive system for evaluation for and granting of tenure is not in compliance with Standard 405. Council, August, 1978.

Interpretation 8: A university copyright policy which provides that the benefits of copyright accrue to the university and not to the individual faculty member may discourage and inhibit the production of scholarly material by the law faculty in violation of Standard 405. Accreditation Committee, July, 1978; Council, August, 1978.

Standard 502:

- 502 (a) The educational requirement for admission as a degree candidate is either a bachelor's degree from a qualified institution, or successful completion of three-fourths of the work acceptable for a bachelor's degree at a qualified institution. In the latter case, not more than ten percent of the credits necessary for admission may be in courses without substantial intellectual content, and the pre-legal average on all subjects undertaken and, in addition, on all courses with substantial intellectual content, whether passed or failed, must at least equal that required for graduation from the institution attended.
- (b) A qualified institution is one that is accredited or is a member of North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Secondary and Higher Schools, Western Association of Schools and Colleges, or the Department of Education of the State of New York.
- (c) In exceptional cases, applicants not possessing the educational requirements of subsection (a) may be admitted as degree candidates upon a clear showing of ability and aptitude for law study. The admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

Interpretation: The issue is whether a photocopied transcript which accompanies the Law School Data Assembly Service Report is sufficient, or must the applicant also obtain an original official transcript. An official transcript means a transcript certified by the issuing school to the admitting school or delivered to the admitting school in a sealed envelope with seal intact. Copies, supplied by LSDAS are not official transcripts

and while adequate for preliminary determination as to eligibility for admission do not constitute official transcripts. An official transcript should be on file at the time a student registers in the law school or within a reasonable time thereafter. Council, February 24, 1974.

Standard 505:

505 Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that he possesses the requisite ability and that his prior disqualification does not indicate a lack of capacity to complete his studies at the admitting school. In the case of an admission to another law school, this showing shall normally be made by letters from the dean or faculty of the school previously attended. A previously disqualified student may also be admitted when two or more years have elapsed since his disqualification and the nature of his work, activity, or studies during the interim indicate a stronger potential for law study. In each case the admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit or re-admit the applicant.

Interpretation: The two year period would begin on the date of determination that the student was disqualified for academic reasons. Any review, appeals or requests for reconsideration of that decision are in the nature of post-decision remedies.

Interpretation 2: Law school credit for work taken in pre-admission is not in violation of the Standards for Approval of Law Schools by the American Bar Association.

Students enrolled in special pre-admission programs may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion to the pre-admission program.

Students not selected to enroll in the next semester/quarter of the law school should not be considered as having suffered academic disqualification under Standard 505. Council, February, 1973.

Standard 601:

601 The law school shall maintain and administer a library adequate for its program.

(a) In order to inform applicants for accreditation of procedures and important facets of law library operations relating to adequacy, the Consultant may prepare appropriate memoranda.

(b) The Dean and the Law Librarian shall maintain a current written plan for implementation of law library support for the law school program as developed in its self-study.

Interpretation 1: Scantiness of a library collection, the nature of its arrangement, deficiencies in shelf and seating space, the relative physical isolation from students and faculty, the hours of operation, the low salary levels of current library staff, the minimal size of the staff and a totally inadequate library budget violates Standard 601. Accreditation Committee, November, 1977; Council, December, 1977.

Interpretation 2: A weakness of a law library collection must be addressed with the degree of financial support commensurate with the need, as required by Standard 601. Accreditation Committee, May, 1978; Council, June, 1978.

Standard 604:

604 The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school's teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school. The law school library shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school.

(a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selec-

tion of acquisitions, arrangement of materials and provision of reader services.

(b) The budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget.

(c) The selection and retention of the law librarian shall be by the dean and faculty of the law school.

Interpretation 1: The intent of this Standard is to recognize that substantial operating autonomy rests with the dean and faculty of a school of law with regard to the operation of the law school library. The accreditation standards do not preclude administration of the law library as part of the university library system. Rather, the Standards require that decisions with regard to the law library be enlightened by the interests and demands of the law school educational program and not simply made on the basis of rules governing uniform administration of the university library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, law librarian, and faculty are responsible for the determination of basic law library policies.

Interpretation 2: Inefficiencies created by centralized university library supervision of the law school library may place a law school in violation of Standard 604. Accreditation Committee, May, 1978; Council, June, 1978.

Interpretation 3: A law school in which the dean of the law school and the law librarian are not granted adequate administrative autonomy from the university library system, particularly with respect to budgeting, salaries, acquisitions and the employment of library personnel is in violation of Standard 604. Council, August, 1978.

Interpretation 4: A law library must have adequate staffing and physical housing of all of the collection of the library to permit its continued development and conformity with Standard 604. Accreditation Committee, July, 1978; Council, August, 1978.

Standard 701:

701 The law school shall have a physical plant that is adequate both for its current pro-

gram and for such growth in enrollment or program as should be anticipated in the immediate future.

Interpretation 1: Full approval will not be considered by the Council or its Accreditation Committee until a law school is conducting its operations in permanent and adequate facilities. The Accreditation Committee will not act on plans presented for building construction or if construction or remodeling is in process. This Standard does not contemplate leased or rented facilities for permanent facilities owned by the law school or its parent educational institution. This Standard requires that the adequate physical facilities must be completed and occupied before a law school can be granted full approval. Accreditation Committee, May 15, 1977, July, 1977; Council, August, 1977.

Interpretation 2: If satisfactory steps are not taken by an approved law school to correct the inadequacies of an existing physical plant, then the law school is not in compliance with Standard 701 and a proceeding for removal of approval should be begun. Council, August, 1977.

Interpretation 3: Where the issue of physical facilities has been before the Accreditation Committee and Council for more than two years, without progress toward compliance, a law school is not making appropriate progress toward meeting Standard 701 and may be grounds for removal of accreditation. Council, June, 1978.

Standard 703:

703 Each full-time member of the faculty shall have a private office. In addition, suitable office space shall be provided for the use of part-time faculty members.

Interpretation: An approved law school must provide appropriate office space for use of its part-time faculty. Council, August, 1976.

Standard 801:

801 Consistent with the Standards, the Council shall have authority to:

- (i) interpret the Standards,
- (ii) adopt rules implementing the Standards,

(iii) adopt procedural rules for the initial application by and approval of law schools and for the review and reinspection of approved schools, provided that until procedural rules are so adopted, the procedural rules in effect on the adoption of the Standards apply, and

(iv) amend any rules from time to time.

All interpretations and rules shall be published and shall be available to all interested persons.

Interpretation of 801(iii): Routine reinspection of fully approved law schools shall be held in the academic year in which they were scheduled. The Consultant may, in his discretion, postpone a routine reinspection of a fully approved law school until the next academic year if the law school will occupy new physical facilities during the coming academic year. Accreditation Committee, July, 1977; Council, August, 1977.

Standard 901:

901 (a) These Standards become effective upon their adoption by the House of Delegates. The Standards for Legal Education and the Factors Bearing on the Approval of Law Schools by the American Bar Association, heretofore in effect, are repealed.

(b) For a period of two years after these Standards become effective a law school that was provisionally or fully approved at the time these Standards became effective will not have its approval withdrawn if it either continues to be in compliance with the Standards heretofore in effect or complies with these Standards.

(c) Two years after these Standards become effective, all approved law schools must comply with them.

(d) After these Standards become effective, an unapproved law school will not be granted provisional approval and a provisionally approved law school will not be granted full approval unless it complies with these Standards.

Interpretation: In an action by the Committee on Standards, which was adopted by the Council of the Section of Legal Education and Admissions to the Bar on August 13, 1974, the following interpretation was proposed:

"Schools that were approved at the time the Standards were adopted are allowed until the start of the academic year commencing after February 1, 1975, to comply with the new Standards."

Therefore, Standard 901(b) and, by implication, Standard 901(c) are interpreted to provide that the two year period should not run from February, 1973 to February, 1975, but that schools should be required to be in compliance commencing with the start of the first academic year commencing after February 1, 1975, in other words, after the 1975-76 academic year. Committee on Standards.

Standard 902:

902 (a) The power to approve an amendment of the Standards is vested in the House of Delegates, but the House of Delegates will not act on any amendment until the Council, the Section, and the Board of Governors has been given a reasonable opportunity to consider the proposed amendment and report thereon to the House of Delegates.

(b) A member of the Section of Legal Education and Admissions to the Bar may propose an amendment of these Standards by submitting the proposed amendment and a statement of its purposes to the Secretary of the Section, who shall transmit the proposed amendment and the statement of purposes to the members of the Council. The Council shall consider such a proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. By majority vote the Council shall submit to the Section at the annual meeting such proposed amendments of the Standards as it deems appropriate. If an amendment proposed by a member as described above is not submitted favorably by the Council to the Section, the amendment shall be submitted to the Section at the next following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary

at least 30 days prior to the annual meeting at which the amendment is to be submitted to the Section. The Section may consider only those amendments of the Standards that are submitted to it by the procedures described above. If a majority of the members of the Section present at an annual meeting and voting approve, the amendment is adopted. The amendment becomes effective when it is approved by the House of Delegates after a report by the Board of Governors.

Interpretation: Standard 902(a) now provides that the House will not consider an amendment to the Standards until the Council of the Section of Legal Education and Admissions to the Bar, the Section of Legal Education and Admissions to the Bar, and the Board of Governors have been given a reasonable opportunity to consider any proposed amendment. In compliance with this change, the Consultant will notify deans of ABA approved law schools and other appropriate parties of any proposed changes in the ABA Standards in order to permit comment on any proposed change. The Council will then make a recommendation, based upon such comments, to the Board of Governors of the American Bar Association. James P. White, Consultant, September 16, 1975.

JPW/cs

# APPROVAL OF LAW SCHOOLS

American Bar Association  
Standards and Rules of Procedure

As Amended — 1979



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# FOREWORD

From its inception the American Bar Association has been devoted to the improvement of the legal profession through the improvement of the pre-legal and legal education of those who apply for admission to the Bar.<sup>1</sup> This objective is clearly stated in the By-laws of the Section of Legal Education and Admissions to the Bar<sup>2</sup> of the American Bar Association:

Article 1—Section 3. Purposes. The purposes of the Section shall be to consider, discuss, recommend to the Association, and effectuate measures for the improvement of the systems of pre-legal and legal education in the United States; methods for inculcating in law students the sincere regard for the ethics and morals of the profession necessary to its high calling; and means for the establishment and maintenance in the several states of adequate and proper standards of general education, legal training, and moral character of applicants for admission to the Bar, including the manner of testing their qualifications.

The By laws of the Section of Legal Education and Admissions to the Bar, in Article 1, Section 4, empower the Section, through its Council, subject to the approval of the House of Delegates:

(b) To recommend to the House of Delegates uniform standards and requirements to be met by

1. See, HARNO, LEGAL EDUCATION IN THE UNITED STATES (1953); Sullivan, *The Professional Associations and Legal Education*, 4 JOURNAL OF LEGAL EDUCATION 401 (1952).

2. As approved by the House of Delegates of the ABA, Feb. 1961.

law schools for approval, or retention of approval, either provisional or full, by the Association;

(c) To establish procedures and requirements to be met and observed by law schools in obtaining and retaining the approval of the Association; to receive and process applications of law schools for approval; and to make recommendations thereon to the House of Delegates;

(d) To prescribe procedures for changing the status of a law school from provisional to full approval, or from full to provisional approval, or for withdrawal of either provisional or full approval from law schools;

(e) To establish conditions and procedures for the inspection and re-inspection of the approved law schools, with power in the Council to make the same at the expense of the school or schools in question;

(f) To observe and determine the adherence of the approved law schools to the Standards for Legal Education of the Association, and, after investigation and hearing, and upon a finding of non-adherence in a given school, to recommend to the House of Delegates a change in the approval status of said law school.

All of the standards, requirements and procedures recommended by the Section and approved by the House of Delegates are printed and distributed to law schools, universities, libraries, boards of bar examiners, professional groups or associations, and others concerned with legal education.

Pursuant to these objectives and powers, the Section of Legal Education and Admissions to the Bar prepared the following Standards and Rules of Procedure for the Approval of Law Schools. A first draft was distributed for comment on December 8, 1971, to the chief appellate judge of each state, the bar examiners of all jurisdictions, the deans of all ABA approved law schools, and the members of the Section. In addition, the deans of over 100 law schools

discussed the draft at a meeting with the Section Council and the drafting committee held February 4, 1972. A second draft was prepared and circulated on April 10, 1972. Hearings were held in San Francisco on May 6, and in Chicago on May 13, 1972. Nearly 100 practitioners, judges, teachers and deans participated in the hearings. Thereafter, a final draft was prepared and adopted by the Section at its annual meeting on August 15, 1972. The House of Delegates approved and adopted the Standards and Rules of Procedure on February 12, 1973.

The Standards recognize the diversity in quality legal education and represent an important step in advancing the cause of quality legal education and the American Bar Association's concern therefor.

The Rules of Procedure were prepared to implement the Standards and also were drafted to conform to the Criteria for Nationally Recognized Accrediting Agencies and Associations promulgated by the Office of Education, Department of Health, Education and Welfare.

The Standards were amended by House of Delegates in August, 1974 [Standard 302 (a)(iii)], in August, 1975 [Standard 902 (a)], in August, 1976 [addition of Standard 308], in February, 1977 [Standards 601, 602, 603, 604, 605, 704 and 705], in August, 1978 [addition of Standard 212] and in August, 1979 [style changes to remove references to male gender and amendments to Standards 105, 303(a) and 308]. The Rules of Procedure were rewritten and so adopted in February, 1975, with further amendments adopted from time to time thereafter. This pamphlet contains all amendments through August, 1979.

# GENERAL PURPOSES AND PROCEDURES: DEFINITIONS

- 101 The American Bar Association is vitally and actively interested in ways and means of bringing about the improvement of the legal profession. These Standards for the Approval of Law Schools by the American Bar Association are promulgated in pursuance of that objective.
- 102 The American Bar Association believes that every candidate for admission to the bar should have graduated from a law school approved by the American Bar Association, that graduation from a law school should not alone confer the right of admission to the bar, and that every candidate for admission should be examined by public authority to determine fitness for admission.
- 103 In order to obtain or retain approval by the American Bar Association, a law school must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it is being operated in accordance with the Standards.
- 104 The authority to grant and to withdraw approval is vested in the House of Delegates.
- (a) A law school will be granted provisional approval when it establishes that it substantially complies with the Standards and gives assurance that it will be in full compliance with the Standards within three years after receiving provisional approval.
- (b) A law school will be granted full approval when it establishes that it is in full compliance with the Standards and it has been provisionally approved for at least two years.

(c) A law school that is provisionally approved may have this approval withdrawn if it is determined that it is not substantially complying with the Standards, or if more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval and the Council has not extended the time within which full approval must be obtained.

(d) If it is determined that an approved school is no longer complying with the Standards its approval may be withdrawn. However, if the school gives assurance that the deficiencies will be corrected within a reasonable time, as fixed by the Council, the school may remain an approved school.

(e) The students at provisionally approved law schools and persons who graduate while a school is provisionally approved are entitled to the same recognition accorded to students and graduates of fully approved law schools.

(f) A person who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefor, shall be deemed a graduate of an approved school, even though the school's approval was withdrawn while that person was enrolled therein.

105 An approved school shall seek to exceed the minimum requirements of the Standards.

106 As used in the Standards:

(a) "House" or "House of Delegates" means the House of Delegates of the American Bar Association.

(b) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.

(c) "Council" means the Council of the Section.

(d) "First professional law degree" means the degree granted by the law school upon the satisfactory completion of an educational program that meets the requirements of Chapter III.

(e) "Governing Board" means the Board of Trustees or comparable body having the ultimate policymaking authority for the law school or the university of which it is a part.

# ORGANIZATION AND ADMINISTRATION

- 201 The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes.
- 202 The law school shall be organized as a non-profit educational institution and may not be operated for private profit.
- 203 The law school shall be governed by a Board whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of such an institution, and have no financial interest in the operation of the law school.
- 204 The Governing Board may establish general policies for the law school, provided they are consistent with a sound educational program and the Standards.
- 205 Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.
- 206 The dean and faculty of the law school shall have the opportunity to present their recommendations on budgetary matters before the budget for the law school is submitted to the Governing Board.
- 207 The allocation of authority between the dean and the faculty is a matter for determination by each institution.

208 The law school may involve a Committee of Visitors or current students, or both, in a participatory or advisory capacity. The dean and faculty shall retain control over matters that are entrusted to them under the Standards.

209 The present and anticipated financial resources of the law school shall be adequate to sustain a sound educational program.

(a) If tuition is a substantial source of the law school's income, the school is faced with a potential 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 its program. The law school shall not permit financial considerations detrimentally to affect those policies and their administration.

(b) The law school may not base the compensation paid any person for service to the law school (other than compensation paid a student or associate for reading and correcting papers or similar activity) on the number of persons enrolled in the law school or in any class or on the number of persons applying for admission to or registering in the law school.

210 Affiliation between a law school and a University is desirable, but is not required for approval. If the law school is affiliated with or a part of a University, that relationship shall serve to enhance the program of the law school. If the law school is an independent institution, it shall endeavor to secure the advantages that would normally result from being part of a University.

(a) A University affiliation permits an educational program that extends beyond the traditional law school curriculum, the development of academic programs that involve other disciplines, and enables law students and faculty to enjoy the advantages of the University library and other facilities and to participate in the academic life of the University community.

(b) If a law school is separate, either because it is unaffiliated with a University, or although affiliated, is so located as to be physically remote from the rest of the University, it should take appropriate measures to supply the advantages of University affiliation, for example, by providing a more extensive library, particularly on non-legal subjects, and by developing a working relationship with other institutions of higher learning in the community.

(c) If the University's general policies relating to rank, advancement, tenure, and compensation do not provide adequately for the recruitment and retention of a qualified law faculty, separate policies should be established for the law school.

211

The law school shall maintain equality of opportunity in legal education without discrimination or segregation on the ground of race, color, religion, national origin, or sex.

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

(i) 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, or sex; or

(ii) an admissions qualification of the school that is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, or sex though not purporting to do so.

(b) The denial by a law school of employment to a qualified individual will be treated as made upon the ground of race, color, religion, national origin, or sex 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, or sex though not purporting to do so.

(c) Equality of opportunity in legal education includes equal opportunity to obtain employment.

Each school should 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 principle of equal opportunity and will avoid objectionable practices such as

(i) refusing to hire or promote members of the groups protected by this policy because of the prejudices of clients or of professional or official associates;

(ii) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise;

(iii) maintaining a starting or promotional salary scale as to such individuals that is lower than is applied otherwise; and

(iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.

- 212 The law school should provide adequate staff, space and resources, in view of the size and program of the school, to maintain an active placement service to assist its graduates to make sound career choices.

# EDUCATIONAL PROGRAM

301 (a) The law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar.

(b) A law school may offer an educational program designed to emphasize some aspects of the law or the legal profession and give less attention to others. If a school offers such a program, that program and its objectives shall be clearly stated in its publications, where appropriate.

(c) The educational program of the school shall be designed to prepare the students to deal with recognized problems of the present and anticipated problems of the future.

302 (a) The law school shall offer:

(i) instruction in those subjects generally regarded as the core of the law school curriculum,

(ii) training in professional skills, such as counseling, the drafting of legal documents and materials, and trial and appellate advocacy,

(iii) and shall provide and require for all student candidates for a professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Code of Professional Responsibility, are all covered. Each law school is encouraged to involve members of the bench and bar in such instruction.

(b) The law school may not offer to its students, for academic credit or as a condition to graduation, instruction that is designed as a bar examination review course.

- 303 (a) The educational program of the law school shall provide adequate opportunity for:
- (i) study in seminars or by directed research,
  - (ii) small classes for at least some portion of the total instructional program.
- (b) The law school may not allow credit for study by correspondence.
- 304 (a) The law school shall maintain and adhere to sound standards of legal scholarship, including clearly defined standards for good standing, advancement, and graduation.
- (b) The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, courses involving extensive written work such as moot court, practice court, legal writing and drafting, and seminars and individual research projects.
- (c) A law school shall not, either by initial admission or subsequent retention, enroll or continue a person whose inability to do satisfactory work is sufficiently manifest that the person's continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.
- 305 (a) Subject to the qualifications and exceptions contained in this Chapter, the law school shall require, as a condition for graduation, the completion of a course of study in residence of not less than 1200 class hours, extending over a period of not less than ninety weeks for full-time students, or not less than one hundred and twenty weeks for part-time students.
- (i) *In residence* means attendance at classes in the law school.
  - (ii) *Class hours* means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not

exceeding ten percent of the total number of class session hours.

(iii) *Full-time student* means a student who devotes substantially all working hours to the study of law.

(b) To receive residence credit for an academic period, a full-time student must be enrolled in a schedule requiring a minimum of ten class hours a week and must receive credit for at least nine class hours and a part-time student must be enrolled in a schedule requiring a minimum of eight class hours a week and must receive credit for at least eight class hours. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in this subsection, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.

(c) Regular and punctual class attendance is necessary to satisfy residence and class hours requirements.

306

If the law school has a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

(a) The residence and class hours credit allowed must be commensurate with time and effort expended by and the educational benefits to the participating student.

(b) The studies or activities must be approved in advance, in accordance with the school's established procedures for curriculum approval and determination.

(c) Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty to

insure that in its actual operation it is achieving its educational objectives and that the credit allowed therefor is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating student.

(d) At least 900 hours of the total time credited towards satisfying the "in residence" and "class hours" requirements of this Chapter shall be in actual attendance in regularly scheduled class sessions in the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.

307 Upon request, the Council may authorize a fully approved law school to establish a course of study leading to a degree other than the first professional law degree. Programs in addition to the first professional law degree may not detract from the law school's ability to maintain a sound educational program leading to that degree. A law school shall not undertake a program in addition to the first professional law degree unless the quality of its program leading to the first professional law degree exceeds the requirements of the Standards.

308 The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies

(i) either were "in residence" as provided in Section 305, or qualify for credit under Section 306, and

(ii) the content of the studies was such that credit therefor would have been allowed towards satisfaction of degree requirements at the admitting school, and

(iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

Advanced standing and credit allowed for foreign study shall not exceed one-third of the total re-

quired by the Standards for the first professional degree unless the foreign study related chiefly to a system of law basically followed in the jurisdiction in which the admitting school is located; and in no event shall the maximum advanced standing and credit allowed exceed two-thirds of the total required by the Standards for the first professional degree.

## FACULTY

401 The members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.

402 (a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a full-time law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs of its educational program, with due consideration for

(i) the size of the student body and the opportunity for students to meet with and consult faculty members on an individual basis.

(ii) the nature and scope of the educational program, and

(iii) adequate opportunity for effective participation by the faculty in the governance of the law school.

(b) A full-time faculty member is one who during the academic year devotes substantially all working time to teaching and legal scholarship, has no outside office or business activities and whose outside professional activities, if any, are limited to those which relate to major academic interests or enrich the faculty member's capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with one's responsibilities as a faculty member.

403 The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members.

(a) Students shall receive substantially all of their instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum,

and a major proportion of their total instruction from full-time faculty members.

(b) The proper use of qualified practicing lawyers and judges as part-time faculty members is an appropriate means of enriching the educational program.

404

(a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member shall teach not more than

(i) an average of eight scheduled class hours per week, counting repetitions during the same academic period as one-half for this purpose, or

(ii) an average of ten scheduled class hours per week, counting repetitions during the same academic period at full value.

(b) To the extent that a faculty member's teaching assignment is not limited to regularly scheduled class sessions over fixed periods of time, the total teaching responsibilities may not exceed a maximum comparable to that set forth in subsection (a).

(c) If the institutional responsibilities of a full-time faculty member include extensive participation in activities of the academic community, research, or public service, the maximum assignments permitted by this section shall be correspondingly adjusted.

405

The law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(a) The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid faculty members at a school seeking approval should be comparable with that paid faculty members at similar approved law schools in the same general geographical area.

- (b) The law school shall afford faculty members reasonable opportunity for leaves of absence and for scholarly research.
- (c) The law school shall afford faculty members reasonable secretarial and clerical assistance.
- (d) The law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.

# ADMISSIONS

501 The admission policies of the law school shall be consistent with the objectives of its educational program and the resources available for implementing those objectives. The school may not admit applicants who do not appear capable of satisfactorily completing that program.

502 (a) The educational requirement for admission as a degree candidate is either a bachelor's degree from a qualified institution, or successful completion of three-fourths of the work acceptable for a bachelor's degree at a qualified institution. In the latter case, not more than ten percent of the credits necessary for admission may be in courses without substantial intellectual content, and the pre-legal average on all subjects undertaken and, in addition, on all courses with substantial intellectual content, whether passed or failed, must at least equal that required for graduation from the institution attended.

(b) A qualified institution is one that is accredited by or is a member of North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Southern Association of Colleges and Schools, Northwest Association of Secondary and Higher Schools, Western Association of Schools and Colleges, or the Department of Education of the State of New York.

(c) In exceptional cases, applicants not possessing the educational requirements of subsection (a) may be admitted as degree candidates upon a clear showing of ability and aptitude for law study. The admitting officer shall sign and place in the admit-

tee's file a statement of the considerations that led to the decision to admit the applicant.

- 503 All applicants, except those physically incapable of taking it, should be required to take an acceptable test for the purpose of determining apparent aptitude for law study. A law school that is not using the Law School Admission Test administered by Educational Testing Service should establish that it is using an acceptable test.
- 504 The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state in which the applicant intends to practice. The law school may, to the extent it deems appropriate, adopt such tests, questionnaires, or required references as the proper admission authorities may find useful and relevant, in determining the character and fitness of the applicants to the law school. If the law school considers an applicant's character qualifications, it shall exercise care that the consideration is not used as a reason to deny admission to a qualified applicant because of political, social, or economic views which might be considered unorthodox.
- 505 Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete the course of study at the admitting school. In the case of an admission to another law school this showing shall normally be made by letters from the dean or faculty of the school previously attended. A previously disqualified student may also be admitted when two or more years have elapsed since that disqualification and the nature of interim work, activity, or studies indicates a stronger potential for law study. In each case the admitting officer shall sign and place in the

admittee's file a statement of the considerations that led to the decision to admit or readmit the applicant.

506 Pursuant to an established policy, the law school, without requiring compliance with its admission standards and procedures, may permit the enrollment in a particular course or limited number of courses, as auditors, as non-degree candidates, or as candidates for a degree other than a law degree. of:

- (i) students enrolled in other colleges or universities or in other departments of the university of which the law school is a part, and
- (ii) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in section 502.

# LIBRARY

601 The law school shall maintain and administer a library adequate for its program.

(a) In order to inform applicants for accreditation of procedures and important facets of law library operations relating to adequacy, the Consultant may prepare appropriate memoranda.

(b) The Dean and the Law Librarian shall maintain a current written plan for implementation of law library support for the law school program as developed in its self-study.

602 (a) The law school library shall contain:

(i) all publications listed in Library Schedule A, attached as Annex II,

(ii) those other materials that are reasonably necessary for the proper conduct of its educational program,

(iii) all publications listed on Library Schedule B, attached as Annex III, except those that are readily accessible to and available for use by students and faculty in another library facility. All arrangements for such sharing of collections shall be adequate to insure ease of access and availability of the materials when and where needed.

(b) The Council is delegated the authority to revise the Library Schedules from time to time.

603 (a) All materials necessary to the program of the law school shall be current with respect to continuations, supplements, and replacements.

(b) All sets of materials necessary to the program of the law school shall be complete and unbroken except when early volumes of a set are either unavailable or are available only at an excessive price. A set is not complete unless it includes all supporting materials, including

indices, desk books, digests, finding tools, and creators published as a part of the set or generally available for use with the set.

(c) All periodical and other materials of long-term value shall be permanently bound as soon as practicable after their receipt. A reasonable binding program shall be required in order to keep materials in usable condition.

(d) If the library contains any materials in microform, tape, or similar form, it shall provide the necessary viewing and listening equipment in an area suitable for its use. If items in Schedule A are held exclusively in microform, adequate equipment shall be provided to make hard-copy printouts readily available.

(e) The library shall contain additional sets of more commonly used materials whenever necessary for efficient use by the faculty and students.

(f) The library shall be kept current with respect to new publications and new forms of publications.

(g) For purposes of this Section, all items in Library Schedules A and B shall be among those deemed necessary to the program of the law school.

604

The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school's teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school. The law school library shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school.

(a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangement of materials and provision of reader services.

(b) The budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget.

(c) The selection and retention of the law librarian shall be by the dean and faculty of the law school.

605 The law library shall be administered by a full-time law librarian whose principal activities are the development and maintenance of the library and the furnishing of library assistance to faculty and students, and may include teaching courses in the law school.

(a) The law librarian should have a degree in law or library science and shall have a sound knowledge of library administration and of the particular problems of a law library.

(b) The law library shall have a competent staff, adequate to maintain library services, under the supervision of the law librarian.

# PHYSICAL PLANT

- 701 The law school shall have a physical plant that is adequate both for its current program and for such growth in enrollment or program as should be anticipated in the immediate future.
- 702 There shall be adequate classrooms and seminar rooms to permit reasonable scheduling of all courses and there shall be such additional rooms as may be necessary to provide adequately for all other aspects of the law school's program.
- (a) The physical facilities shall be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, then the arrangements must permit proper scheduling of all law classes and other law school activities.
- (b) Adequate provision should be made for the conduct of moot court programs, both at the trial and appellate level, either by a separate courtroom, or one or more classrooms that can readily be adapted to such a program, or by reasonably available public courtroom facilities.
- 703 Each full-time member of the faculty shall have a private office. In addition, suitable office space shall be provided for the use of part-time faculty members.
- 704 Space for study purposes shall be provided in the law school library that is sufficient to accommodate at least the following percentage of the total enrollment: if the school is exclusively a day school, 50 percent; if the school is exclusively an evening school, 35 percent; if the school has both day and evening divisions, 50 percent of whichever division is the larger. In addition to the regular study area, there shall be one or more suitable conference

rooms under the control of the law school library in which students may gather in small groups for discussion.

- 705 There shall be adequate areas for secretarial, administrative and library personnel and for the maintenance of all necessary records. These areas shall be in close proximity to the persons, offices and library functions served thereby.

# AUTHORITY

801 The Council shall have authority to:

- (i) interpret the Standards,
- (ii) adopt rules implementing the Standards,
- (iii) adopt procedural rules for the initial application by and approval of law schools and for the review and reinspection of approved schools, provided that until procedural rules are so adopted, the procedural rules in effect on the adoption of the Standards apply, and
- (iv) amend any rules from time to time.

All interpretations and rules shall be published and shall be available to all interested persons.

802 A law school proposing to offer a program of legal education contrary to the terms of the Standards may apply to the Council for a variance. The variance may be granted if the Council finds that the proposal is consistent with the general purposes of the Standards. The Council may impose such conditions or qualifications as it deems appropriate.

803 The Council shall have the authority to consider any request for provisional or full approval. If the Council's decision is that approval should be granted, it shall so recommend to the House. If the Council's decision is that approval should not be granted, its action shall be communicated to the school which then has the right of appeal provided for in Article 5, Section 5.2 of the Constitution of the American Bar Association.

804 The House of Delegates will not act on any request for the withdrawal of approval until it has first received the advice and recommendations of the Council.

805 The Council shall, from time to time, publish the names of those law schools which have been approved and those schools which have not been approved and shall make these publications available to interested persons.

# ADOPTION AND AMENDMENT

- 901 (a) These Standards become effective upon their adoption by the House of Delegates. The Standards for Legal Education and the Factors Bearing on the Approval of Law Schools by the American Bar Association, heretofore in effect, are repealed.
- (b) For a period of two years after these Standards become effective a law school that was provisionally or fully approved at the time these Standards became effective will not have its approval withdrawn if it either continues to be in compliance with the Standards heretofore in effect or complies with these Standards.
- (c) Two years after these Standards become effective, all approved law schools must comply with them.
- (d) After these Standards become effective, an unapproved law school will not be granted a provisional approval and a provisionally approved law school will not be granted a full approval unless it complies with these Standards.
- 902 (a) The power to approve an amendment of the Standards is vested in the House of Delegates, but the House of Delegates will not act on any amendment until the Council, the Section, and the Board of Governors have been given a reasonable opportunity to consider the proposed amendment and report thereon to the House of Delegates.
- (b) A member of the Section of Legal Education and Admissions to the Bar may propose an amendment of these Standards by submitting the proposed amendment and a statement of its purposes to the Secretary of the Section, who shall transmit the proposed amendment and the statement of purposes to the

members of the Council. The Council shall consider such a proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. The Council shall submit to the Section at the next annual meeting such proposed amendments of the Standards as it, by majority vote, deems appropriate. If an amendment proposed by a member as described above is not submitted favorably by the Council to the Section, the amendment shall be submitted to the Section at the next following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary at least 30 days prior to the annual meeting at which the amendment is to be submitted to the Section. The Section may consider only those amendments of the Standards that are submitted to it by the procedures described above. If a majority of the members of the Section present at an annual meeting and voting approve, the amendment is adopted. The amendment becomes effective when it is approved by the House of Delegates after a report by the Board of Governors.

## **PRINCIPLES OF ACADEMIC FREEDOM AND TENURE**

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

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\*The text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.

## Academic Freedom

The teacher<sup>1</sup> is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

## Academic Tenure

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

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<sup>1</sup>The word *teacher* as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of

teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

*Annex II*

## **LIBRARY SCHEDULE A**

### **I. National Materials—General**

American Digest system  
Corpus Juris and Corpus Juris Secundum and  
American Jurisprudence, Second  
Shepard's Citations, U.S. and Federal  
Words and Phrases  
ALR Complete  
Restatements  
Uniform Laws Annotated, Master Edition

### **II. Federal Materials**

U.S. Reports, Supreme Court Reporter, United  
States Supreme Court Reports, Lawyers  
Edition  
Federal Reporter Complete  
Federal Supplement  
Federal Rules Decisions  
Tax Court Reports  
Federal Digest and Modern Federal Practice  
Digest and Federal Practice Digest, Second  
Statutes at Large, current from 1950  
U.S. Code, any annotated edition, with supple-  
mental service from 1950  
Code of Federal Regulations  
Administrative Agency Reports for at least those  
agencies whose work is relevant to courses in  
the school  
Attorney General Opinions

### **III. State in Which the School is Located**

Official State reports of the State and, for any  
period during which official reports were not  
published, one additional copy of the National  
Reporter System units containing the reports  
of that State

Specialized reports whose subject matter is particularly relevant to the educational program of the law school

Session law, complete

Latest code or other statutory compilation with the session law service, if any

Earlier state codes, if available

Attorney General Opinions

Administrative code or similar publication, if any

Local digests and encyclopedias, if any

Form and practice books

CLE materials

Shepard's Citations

#### **IV. Additional Materials**

National Reporter System, complete

Shepard's regional reporter citations

Reporters prior to the National Reporter System for 20 selected states whose case law is significant in the educational program of the school

#### **V. Specialized reports whose subject matter is particularly relevant to the educational program of the law school**

#### **VI. Texts, Treatises, Loose-leaf Services**

Generally recognized texts and treatises and loose-leaf services for subjects relevant to the educational program of the law school

#### **VII. Reviews and Journals**

Publications of the State Bar Association (or Associations) and continuing legal education programs conducted in the State

The American Bar Association Journal, complete, and the publications of the ABA sections, exclusive of newsletters, current from the date of application for approval

Publications of the American Bar Foundation, current from the date of application for approval

All publications by approved law schools in the State, complete

An additional twenty publications of recognized national significance, complete from at least 1950

Specialized journals whose subject matter is particularly relevant to the educational program of the school

Index to Legal Periodicals

Legal Newspaper, if published in the area

## **LIBRARY SCHEDULE B**

### **Federal Materials**

Federal Cases  
Board of Tax Appeals  
Federal Register

### **Other States**

Statutes, in current compilation, of those states  
whose statutory law is significant in the educa-  
tional program of the school

### **English**

Coverage of English case law from 1220 forward or  
from 1530 forward, in any of the following com-  
binations:

- (a) English Reports (full reprint) 1220-1865  
and Law Reports 1865 +
- (b) All England Law Reports Reprint 1558-1935  
and All England Law Reports 1936 +
- (c) All England Law Reports Reprint 1558-1935  
and Law Reports 1935 +

Halsbury's Laws of England  
Halsbury's Statutes of England  
English and Empire Digest

# **RULES OF PROCEDURE FOR THE APPROVAL OF LAW SCHOOLS**

## **Rule I.**

### **Accreditation Committee**

(1) The Council may appoint an Accreditation Committee, and delegate to this Committee, or to a subcommittee designated by the Chairperson of this Committee, tasks in connection with the accreditation of law schools.

(2) The Accreditation Committee will act on all matters relating to accreditation. A summary of the Accreditation Committee resolutions and determinations and a copy of each of the reports and of the material relevant to the accreditation matters to be considered at the next Council meeting, together with a brief description of the significant issues involved, will be sent to each of the Council members approximately two weeks prior to the Council meeting.

An institution adversely affected by an Accreditation Committee action may petition to the Accreditation Committee for a review of its action. Such request shall demonstrate that on rehearing the Committee would receive information or undertakings which have not been adequately communicated to the Committee. The Chairman of the Committee shall determine whether such showing has been made and in such case may afford to such representatives an opportunity to submit additional material.

Such petition for review shall be filed with the Consultant on Legal Education to the American Bar Association within fifteen days after receipt of the decision of the Accreditation Committee.

(3) The institution may appeal, as a matter of right, to the Council, the following matters:

(a) Any determination adverse to the institution relating to the granting of provisional or full approval;

(b) Determinations of Hearing Commissioners recommending removal of approval.

Such petition for appeal shall be filed with the Consultant on Legal Education to the American Bar Association within fifteen days after receipt of the decision of the Accreditation Committee.

In the absence of any such appeal, the Council shall act to recommend the resolution of the Accreditation Committee to the House of Delegates.

(4) The Council will act on other accreditation matters upon which the Standards or Rules require the Council to act.

In addition, the Council may, upon motion of no less than five members of the Council, review other accreditation matters.

(5) The Council will not consider material which was not presented to the Accreditation Committee unless a majority of the members of the Council present agree to consider the material.

(6) The Accreditation Committee normally will only consider reports submitted to the Consultant at least one month prior to its meeting. Exceptions will only be made in unusual circumstances.

(7) In accordance with the current practice, the Chairman of the Accreditation Committee will assign each member of the Accreditation Committee the responsibility for the critique of particular inspection matters. The Committee member will be responsible for presentation of the particular matter to the Accreditation Committee. The member to whom an individual report is assigned will draft a proposed resolution or alternative resolutions in advance of the Accreditation Committee meeting.

(8) A copy of the Accreditation Committee meeting agenda, the assignment list indicating the particular matters for which each Accreditation Committee member is responsible, and the reports and materials relevant to the Accreditation Committee meeting will be sent to each member of the Accreditation Committee prior to the meeting. In addition, each member who is assigned responsibility for a particular matter will also be sent a copy of the necessary background material at this time.

(9) In the ordinary case, when the Accreditation Committee is considering an application for provisional or full approval, a member of the inspection team will be asked to attend the meeting.

## Rule II.

### Procedure for Securing Approval

(1) Provisional and full approval of an applicant law school is granted by the House of Delegates of the American Bar Association upon the recommendation of the Council of the Section of Legal Education and Admissions to the Bar.

#### Provisional Approval

(2) The Accreditation Committee and Council will not consider an application for provisional approval until the applicant school has completed the first academic year of its program.

(3) A university, college, or other institution considering the establishment of a law school or a law school considering application for provisional approval may obtain information and advice from the American Bar Association upon request. Inquiries may be addressed to the American Bar Association, or to the Chairperson of the Section of Legal Education and Admissions to the Bar, or to the Consultant. The requesting school will be sent a copy of the Standards, Council Interpretations, Rules of Procedure, other pertinent data, and a copy of a questionnaire devised to permit the school and the Council to evaluate the status of the school in the light of the Standards as interpreted by the Council. Requests for additional information and advice will be honored.

(4) A university, college, or other institution contemplating the creation or acquisition of a law school should complete a comprehensive feasibility study, prior to commencement of a program of instruction. An existing institution making application for provisional approval should complete a comprehensive feasibility study prior to seeking provisional approval. This study should be submitted to the Council when

the law school requests provisional approval. The study should include the consideration of such matters as the character and goals for the proposed law school, the distance from other law schools in the area from which the proposed school might attract students, the number, characteristics, and interests of the students who might apply, the resources necessary to create and sustain the proposed law school (particularly if this relates to the resources of a parent institution), and the demand for legal education and the need for lawyers in the area in which the graduates of the proposed school might be expected to pursue their careers.

(5) The dean and faculty of a law school seeking provisional approval should also undertake a self-study of the institution prior to applying for provisional approval. This study should be submitted to the Council when the law school requests provisional approval.

(6) Experience has shown that a qualified consultant can be helpful. The institution should obtain the advice and assistance of a qualified consultant with experience in legal education and knowledge of the Standards and Rules of Procedure for approval.

(7) A school applying for provisional approval shall return the completed questionnaire and a copy of the feasibility study, a copy of the self-study, and request an inspection. A school seeking provisional approval shall also submit separate financial operating statements for the last three fiscal years (if the institution has been in existence for that period of time). If the applicant is a private institution, the statements shall be certified. The school shall also submit appropriate supporting documents detailing the cost of all facilities used solely for the support of the school. If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for the support of the law school. The covering letter

shall state that the chief executive officer of the parent institution and the dean of the law school have read and carefully considered the Standards and Council Interpretations, have answered in detail the questions asked in the questionnaire, and by this letter give assurance to the Council that in their opinion the law school meets the requirements of these Standards for provisional approval. The Council and the Consultant welcome the opportunity to render assistance.

(8) When the school returns the completed questionnaire, the feasibility study, the self-study, and the assurances, a request for an inspection, at the school's expense, is in order. The school shall be charged a uniform fee payable to the American Bar Association. Thereafter, arrangements will be made for an inspection by qualified and objective persons selected by the Consultant. If there is a state agency or official with the responsibility to supervise or regulate legal education, the school shall inform the Consultant who shall invite the agency or official to observe the inspection. An inspection usually requires three days, as classes are visited, records and transcripts inspected, the library canvassed, information set forth in the questionnaire checked, the financial statements of the law school and the parent institution reviewed, and consultations held with the chief executive officer of the institution, the dean of the law school, members of the law school faculty, and the law students.

(9) The Council shall not consider any evidentiary or other matter which has not first been presented to the Accreditation Committee bearing on any fact relating to a matter concerning which the Accreditation Committee has recommended the adoption of a resolution.

(10) If an application or reapplication for provisional approval is not granted, another application by the law school for provisional approval will not be con-

sidered by the Council or the Accreditation Committee until at least ten months thereafter. The Council may allow an earlier reconsideration in exceptional circumstances.

(11) A provisionally approved school shall be reinspected each year during the period of provisional approval and shall be granted full approval when it complies with the requirements of the Standards for full approval. The school shall be charged a uniform fee payable to the American Bar Association for the annual inspections and shall reimburse the inspectors for their travel and living expenses.

### **Full Approval**

(12) A provisionally approved school will be considered for full approval by the House of Delegates when the Council finds, after inspection, that the school meets the Standards established by the American Bar Association as interpreted by the Council on a basis that assures continued compliance with the letter and the spirit of the Standards, with particular emphasis on a steady improvement in the quality of the educational program.

### **Inspection**

(13) Following an inspection for provisional approval or full approval, a written report based upon the inspection is sent to each member of the Accreditation Committee and the Council, and the application is placed on the agendas of the Accreditation Committee and the Council. The written report is submitted to the chief executive officer of the institution and the dean of the inspected school for confirmation of the accuracy of the facts stated in the report.

(14) The Accreditation Committee and the Council regularly meet immediately before the annual and the midyear meetings of the American Bar Association and may meet at other times. Applications for approval are considered by the Accreditation Com-

mittee and the Council, with the chairperson of the inspection, or an inspector designated by the chairperson, present, if requested by the Chairperson of the Accreditation Committee or the Chairperson of the Council. The travel and living expenses incurred by the inspector to attend the meetings of the Accreditation Committee and the Council shall be reimbursed by the law school applying for approval.

(15) The reports of inspections and reinspections are received in confidence by the inspectors, the Consultant, and the member of the Accreditation Committee and the Council and may be disclosed only with the approval of the Council. It is permissible to discuss the contents of the report with the faculty, the university administration and the governing board, but it is not consistent with American Bar Association policy to have the inspection report copied or otherwise publicly distributed. After notification of the Accreditation Committee's action, or the Council's action, as the case may be, to the school, the nature of the action on applications for provisional approval and for full approval may be disclosed to others than the dean of the law school and the chief executive officer of the parent institution. The staff may release the nature of the action to the public, with an explanation of the procedural steps for consideration of an application.

After consideration of the inspection report by the Council and Accreditation Committee of the Section of Legal Education and Admissions to the Bar, a resolution concerning the inspection report and the determination of the Accreditation Committee and/or Council will be transmitted by the Consultant on Legal Education to the American Bar Association to the dean and president of the institution. The policy of the American Bar Association regarding the Council and/or Accreditation Committee's resolution is that the school is free to make use of the resolution as contained in the Consultant's letter addressed to the president and dean. However, any release of the

Council and/or Accreditation Committee's resolution should be a full release, and not selected excerpts of the resolution. Additionally, the president and dean are free to make such use of information contained in the Consultant's letter that they may deem appropriate.

One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance with the Standards, resulting from a regular, special or sabbatical inspection of a provisionally or fully approved school, the remaining specific findings of non-compliance will be made available by the American Bar Association to any party upon request.

### **Approval Granted**

(16) If the school is recommended by the Council for approval, the recommendation is sent to the House of Delegates for action. If the House of Delegates grants provisional approval, the chief executive officer of the institution and the dean of the law school may be sent a written report commenting on the school's strengths and weaknesses and areas of Council concern and recommending means of improvement.

**Rule III.****Procedure for  
Assuring Continued  
Compliance**

(1) To the end that the American Bar Association Standards shall be maintained, to insure compliance and to advance the continued improvement of legal education, provisionally approved and fully approved schools will be expected to furnish to the Council such information as is requested by the Council and Accreditation Committee.

(2) All fully approved schools are subject to periodic reinspections. The school shall be charged a uniform fee payable to the American Bar Association, and shall reimburse the inspectors for their travel and living expenses. Additional reinspections at the school's expense may be ordered by the Council when special circumstances warrant. The school is expected to furnish information to the Council prior to the inspection, including the completion of a self-study undertaken by the dean and faculty and relating to the goals and objectives of the school.

(3) A provisionally approved or fully approved school is expected to maintain the qualitative level which justified its approval, and to demonstrate a genuine and continuous effort to improve the quality of its educational efforts.

(4) Written complaints from faculty or students at ABA approved schools are received by the Council of the Section of Legal Education and Admissions to the Bar. Upon receipt of a complaint, the Consultant on Legal Education to the American Bar Association acknowledges receipt of the complaint and makes a request for any additional information which is deemed necessary.

If evidence indicates conditions, practices, or actions in possible violation of the Standards for Approval of Law Schools, the Chairperson of the Council or Chairperson of the Accreditation Committee may appoint a Hearing Commissioner or members of a Hearing Commission to visit the institution to obtain additional information and to report to the Council and its Accreditation Committee. The aggrieved party may also be given an opportunity to meet with the Hearing Commissioner or members of the Hearing Commission.

The Council and its Accreditation Committee may then review the matter with notice to all concerned parties. If the Council finds that the school is in violation of the Standards, it may then take appropriate action under provisions of its Standards and Rules of Procedure for Approval of Law Schools for removal of the institution from the list of approved schools.

**Rule IV.****Removal from List of  
Approved Schools—  
Provisional; Full**

(1) The American Bar Association has delegated to the Council of the Section of Legal Education and Admissions to the Bar the responsibility for insuring continued compliance with the Standard as interpreted by the Council. The Rules of Procedure for Approval of Law Schools by the American Bar Association provide that the Accreditation Committee will act on all matters relating to accreditation. If the school fails to meet the requirements, approval may be withdrawn by action of the House of Delegates of the American Bar Association upon the recommendation of the Accreditation Committee and Council.

(2) Whenever the Accreditation Committee has reason to believe that an approved school has failed to maintain the Standards established by the American Bar Association as interpreted and administered by the Council, or has refused requests for information or reinspection, the Accreditation Committee may notify the school of its apparent deficiencies and that, if the matter is not resolved satisfactorily by routine procedures by a certain date, a notice for a hearing on certain date shall issue.

(3) The Chairperson of the Accreditation Committee may appoint one or more persons to serve as a Hearing Commissioner or members of a Hearing Commission to conduct a hearing. Expenses of the hearing, including expenses of the Hearing Commissioner or Hearing Commission, shall be borne by the school.

(4) The school shall be given at least 30 days notice of the hearing, and, upon request, it may be granted additional time not to exceed 30 days for good cause shown. Both the notice and the request for exten-

sion of time shall be in writing. The notice shall be addressed and sent to the chief executive officer of the law school by certified U.S. mail, return receipt requested, and shall be deemed given upon deposit of same in the U.S. mail.

(5) The purpose of the hearing shall be to report the facts and circumstances respecting current compliance by the school with the Standards.

(6) The written report of the inspection of the school held most recently prior to the hearing shall be considered as evidence. Additional material may be referred to the Hearing Commission by the Consultant on Legal Education to the American Bar Association, or his designee.

(7) The school shall be given an opportunity to appear at the hearing and to submit such evidence on the issues as it desires.

(8) The school shall submit to the Consultant, at least 15 days prior to the hearing, a written document specifying any inaccuracies it may allege to be present in the report of the inspection of the school held most recently prior to the hearing.

(9) The chairperson of the inspection of the school held most recently prior to the hearing or an inspector designated by the Consultant, shall be present at the hearing. The travel and living expenses incurred by the chairperson or designated inspector to attend the hearing shall be reimbursed by the school.

(10) The Hearing Commission shall submit to the Accreditation Committee a written report. A copy of the Hearing Commission report shall be forwarded to the school.

(11) After the hearing, the Accreditation Committee shall make a determination as to whether the school is in compliance, and, if not, what remedial action is

appropriate, including whether to recommend removal of the school from the list of approved law schools. The school and other parties shall have an opportunity to state their positions at the meeting of the Accreditation Committee which considers the question of whether to recommend its removal from the list of approved schools.

If the school is determined by the Accreditation Committee to be in compliance, the matter shall be concluded by proper resolution, a copy of which shall be transmitted by the Consultant to the school. If the school is determined not to be in compliance, the Accreditation Committee will place on the agenda of the next meeting of the Council its recommendation that the Council should recommend to the House of Delegates that the school be removed from the list of approved schools. A school may appear before the Council at the meeting where the Council acts upon the finding of the Accreditation Committee. The Chairperson or a member of the Hearing Commission may be requested to be present at the meeting of the Accreditation Committee and Council. The travel and living expenses incurred by the Hearing Commissioner to attend the meeting of the Accreditation Committee or Council shall be reimbursed by the school.

(12) If the Council adopts a finding of non-compliance, a recommendation for removal of the law school from the list of approved law schools shall be placed on the agenda of the next meeting of the House of Delegates. The Council's resolution will be communicated to the school and may be communicated to the Executive Committee of the Association of American Law Schools, the National Conference of Bar Examiners, the bar examining authority of the state in which the school is located, the highest administrative officer of the institution of which it is a part, and the appropriate regional institutional accrediting agency.

(13) If, before the House of Delegates acts on a recommendation of the Council that the school be removed

from the list of approved schools, the school corrects the deficiency and is found by the Council to be in compliance with the Standards, the Council shall take steps to recall its recommendation and to notify all persons who were notified of the school's apparent non-compliance of the school's current status, and the Council shall close the matter with a resolution in its Minutes setting forth the facts of compliance.

**Rule V.****Changes in  
Structure or Operation**

(1) Since a major change in structure or operation may raise questions as to a law school's continued compliance with the Standards, a provisionally approved or fully approved law school, prior to making the change, shall make a timely report on the proposed change to the Consultant, analyzing the effect of the proposed change on the school's ability to meet American Bar Association Standards. The Accreditation Committee or the Council may require an inspection of the school. Examples of changes that must be reported include:

- A. Instituting a new division (full-time or part-time);
- B. Shifting from a full-time to a part-time program, or from a part-time program to a full-time program;
- C. Establishing the school or a branch thereof in a new location;
- D. Offering a two-year undergraduate, four-year law school, or similar program
- E. Merging with another law school, whether approved or unapproved;
- F. Activating a program leading to any degree beyond the first degree in law; or
- G. Changing its relations with its parent institution or affiliating with a college or university.

(2) Before establishing a full-time or part-time program or a graduate division, before establishing the school or a branch thereof in a new location, and before concluding a merger, the law school shall obtain the Council's acquiescence to the action. When the Council acquiesces to a major change, it shall make its acquiescence subject to a reinspection no later than two years of the date of the change for the purpose of ascertaining whether the anticipated benefits to the law school and the other institution have been obtained.

(3) Approval of graduate degree programs at ABA-approved law schools shall be based upon minimum standards for such programs. The same approval criteria and process shall be used whether the graduate program is an "academic" program (e.g., S.J.D. degree) or a "professional" program (e.g., LL.M. in Taxation).

(4) The establishment of credit granting programs at off-campus locations requires that:

- (a) No such program shall be undertaken without notice to the Accreditation Committee and its prior approval by application of appropriate Standards;
- (b) Such programs will be included in any inspection, reinspection, and review process of the approved school conducting the same; and
- (c) Such programs presently operated by approved schools which are now within the inspection and review process of the Accreditation Committee are subject to this review.

**Rule VI.****Appeal**

Appeal from Council action is provided for in Article 5, Section 5.2 of the Constitution of the American Bar Association.

**Rule VII.****Reinstatement**

A law school that has been removed from the list of approved law schools may be reinstated by complying with the procedures for obtaining approval, as though it had never been approved.

**Rule VIII.****List of Approved and Unapproved Schools**

The Council of the Section of Legal Education and Admissions to the Bar shall publish from time to time the names of those law schools which comply with the Association's Standards and those which do not. A complete list of all approved law schools and as many unapproved law schools as are known shall be published annually in the Review of Legal Education, which is published by the Section and distributed upon request without charge.