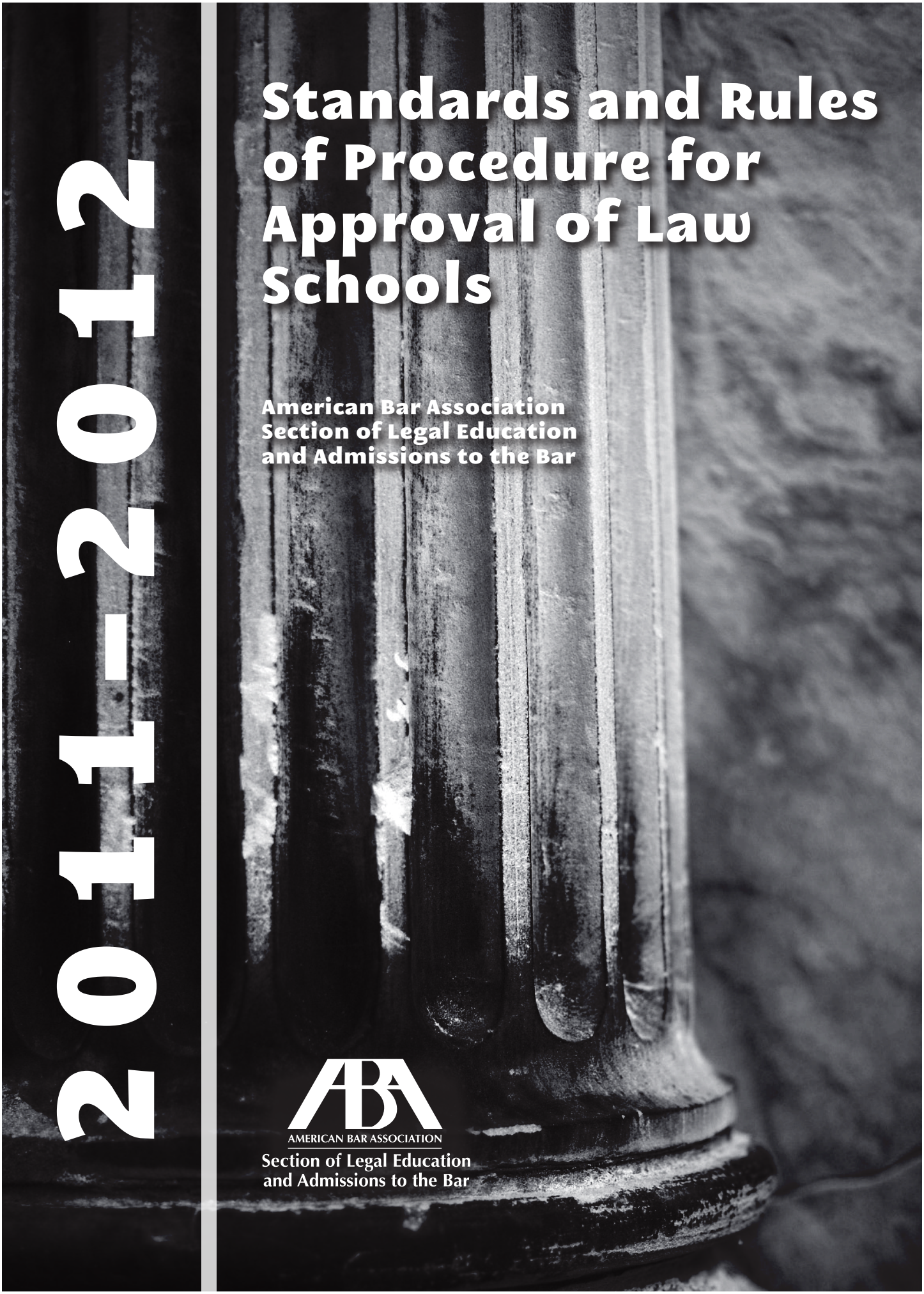
2011-2012

Standards and Rules of Procedure for Approval of Law Schools

American Bar Association
Section of Legal Education
and Admissions to the Bar



AMERICAN BAR ASSOCIATION
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and Admissions to the Bar

ABA Standards and Rules of Procedure for Approval of Law Schools 2011-2012 Edition

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This publication is also available in its entirety at the Section's Web page:
www.americanbar.org/legaled.

Library of Congress Catalog Number: ISBN-13: 978-1-61438-121-1

Manufactured in the United States of America

Section of Legal Education
and Admissions to the Bar

ABA Section of Legal Education and Admissions to the Bar

STANDARDS 2011-2012

Contents

PREFACE

Accrediting Agency for Law

Since 1952, the Council of the Section of Legal Education and Admissions to the Bar ("the Council") of the American Bar Association ("the ABA") has been approved by the United States Department of Education as the recognized national agency for the accreditation of programs leading to the J.D. It is the Council and its Accreditation Committee not the ABA that is so recognized.

The majority of the highest courts of the states rely upon ABA approval of a law school to determine whether the jurisdiction's legal education requirement for admission to the bar is satisfied. Whether a jurisdiction requires education at an ABA-approved law school is a decision made by a jurisdiction's bar admission authority and not by the Council or the ABA. The Council and the ABA believe that every candidate for admission to the bar should have graduated from a law school approved by the ABA and that every candidate for admission should be examined by public authority to determine fitness for admission.

History

The ABA in 1879 established the Standing Committee on Legal Education and Admissions to the Bar as one of the ABA's first committees. In 1893, the Section of Legal Education and Admissions to the Bar was established as the Association's first section. Recognizing the need to take further steps to improve legal education, the Section leadership played the major role in creating the Association of American Law Schools (AALS) in 1900. The AALS has a regulatory role in that member law schools must meet its requirements for membership, but the AALS is not recognized by the Department of Education as an accrediting agency, and no jurisdiction requires that one have graduated from an AALS member law school in order to be eligible for admission to the bar.

In 1921 the American Bar Association promulgated it first *Standards for Legal Education.* At the same time, the ABA began to publish a list of ABA-approved law schools that met the ABA Standards.

To administer its program of approval of law schools meeting the Standards, the ABA in 1927 employed Professor H. Claude Horack of the University of Iowa College of Law as the first Advisor to the Section. When Professor Millard H. Ruud of the University of Texas was appointed in 1968 to succeed then-Advisor to the Section Dean John G. Hervey of Oklahoma City University School of Law, the title was changed to Consultant on Legal Education to the American Bar Association in order to recognize the broader responsibilities of the position.

Professor James P. White of Indiana University School of Law-Indianapolis succeeded Professor Ruud in January 1974 and served as Consultant until the end of August 2000. John A. Sebert, previously Dean at the University of Baltimore School of Law, succeeded Dean White as of September 1, 2000 and served as Consultant through August 31, 2006. As of September 1, 2006,

Hulett H. Askew became the Consultant. Mr. Askew previously was Director of Bar Admissions for the Supreme Court of Georgia.

Revisions of the Standards, Interpretations and Rules of Procedure through 1996

The Revisions of the Early 1970s A major revision of the 1921 Standards was undertaken in the early 1970s. After an extensive comment process, the revised Standards and the Rules of Procedure were adopted by the Section of Legal Education and Admissions to the Bar in August, 1972, and were approved by the ABA House of Delegates in February, 1973.

Ramsey Commission In 1988 Judge Henry Ramsey, Jr., of the Alameda County, California, Superior Court and Chair-Elect of the Section, was asked to chair a study of the accreditation process. As a result of the work of the Ramsey Commission, a number of revisions to the Rules of Procedure were adopted in 1989.

Department of Justice Consent Decree In June 1995, the United States Department of Justice filed a civil antitrust suit against the ABA, alleging violations of antitrust laws in the accreditation program. The civil suit was concluded by a final Consent Decree that was approved in June 1996. It included a number of requirements concerning the Standards, many of which reflected revisions that the ABA had previously adopted. The Consent Decree was in force for a period of ten years and expired by its own terms on June 25, 2006. The Council has determined, however, that after the expiration of the Consent Decree, accreditation processes and procedures will continue to observe the substantive provisions of the Consent Decree.

The Wahl Commission and the 1996 Revisions of the Standards In 1992 the Council launched a formal revision of the Standards and their Interpretations. In the midst of that review, in April 1994, the Council established the Commission to Study the Substance and Process of the American Bar Association's Accreditation of American Law Schools. Justice Rosalie E. Wahl of the Supreme Court of Minnesota, and a former chairperson of the Section, accepted appointment as chairperson. The Wahl Commission's mandate was to conduct a thorough, independent examination of all aspects of law school accreditation by the ABA. Upon the basis of hearings, solicited written comments, and surveys, the Commission prepared a report for submission at the 1995 annual meeting of the ABA.

The Consent Decree, however, required that the ABA establish a special commission to determine whether the Standards, Interpretations, and Rules of Procedure should be revised in some respects. It was agreed by the Department of Justice and the ABA that the Wahl Commission's mandate would be enlarged to include these matters and that the Commission's tenure would be continued. In response to this additional mandate, in November 1995 the Wahl Commission submitted a supplement to its August 1995 report.

The four-year revision process that began in 1992 and culminated with the work of the Wahl Commission focused both on the form and the substance of the Standards and Interpretations. After extensive opportunity for comment, the revised Standards were approved by the Council and adopted by the House of Delegates in August, 1996.

Review of the Standards, Interpretations and Rules of Procedure Since 1996
Proposed revisions to the Standards, Interpretations and Rules of Procedure are subject to an extensive public comment process. Proposed revisions are widely distributed for comment, and comment is solicited by letter and e-mail, and at public hearings. Proposed revisions are then carefully considered in light of the comment received before any final action is taken.

The Council, with the assistance of the Standards Review Committee, regularly reviews and revises the Standards and Interpretations to ensure that they are appropriate requirements for current legal education programs and that they focus on matters that are central to the provision of quality legal education. A comprehensive review of the Standards and Interpretations was undertaken during 1996–2000. Another such comprehensive review was undertaken from 2003 through 2006. The next comprehensive review commenced in fall 2008 and is ongoing.

In the summer of 2004, the Council appointed a Rules Revision Committee, chaired by Provost E. Thomas Sullivan of the University of Minnesota (a former chair of the Section), to undertake and recommend a comprehensive revision of the Rules. In June 2005 the Council accepted the Committee's report and shortly thereafter distributed for comment a proposed comprehensive revision of the Rules. The Council adopted the comprehensive revision of the Rules of Procedure in December 2005 and the House of Delegates concurred in those revisions in February 2006.

Council Responsibility
The Council grants provisional and full ABA approval to law schools located in the United States, its territories, and possessions. It also adopts the Standards for Approval of Law Schools and the Interpretations of those Standards, and the Rules of Procedure that govern the law school approval process. The Council also must grant prior acquiescence in any major changes that are proposed by an approved law school.

ABA House of Delegates Responsibility
In August 2010, the role of the ABA House of Delegates in accreditation matters was revised in order to comply with new Department of Education requirements regarding appeals. Prior to August 2010, a school that was denied provisional or full approval by the Council was able to file an appeal to the House of Delegates. The House of Delegates could either concur in the Council's decision or refer that decision back to the Council for further consideration. A decision of the Council was final after referral from the House of Delegates a maximum of two times in the case of decisions denying provisional or full approval, or once in the case of decisions to withdraw approval from a school. As a result of the changes in August 2010, the House of Delegates no longer has a role in the appeals process. (See Standard 801, Rule 10 and IOP 19.)

Any decision of the Council to adopt any revisions to the Standards, Interpretations or Rules of Procedure must be reviewed by the House of Delegates. The House either concurs in those revisions or refers them back to the Council for further consideration. The Council's decision after the second referral back is final.

Contents of This Publication

Standards and Interpretations The Standards contain the requirements a law school must meet to obtain and retain ABA approval. Interpretations that follow the Standards provide additional guidance concerning the implementation of a particular Standard and have the same force and effect as a Standard. Almost all Standards and Interpretations are mandatory, stating that a law school "shall" or "must" do as described in the Standard or Interpretation. A few Standards and Interpretations are not mandatory but rather are stated as goals that an approved law school "should" seek to achieve.

Rules of Procedure The Rules of Procedure govern the accreditation process and the process through which decisions concerning the status of individual schools are made. The Rules also contain provisions related to the operation of the Office of the Consultant on Legal Education.

Criteria for Approval of Foreign Programs Under its authority to adopt rules implementing the Standards, the Council has adopted criteria for the approval of programs leading to credit for the J.D. degree that are undertaken outside the United States by ABA-approved law schools. Those Criteria include the Criteria for Approval of Foreign Summer and Intersession Programs, the Criteria for Approval of Semester and Year-Long Study Abroad Programs, and the Criteria for Student Study at a Foreign Institution. The Council has delegated to the Accreditation Committee the authority to approve programs under the Criteria.

Additional Contents The Statement of Ethical Practices in the Process of Law School Accreditation contains principles that ensure impartiality and propriety in all aspects of the accreditation process. Internal Operating Practices provide additional direction concerning the operation of accreditation functions and other activities of the Office of the Consultant on Legal Education. Council Statements are positions that the Council has taken on various matters that do not have the force of a mandatory Standard or Interpretation. Consultant's Memos are issued periodically to assist schools in coming into compliance with the Standards.

PREAMBLE

The Standards for Approval of Law Schools of the American Bar Association are founded primarily on the fact that law schools are the gateway to the legal profession. They are minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education. Consistent with their aspirations, mission and resources, law schools should continuously seek to exceed these minimum requirements in order to improve the quality of legal education and to promote high standards of professional competence, responsibility and conduct.

The graduates of approved law schools can become members of the bar in all United States jurisdictions, representing all members of the public in important interests. Therefore, an approved law school must provide an opportunity for its students to study in a diverse educational environment, and in order to protect the interests of the public, law students, and the profession, it must provide an educational program that ensures that its graduates:

(1) understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;

(2) receive basic education through a curriculum that develops:

> (i) understanding of the theory, philosophy, role, and ramifications of the law and its institutions;
>
> (ii) skills of legal analysis, reasoning, and problem solving; oral and written communication; legal research; and other fundamental skills necessary to participate effectively in the legal profession;
>
> (iii) understanding of the basic principles of public and private law; and

(3) understand the law as a public profession calling for performance of pro bono legal services.

STANDARDS FOR APPROVAL OF LAW SCHOOLS

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CHAPTER 1

GENERAL PURPOSES AND PRACTICES; DEFINITIONS

Standard 101. BASIC REQUIREMENTS FOR APPROVAL

A law school approved by the Association or seeking approval by the Association shall demonstrate that its program is consistent with sound legal education principles. It does so by establishing that it is being operated in compliance with the Standards.

Interpretation 101-1
To enable the Accreditation Committee and Council to determine whether a law school has demonstrated that its program of legal education is consistent with sound legal education principles and is being operated in compliance with the Standards, a law school shall furnish an annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee and Council may require. These documents must be complete and accurate and submitted timely in the form specified.

The information provided by these means not only informs the Council about the status of each law school but also enables the Council, in meeting its obligations with respect to legal education as a whole, to ascertain national norms of legal education, areas in which improvements are being made, and those where further attention is needed.

Interpretation 101-2
Accreditation or approval of a law school by the American Bar Association is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school or (2) a university or college of which the law school is a part does not include the transfer of the law school's accreditation status.

Standard 102. PROVISIONAL APPROVAL

(a) A law school shall be granted provisional approval only if it establishes that it is in substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that the law school is not in substantial compliance with the Standards or that the law school is not making adequate progress toward coming into full compliance with the Standards. If five years have elapsed since the law school was provisionally approved and it has not qualified for full approval, provisional approval shall lapse and the law school shall automatically be removed from the list of approved law schools unless, prior to the end of the five year period, in an extraordinary case and for good cause shown, the Council extends the time within which the law school must obtain full approval.

(c) A law school shall confer the J.D. degree contemporaneously with the time academic requirements for the degree are completed.

Interpretation 102-1
Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance.

Interpretation 102-2
In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific steps that it plans to take to bring itself into full compliance and must show that there is a reasonable probability that such steps will be successful.

Interpretation 102-3
A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program.

Interpretation 102-4
A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully approved law schools.

Interpretation 102-5
An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution.

Interpretation 102-6
A provisionally approved law school shall state in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school.

Interpretation 102-7
An unapproved law school seeking provisional approval must include the following language in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students:

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

Interpretation 102-8
In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction's bar admission authorities.

Interpretation 102-9
A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval.

Interpretation 102-10
An individual who matriculates at a law school that is provisionally approved or who is a student enrolled in a law school at the time it receives provisional approval and who completes the course of study and graduates from that school within a typical and reasonable period of time is deemed by the Council to be a graduate of an approved law school, even though the school loses its provisional approval status while the individual is enrolled in the school.

Standard 103. FULL APPROVAL

(a) A law school is granted full approval if it establishes that it is in full compliance with the Standards and it has been provisionally approved for not fewer than two years.

(b) Sanctions, including probation and removal from the list of law schools approved by the Association, may be imposed upon a law school as provided in Rules 16 and 17 of the Rules.

Interpretation 103-1
An individual 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 therefore is deemed a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein.

Interpretation 103-2
In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 20 of the Rules of Procedure for Approval of Law Schools.

Standard 104. [Reserved]

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change. Subject to the additional requirements of subsections (1) and (2), acquiescence shall be granted only if the law school establishes that the change will not detract from the law school's ability to meet the requirements of the Standards.

(1) If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308.

(2) If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law school is in compliance with the Standards or that the proposed major change will substantially enhance the law school's ability to comply with the Standards.

Interpretation 105-1
Major changes in the program of legal education or the organizational structure of a law school include:

(1) Instituting a new full-time or part-time division;

(2) Changing from a full-time to a part-time program or from a part-time to a fulltime program;

(3) Establishing a two-year undergraduate/four year law school or similar program;

(4) Establishing a new or different program leading to a degree other than the J.D. degree;

(5) A change in program length measurement from clock hours to credit hours;

(6) A substantial increase in the number of clock or credit hours that are required for graduation;

(7) Merging or affiliating with one or more approved or unapproved law schools;

(8) Merging or affiliating with one or more universities;

(9) Materially modifying the law school's legal status or institutional relationship with a parent institution;

(10) Acquiring another law school, program, or educational institution;

(11) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;

(12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;

(13) Opening of a Branch campus or Satellite campus;

(14) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement;

(15) A change in the location of the school that could result in substantial changes in the faculty, administration, student body, or management of the school;

(16) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;

(17) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;

(18) A significant change in the mission or objectives of the law school; and

(19) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

Interpretation 105-2
The establishment of a Branch campus of an approved law school constitutes the creation of a different law school. Consequently, a Branch campus must have a permanent full-time faculty, an adequate working library, adequate support and administrative staff, and adequate physical facilities and technological capacities. A Branch campus shall apply for provisional approval under the provisions of Standard 102 and Rule 4.

Interpretation 105-3
The establishment of a Satellite campus at which a law school offers no more than the first year of its full-time program, or the first three semesters (or equivalent) of its part-time program, requires at least:

(1) Full-time faculty of the law school who teach substantially all of the curriculum offered at the Satellite campus and who are reasonably available at the Satellite campus for consultation with students;

(2) Library resources and staff at the Satellite campus that are adequate to support the curriculum offered at the Satellite campus and that are reasonably accessible to students at the Satellite campus;

(3) Academic advising, career services and other student support services that are adequate to support the program offered at the Satellite campus, that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus and that are offered in person at the Satellite campus or otherwise are reasonably accessible to students at the Satellite campus;

(4) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and

(5) Physical facilities and technological capacities at the Satellite campus that are adequate to support the curriculum offered at and the students attending the Satellite campus.

Interpretation 105-4
A law school that seeks to establish a Satellite campus at which it will offer courses beyond its first-year program must show that it can adequately support its program at the Satellite campus. It must establish at least:

(1) That students attending the Satellite campus have reasonable access to full-time faculty, library resources and staff, and academic advising, career services and other support services that are adequate to support the program that the law school offers at the Satellite campus and that are reasonably equivalent to the resources and services offered to similarly situated students at the law school's main campus;

(2) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and

(3) That the physical facilities and technological capacities at the Satellite campus are adequate to support the curriculum offered at and the students attending the Satellite campus.

Interpretation 105-5
If a student would be able to take at a Satellite campus the equivalent of two-thirds or more of the credit hours that a law school requires for the award of the J.D. degree, all of the requirements set forth in Interpretation 105-2 apply to the establishment of such a Satellite campus except the requirement concerning provisional approval.

Interpretation 105-6
The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5), (6), and (16).

Standard 106. DEFINITIONS

As used in the Standards and Interpretations:

(1) "Accreditation Committee" means the Accreditation Committee of the Section.

(2) "Approved law school" means a law school that appears on the list of law schools approved by the American Bar Association.

(3) "Association" means the American Bar Association.

(4) "Branch campus" means a separate location at which the law school offers sufficient courses that a student could earn at the separate location all of the credit hours that the law school requires for the J.D. degree.

(5) "Consultant" means the Consultant on Legal Education to the American Bar Association.

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

(7) "Dean" includes an acting or interim dean.

(8) "Governing board" means a board of trustees, board of regents, or comparable body that has ultimate policy making authority for a law school or the university of which the law school is a part.

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

(10) "Interpretations" mean the Interpretations of the Standards for Approval of Law Schools.

(11) "J.D. degree" means the first professional degree in law granted by a law school.

(12) "President" includes the chief executive officer of a university or, if the university has more than one administratively independent unit, of the unit of which a law school is a part.

(13) "Probation" is a public status indicating that the law school is in substantial non-compliance with the Standards and is at risk of being removed from the list of approved law schools.

(14) "Rules" mean the Rules of Procedure for the Approval of Law Schools by the American Bar Association.

(15) "Satellite campus" means a separate location (other than one approved under the Criteria for Approval of Semester Abroad Programs) which is not within reasonable proximity to the main law school campus and at which a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D. degree but which does not constitute a Branch campus.

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

(17) "Standards" mean the Standards for the Approval of Law Schools.

(18) "University" means a post secondary educational institution that confers a baccalaureate degree and may grant other degrees, whether it is called university, college, or other name.

CHAPTER 2

ORGANIZATION AND ADMINISTRATION

Standard 201. RESOURCES FOR PROGRAM

(a) The present and anticipated financial resources of a law school shall be adequate to sustain a sound program of legal education and accomplish its mission.

(b) A law school shall be so organized and administered that its resources are used to provide a sound program of legal education and to accomplish its mission.

Interpretation 201-1
A law school does not comply with the Standards if its financial resources are so inadequate as to have a negative and material effect on the education students receive.

Interpretation 201-2
A 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.

Standard 202. SELF STUDY

Before each site evaluation visit the dean and faculty of a law school shall develop a written self study, which shall include a mission statement. The self study shall describe the program of legal education, evaluate the strengths and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify the means to accomplish the law school's unrealized goals.

Interpretation 202-1
A current self study shall be submitted by a law school seeking provisional approval, a provisionally approved law school before its annual site evaluation, and a fully approved law school before any regular or special site evaluation.

Standard 203. STRATEGIC PLANNING AND ASSESSMENT

In addition to the self study described in Standard 202, a law school shall demonstrate that it regularly identifies specific goals for improving the law school's program, identifies means to achieve the established goals, assesses its success in realizing the established goals and periodically re-examines and appropriately revises its established goals.

Standard 204. GOVERNING BOARD OF AN INDEPENDENT LAW SCHOOL

A law school that is not part of a university shall be governed by a governing board composed of individuals dedicated to the maintenance of a sound program of legal education.

Interpretation 204-1
The governing board of a law school that is not part of a university should authorize the dean to serve as chief executive, or chief academic officer of the law school, or both, and shall define the scope of the dean's authority in compliance with the Standards. The dean shall be responsible to the governing board. The dean may be a member of the board but should not serve as chairperson of the board.

Standard 205. GOVERNING BOARD AND LAW SCHOOL AUTHORITY

(a) A governing board may establish general policies that are applicable to a law school if they are consistent with the Standards.

(b) The dean and faculty shall formulate and administer the educational program of the law school, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.

Interpretation 205-1
An action of a university committee may violate the Standards if it deprives the dean and faculty of a law school of their appropriate roles for recommending faculty promotion and tenure or security of position.

Interpretation 205-2
Admission of a student to a law school without the approval of the dean and faculty of the law school violates the Standards.

Standard 206. DEAN

(a) A law school shall have a full-time dean, selected by the governing board or its designee, to whom the dean shall be responsible.

(b) A law school shall provide the dean with the authority and support needed to discharge the responsibilities of the position and those contemplated by the Standards.

(c) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.

(d) The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean.

Interpretation 206-1
The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.

Standard 207. ALLOCATION OF AUTHORITY BETWEEN DEAN AND FACULTY

The allocation of authority between the dean and the law faculty is a matter for determination by each institution as long as both the dean and the faculty have a significant role in determining educational policy.

Standard 208. INVOLVEMENT OF ALUMNI, STUDENTS AND OTHERS

A law school may involve alumni, students, and others in a participatory or advisory capacity; but the dean and faculty shall retain control over matters affecting the educational program of the law school.

Standard 209. NON-UNIVERSITY AFFILIATED LAW SCHOOLS

If a law school is not part of a university or, although a part, is physically remote from the rest of the university, the law school should seek to provide its students and faculty with the benefits that usually result from a university connection, such as by enlarging its library collection to include materials generally found only in a university library and by developing working relationships with other educational institutions in the community.

Standard 210. LAW SCHOOL-UNIVERSITY RELATIONSHIP

(a) If a law school is part of a university, that relationship shall serve to enhance the law school's program.

(b) If a university's general policies do not adequately facilitate the recruitment and retention of competent law faculty, appropriate separate policies should be established for the law school.

(c) The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education.

(d) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.

Interpretation 210-1
A law school does not comply with the Standards if the charges and costs assessed against the law school's revenue by the university leave the law school with financial resources so inadequate as to have a negative and material effect on the education students receive.

Interpretation 210-2
The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education. "Resources generated" includes law school tuition and fees, endowment restricted to the law school, gifts to the law school, and income from grants, contracts, and property of the law school. The university should provide the law school with a satisfactory explanation for any use of resources generated by the law school to support non-law school activities and central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources.

Standard 211. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

(a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability.

(b) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability.

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

(d) Non-discrimination and equality of opportunity in legal education includes equal opportunity to obtain employment. A law school shall 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 principles of non-discrimination and equality of opportunity on the basis of race, color, religion, national origin, gender, sexual orientation, age and disability in regard to hiring, promotion, retention and conditions of employment.

Interpretation 211-1
Schools may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.

Interpretation 211-2
As long as a school complies with the requirements of Standard 211(c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school.

Interpretation 211-3
Standard 211(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.

Interpretation 211-4
The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, sexual orientation, age or disability if the basis of denial relied upon is an admissions qualification of the school which is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability though not purporting to do so.

Interpretation 211-5
The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, religion, national origin, gender, sexual orientation, age or disability if the basis of denial relied upon is an employment policy of the school which is intended to prevent the employment of individuals on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability though not purporting to do so.

Standard 212. EQUAL OPPORTUNITY AND DIVERSITY

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race and ethnicity.

Interpretation 212-1
The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 212. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 212 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 212-2
Consistent with the U.S. Supreme Court's decision in Grutter v. Bollinger, 529 U.S. 306 (2003), a law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity. Through its admissions policies and practices, a law school shall take concrete actions to enroll a diverse student body that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students to better understand persons of different races, ethnic groups and backgrounds.

Interpretation 212-3
This Standard does not specify the forms of concrete actions a law school must take to satisfy its equal opportunity and diversity obligations. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a more favorable environment for students from underrepresented groups.

Standard 213. REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES

Assuring equality of opportunity for qualified individuals with disabilities, as required by Standard 211, may require a law school to provide such students, faculty and staff with reasonable accommodations.

Interpretation 213-1
For the purpose of this Standard and Standard 211, disability is defined as in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, as further defined by the regulations on post secondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq.

Interpretation 213-2
As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, neither this Standard nor Standard 211 imposes obligations upon law schools beyond those provided by those statutes.

Interpretation 213-3
Applicants and students shall be individually evaluated to determine whether they meet the academic standards requisite to admission and participation in the law school program. The use of the term "qualified" in the Standard requires a careful and thorough consideration of each applicant and each student's qualifications in light of reasonable accommodations. Reasonable accommodations are those that are consistent with the fundamental nature of the school's program of legal education, that can be provided without undue financial or administrative burden, and that can be provided while maintaining academic and other essential performance standards.

CHAPTER 3

PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES

(a) A law school shall maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession.

(b) A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school's educational program, co-curricular programs, and other educational benefits.

Interpretation 301-1
A law school shall maintain an educational program that prepares its students to address current and anticipated legal problems.

Interpretation 301-2
A law school may offer an educational program designed to emphasize certain aspects of the law or the legal profession.

Interpretation 301-3
Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the rigor of its academic program, including its assessment of student performance, and the bar passage rates of its graduates.

Interpretation 301-4
Among the factors to consider in assessing compliance with Standard 301(b) are whether students have reasonably comparable opportunities to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors.

Interpretation 301-5
For schools providing more than one enrollment or scheduling option, the opportunities to take advantage of the school's educational program, co-curricular activities, and other educational benefits for students enrolled under one option shall be deemed reasonably comparable to the opportunities of students enrolled under other options if the opportunities are roughly proportional based upon the relative number of students enrolled in various options.

Interpretation 301-6 [For further guidance regarding compliance with 301-6 and for the explanation of its application for provisionally approved schools, see Appendix 3.]
A. A law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the school demonstrates that it meets any one of the following tests:

1) That for students who graduated from the law school within the five most recently completed calendar years:

(a) 75 percent or more of these graduates who sat for the bar passed a bar examination, or

(b) in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination.

In demonstrating compliance under sections (1)(a) and (b), the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

2) That in three or more of the five most recently completed calendar years, the school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance under section (2), the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

B. A school shall be out of compliance with the bar passage portion of 301(a) if it is unable to demonstrate that it meets the requirements of paragraph A (1) or (2).

C. A school found out of compliance under paragraph B and that has not been able to come into compliance within the two year period specified in Rule 13(b) of the Rules of Procedure for Approval of Law Schools, may seek to demonstrate good cause for extending the period the school has to demonstrate compliance by submitting evidence of:

(i) The school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it.

(ii) The length of time the school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it.

(iii) Actions by the school to address bar passage, particularly the school's academic rigor and the demonstrated value and effectiveness of the school's academic support and bar preparation programs: value-added, effective, sustained and pervasive actions to address bar

passage problems will be considered in the school's favor; ineffective or only marginally effective programs or limited action by the school against it.

(iv) Efforts by the school to facilitate bar passage for its graduates who did not pass the bar on prior attempts: effective and sustained efforts by the school will be considered in the school's favor; ineffective or limited efforts by the school against it.

(v) Efforts by the school to provide broader access to legal education while maintaining academic rigor: sustained meaningful efforts will be viewed in the school's favor; intermittent or limited efforts against it.

(vi) The demonstrated likelihood that the school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the school has undertaken counseling and other appropriate efforts to retain its well-performing students.

(vii) Temporary circumstances beyond the control of the school, but which the school is addressing: for example, a natural disaster that disrupts the school's operations or a significant increase in the standard for passing the relevant bar examination(s).

(viii) Other factors, consistent with a school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.

Standard 302. CURRICULUM

(a) A law school shall require that each student receive substantial instruction in:

(1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession;

(2) legal analysis and reasoning, legal research, problem solving, and oral communication;

(3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;

(4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and

(5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.

(b) A law school shall offer substantial opportunities for:

(1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;

(2) student participation in pro bono activities; and

(3) small group work through seminars, directed research, small classes, or collaborative work.

Interpretation 302-1
Factors to be considered in evaluating the rigor of writing instruction include: the number and nature of writing projects assigned to students; the opportunities a student has to meet with a writing instructor for purposes of individualized assessment of the student's written products; the number of drafts that a student must produce of any writing project; and the form of assessment used by the writing instructor.

Interpretation 302-2
Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302 (a)(4).

Interpretation 302-3
A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be "substantial," instruction in professional skills must engage each student in skills performances that are assessed by the instructor.

Interpretation 302-4
A law school need not accommodate every student requesting enrollment in a particular professional skills course.

Interpretation 302-5
The offering of live-client or real-life experiences may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client or other real-life practice experience.

Interpretation 302-6
A law school should involve members of the bench and bar in the instruction required by Standard 302(a)(5).

Interpretation 302-7 [Reserved]

Interpretation 302-8
A law school shall engage in periodic review of its curriculum to ensure that it prepares the school's graduates to participate effectively and responsibly in the legal profession.

Interpretation 302-9
The substantial instruction in the history, structure, values, rules, and responsibilities of the legal profession and its members required by Standard 302(a)(5) includes instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association.

Interpretation 302-10
Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program. Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a)(4). While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard 302(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Standard 303. ACADEMIC STANDARDS AND ACHIEVEMENTS

(a) A law school shall have and adhere to sound academic standards, including clearly defined standards for good standing and graduation.

(b) A law school shall monitor students' academic progress and achievement from the beginning of and periodically throughout their studies.

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

Interpretation 303-1
Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.

Interpretation 303-2
A law school shall provide academic advising to students to communicate effectively to them the school's academic standards and graduation requirements, and guidance regarding course selection and sequencing. Academic advising should include assisting each student with planning a program of study consistent with that student's goals.

Interpretation 303-3
A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.

Standard 304. COURSE OF STUDY AND ACADEMIC CALENDAR

(a) A law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods, examinations, and breaks, but such time does not count toward the 130-day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 58,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school.

(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

(d) A law school shall require regular and punctual class attendance.

(e) A law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that school for graduation (or a proportionate number for schools on other academic schedules, such as a quarter system).

(f) A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.

Interpretation 304-1
This Standard establishes a minimum period of academic instruction as a condition for graduation. While the academic year is typically divided into two equal terms of at least thirteen weeks, that equal division is not required. The Standard accommodates deviations from a conventional semester system, including quarter systems, trimesters, and mini-terms.

Interpretation 304-2
A law school may not count more than five class days each week toward the 130-day requirement.

Interpretation 304-3
In calculating the 45,000 minutes of "regularly scheduled class sessions" for the purpose of Standard 304(b), the time may include:

(a) coursework at a law school for which a student receives credit toward the J.D. degree by the law school, so long as that work itself meets the requirements of Standard 304;

(b) coursework for which a student receives credit toward the J.D. degree that is work done in a foreign study program that qualifies under Standard 307;

(c) law school coursework that meets the requirements of Standard 306(c);

(d) in a seminar or other upper-level course other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(e) in a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.

A law school shall not include in the 45,000 minutes required by Standard 304(b) to be by attendance in regularly scheduled class sessions at the law school any other coursework, including but not limited to (i) work qualifying for credit under Standard 305;(ii) coursework completed in another department, school or college of the university with which the law school is affiliated or at another institution of higher learning; and (iii) co-curricular activities such as law review, moot court, and trial competitions.

Interpretation 304-4
Law schools may find the following examples useful. Law schools on a conventional semester system typically require 700 minutes of instruction time per "credit," exclusive of time for an examination. A quarter hour of credit requires 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 58,000 minutes of instruction time, a law school must require at least 83 semester hours of credit, or 129 quarter hours of credit.

If a law school on a semester system offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of instruction in 10 classes.

If a law school on a quarter system offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 304(a) and the 58,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements.

Interpretation 304-5
Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.

Interpretation 304-6
A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, and limitation on employment.

Interpretation 304-7
Subject to the provisions of this Interpretation, a law school shall require a student who has completed work in an LL.M. or other post J.D. program to complete all of the work for which it will award the J.D. degree following the student's regular enrollment in the school's J.D. program. A law school may accept transfer credit as otherwise allowed by the Standards.

A law school may award credit toward a J.D. degree for work undertaken in a LL.M. or other post J.D. program offered by it or another law school if:

> *(a) that work was the successful completion of a J.D. course while the student was enrolled in a post-J.D. law program;*
>
> *(b) the law school at which the course was taken has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. students in the course, and*
>
> *(c) the law school accepting the transfer credit will require that the student successfully complete a course of study that satisfies the requirements of Standards 302(a)-(b) and that meets all of the school's requirement for the awarding of the J.D. degree.*

Standard 305. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty

members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;

(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;

(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;

(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;

(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

Interpretation 305-1
Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

Interpretation 305-2
The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

Interpretation 305-3
A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

Interpretation 305-4
(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

Interpretation 305-5
Standard 305 by its own force does not allow credit for Distance Education courses.

Standard 306. DISTANCE EDUCATION

(a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(b) Distance education is an educational process characterized by the separation, in time or place, between instructor and student. It includes courses offered principally by means of:

> **(1) technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;**
>
> **(2) audio or computer conferencing;**
>
> **(3) video cassettes or discs; or**
>
> **(4) correspondence.**

(c) A law school may award credit for distance education and may count that credit toward the 45,000 minutes of instruction required by Standard 304(b) if:

> **(1) there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and**
>
> **(2) there is ample monitoring of student effort and accomplishment as the course progresses.**

(d) A law school shall not grant a student more than four credit hours in any term, nor more than a total of 12 credit hours, toward the J.D. degree for courses qualifying under this Standard.

(e) No student shall enroll in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.

(f) No credit otherwise may be given toward the J.D. degree for any distance education course.

(g) A law school shall establish a process that is effective for verifying the identity of students taking distance education courses and protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

Interpretation 306-1
To allow the Council and the Standards Review Committee to review and adjust this Standard, law schools shall report each year on the distance education courses that they offer.

Interpretation 306-2
Distance education presents special opportunities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.

Interpretation 306-3
Courses in which two-thirds or more of the course instruction consists of regular classroom instruction shall not be treated as "distance education" for purposes of Standards 306(d) and (e) even though they also include substantial on-line interaction or other common components of "distance education" courses so long as such instruction complies with the provisions of subsections (1) and (2) of Standard 306(c).

Interpretation 306-4
Law schools shall take steps to provide students in distance education courses opportunities to interact with instructors that equal or exceed the opportunities for such interaction with instructors in a traditional classroom setting.

Interpretation 306-5
Law schools shall have the technological capacity, staff, information resources, and facilities required to provide the support needed for instructors and students involved in distance education at the school.

Interpretation 306-6
Law schools shall establish mechanisms to assure that faculty who teach distance education courses and students who enroll in them have the skills and access to the technology necessary to enable them to participate effectively.

Interpretation 306-7
Faculty approval of credit for a distance education course shall include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement of Interpretation 304-4 that requires 700 minutes of instruction for each credit awarded.

Interpretation 306-8
A law school that offers more than an incidental amount of credit for distance education shall adopt a written plan for distance education at the law school and shall periodically review the educational effectiveness of its distance education courses and programs.

Interpretation 306-9
"Credits" in this Standard means semester hour credits as provided in Interpretation 304-4. Law schools that use quarter hours of credit shall convert these credits in a manner that is consistent with the provisions of Interpretation 304-4.

Interpretation 306-10
Methods to verify student identity as required in 306(g) include, but are not limited to: (i) a secure login and pass code; (ii) proctored examinations; and (iii) new or other technologies and practices that are effective in verifying student identity.

Standard 307. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY

A law school may grant credit for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Interpretation 307-1
In addition to studies or activities covered by Criteria adopted by the Council, a law school may grant credit for (a) studies or activities in a foreign country that meet the requirements of Standard 305 and (b) brief visits to a foreign country that are part of a law school course approved through the school's regular curriculum approval process.

Standard 308. DEGREE PROGRAMS IN ADDITION TO J.D.

A law school may not establish a degree program other than its J.D. degree program without obtaining the Council's prior acquiescence. A law school may not establish a degree program in addition to its J.D. degree program unless the school is fully approved. The additional degree program may not detract from a law school's ability to maintain a J.D. degree program that meets the requirements of the Standards.

Interpretation 308-1
Reasons for withholding acquiescence in the establishment of an advanced degree program include:

(1) Lack of sufficient full-time faculty to conduct the J.D. degree program;

(2) Lack of adequate physical facilities, which has a negative and material effect on the education students receive;

(3) Lack of an adequate law library to support both a J.D. and an advanced degree program; and

(4) A J.D. degree curriculum lacking sufficient diversity and richness in course offerings.

Interpretation 308-2
Acquiescence in a degree program other than the first degree in law is not an approval of the program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association.

CHAPTER 4

THE FACULTY

Standard 401. QUALIFICATIONS

A law school shall have a faculty whose qualifications and experience are appropriate to the stated mission of the law school and to maintaining a program of legal education consistent with the requirements of Standards 301 and 302. The faculty shall possess a high degree of competence, as demonstrated by its education, experience in teaching or practice, teaching effectiveness, and scholarly research and writing.

Standard 402. SIZE OF FULL-TIME FACULTY

(a) A law school shall have a sufficient number of full-time faculty to fulfill the requirements of the Standards and meet the goals of its educational program. The number of full-time faculty necessary depends on:

> **(1) the size of the student body and the opportunity for students to meet individually with and consult faculty members;**
>
> **(2) the nature and scope of the educational program; and**
>
> **(3) the opportunities for the faculty adequately to fulfill teaching obligations, conduct scholarly research, and participate effectively in the governance of the law school and in service to the legal profession and the public.**

(b) A full-time faculty member is one whose primary professional employment is with the law school and who devotes substantially all working time during the academic year to the responsibilities described in Standard 404(a), and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as a scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one's responsibility as a faculty member.

Interpretation 402-1
In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.

(1) In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources" as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute

in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.

(A) Additional teaching resources and the proportional weight assigned to each category include:

(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;

(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and

(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.

(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources. To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers

(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school, provided that no student who is enrolled in fewer than ten credit hours in a term shall be considered a full-time student, and no student enrolled in more than 13 credit hours shall be considered a part-time student. A part-time student is counted as a two-thirds equivalent student.

(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school are considered to determine the adequacy of the teaching resources available for the J.D. program.

Interpretation 402-2
Student/faculty ratios are considered in determining a law school's compliance with the Standards.

(1) A ratio of 20:1 or less presumptively indicates that a law school complies with the Standards. However, the educational effects shall be examined to determine whether the size and duties of the full-time faculty meet the Standards.

(2) A ratio of 30:1 or more presumptively indicates that a law school does not comply with the Standards.

(3) At a ratio of between 20:1 and 30:1 and to rebut the presumption created by a ratio of 30:1 or greater, the examination will take into account the effects of all teaching resources on the school's educational program, including such matters as quality of teaching, class size, availability of small group classes and seminars, student/faculty contact, examinations and grading, scholarly contributions, public service, discharge of governance responsibilities, and the ability of the law school to carry out its announced mission.

Interpretation 402-3
A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.

Interpretation 402-4
Regularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not a full-time faculty member under this Standard. This presumption may be rebutted if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty.

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

(a) The full-time faculty shall teach the major portion of the law school's curriculum, including substantially all of the first one-third of each student's coursework.

(b) A law school shall ensure effective teaching by all persons providing instruction to students.

(c) A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.

Interpretation 403-1
The full-time faculty's teaching responsibility will usually be determined by the proportion of student credit hours taught by full-time faculty in each of the law school's programs or divisions (such as full-time, part-time evening study, and part-time weekend study). For purposes of Standard 403(a), a faculty member is considered full-time if that person's primary professional employment is with the law school.

Interpretation 403-2
Efforts to ensure teaching effectiveness may include: a faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institutional review of student evaluation of teaching, colloquia on effective teaching, and recognition of creative scholarship in law school

teaching methodology. A law school shall provide all new faculty members with orientation, guidance, mentoring, and periodic evaluation.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY

(a) A law school shall establish policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:

> **(1) Faculty teaching responsibilities, including carrying a fair share of the law school's course offerings, preparing for classes, being available for student consultation, participating in academic advising, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas;**
>
> **(2) Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;**
>
> **(3) Obligations to the law school and university community, including participation in the governance of the law school;**
>
> **(4) Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and**
>
> **(5) Obligations to the public, including participation in pro bono activities.**

(b) A law school shall evaluate periodically the extent to which each faculty member discharges her or his responsibilities under policies adopted pursuant to Standard 404(a).

Standard 405. PROFESSIONAL ENVIRONMENT

(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix 1 herein is an example but is not obligatory.

(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

(d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 302(a)(3), and (2) safeguard academic freedom.

Interpretation 405-1

A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards.

Interpretation 405-2

A law faculty as professionals should not be required to be a part of the general university bargaining unit.

Interpretation 405-3

A law school shall have a comprehensive system for evaluating candidates for promotion and tenure or other forms of security of position, including written criteria and procedures that are made available to the faculty.

Interpretation 405-4

A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have procedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or governing board.

Interpretation 405-5

If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.

Interpretation 405-6

A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the entire clinical program.

A program of renewable long-term contracts shall provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short-term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract. For the purposes of this Interpretation, "long-term contract" means at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom. During the

initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the entire clinical program.

Interpretation 405-7
In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty.

Interpretation 405-8
A law school shall afford to full-time clinical faculty members participation in faculty meetings, committees, and other aspects of law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c).

Interpretation 405-9
Subsection (d) of this Standard does not preclude the use of short-term contracts for legal writing teachers, nor does it preclude law schools from offering fellowship programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experience.

CHAPTER 5

ADMISSIONS AND STUDENT SERVICES

Standard 501. ADMISSIONS

(a) A law school shall maintain sound admission policies and practices, consistent with the objectives of its educational program and the resources available for implementing those objectives.

(b) A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.

Interpretation 501-1
Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

Interpretation 501-2
A law school's admission policies shall be consistent with Standards 211 and 212.

Interpretation 501-3
Among the factors to consider in assessing compliance with Standard 501(b) are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program.

Interpretation 501-4
A law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration. A law school may face a 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 the program.

Standard 502. EDUCATIONAL REQUIREMENTS

(a) A law school shall require for admission to its J.D. degree program a bachelor's degree, or successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by an accrediting agency recognized by the Department of Education.

(b) In an extraordinary case, a law school may admit to its J.D. degree program an applicant who does not possess the educational requirements of subsection (a) if the applicant's experience, ability, and other characteristics clearly show an aptitude for the study of law.

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 502-1
Before an admitted student registers, or within a reasonable time thereafter, a law school shall have on file the student's official transcript showing receipt of a bachelor's degree, if any, and all academic work undertaken. "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. A copy supplied by the Law School Data Assembly Service is not an official transcript, even though it is adequate for preliminary determination of admission.

Standard 503. ADMISSION TEST

A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's educational program. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

Interpretation 503-1
A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program.

Interpretation 503-2
This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.

Interpretation 503-3
A pre-admission program of coursework taught by members of the law school's full-time faculty and culminating in an examination or examinations, offered to some or all applicants prior to a decision to admit to the J.D. program, also may be useful in assessing the capability of an applicant to satisfactorily complete the school's educational program, to be admitted to the bar, and to become a competent professional.

Interpretation 503-4
The "Cautionary Policies Concerning LSAT Scores and Related Services" published by the Law School Admission Council is an example of the testing agency guidelines referred to in Standard 503. [See Appendix 2]

Standard 504. CHARACTER AND FITNESS

(a) A law school shall advise each applicant that there are character, fitness and other qualifications for admission to the bar and encourage the applicant, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice. The law school should, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness and other qualifications.

(b) 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, fitness or other qualifications of the applicants to the law school.

(c) If a law school considers an applicant's character, fitness or other 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 that might be considered unorthodox.

Standard 505. PREVIOUSLY DISQUALIFIED APPLICANT

A law school may admit or readmit a student who has been disqualified previously 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 admission to a law school other than the disqualifying school, this showing shall be made either by a letter from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies indicating a stronger potential for law study. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 505-1
The two year period begins on the date of the original determination to disqualify the student for academic reasons.

Interpretation 505-2
A student who enrolled in a pre-admission program but was not granted admission is not a student who was disqualified for academic reasons under this Standard.

Standard 506. APPLICANTS FROM LAW SCHOOLS NOT APPROVED BY THE ABA

(a) A law school may admit a student with advanced standing and allow credit for studies at a law school in the United States that is not approved by the American Bar Association ("non-ABA approved law school") if:

(1) the non-ABA approved law school has been granted the power to confer the J.D. degree by the appropriate governmental authority in the unapproved law school's jurisdiction, or graduates of the non-ABA approved law school are permitted to sit for the bar examination in the jurisdiction in which the school is located;

(2) the studies were "in residence" as provided in Standard 304(b), or qualify for credit under Standard 305 or Standard 306; and (3) the content of the studies was such that credit therefore would have been granted towards satisfaction of degree requirements at the admitting school.

(b) Advanced standing and credit hours granted for study at a non-ABA approved law school may not exceed one-third of the total required by an admitting school for its J.D. degree.

Standard 507. APPLICANTS FROM FOREIGN LAW SCHOOLS

(a) A law school may admit a student with advanced standing and allow credit for studies at a law school outside the United States if:

(1) the studies were "in residence" as provided in Standard 304, or qualify for credit under Standard 305;

(2) the content of the studies was such that credit therefore would have been granted towards satisfaction of degree requirements at the admitting school; and

(3) the admitting school is satisfied that the quality of the educational program at the foreign law school was at least equal to that required by an approved school.

(b) Advanced standing and credit hours granted for foreign study may not exceed one-third of the total required by an admitting school for its J.D. degree.

Interpretation 507-1
This Standard applies only to graduates of foreign law schools or students enrolled in a first degree granting law program in a foreign education institution.

Standard 508. ENROLLMENT OF NON-DEGREE CANDIDATES

Without requiring compliance with its admission standards and procedures, a law school may enroll individuals in a particular course or limited number of courses, as auditors, non-degree candidates, or candidates for a degree other than a law degree, provided that such enrollment does not adversely affect the quality of the course or the law school program.

Standard 509. BASIC CONSUMER INFORMATION

(a) A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

(b) A law school must publicly disclose on its website, in a readable and comprehensive manner, its policies regarding the transfer of credit earned at another institution of higher education. The law school's transfer of credit policies must include, at a minimum:

(1) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

(2) A list of institutions, if any, with which the law school has established an articulation agreement.

Interpretation 509-1
The following categories of consumer information are considered basic:

(1) admission data;

(2) tuition, fees, living costs, financial aid, and refunds;

(3) enrollment data and graduation rates;

(4) composition and number of faculty and administrators;

(5) curricular offerings;

(6) library resources;

(7) physical facilities; and

(8) placement rates and bar passage data.

Interpretation 509-2
To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants.

Interpretation 509-3
In addition to the publication of information required by Interpretations 509-1 and 509-2, a law school shall publish its academic calendar in its own catalog or similar publication and on its website.

Interpretation 509-4
Standard 509 requires a law school fairly and accurately to report basic consumer information whenever and wherever that information is reported or published. A law school's participation in the Council-designated publication referred to in Interpretation 509-2 and its provision of fair and

accurate information for that book does not excuse a school from the obligation to report fairly and accurately all basic consumer information published in other places or for other purposes.

Interpretation 509-5
All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees.

Interpretation 509-6
If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

Interpretation 509-7
A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard.

Standard 510. STUDENT LOAN PROGRAMS

A law school shall take reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and prior to graduation.

Interpretation 510-1
The student loan default rates of a law school's graduates, including any results of financial or compliance audits and reviews, shall be considered in assessing the extent to which a law school complies with this Standard.

Interpretation 510-2
The law school's obligation shall be satisfied if the university, of which the law school is a part, provides to law students the reasonable steps described in this Standard.

Standard 511. STUDENT SUPPORT SERVICES

A law school shall provide all its students, regardless of enrollment or scheduling option, with basic student services, including maintenance of accurate student records, academic advising and counseling, financial aid counseling, and an active career counseling service to assist students in making sound career choices and obtaining employment. If a law school does not provide these types of student services directly, it must demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

Standard 512. STUDENT COMPLAINTS IMPLICATING COMPLIANCE WITH THE STANDARDS

(a) A law school shall establish, publish, and comply with policies with respect to addressing student complaints.

(b) A law school shall maintain a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.

(c) A "complaint" is a communication in writing that seeks to bring to the attention of the law school a significant problem that directly implicates the school's program of legal education and its compliance with the Standards.

Interpretation 512-1
A law school's policies on student complaints must address, at a minimum, procedures for filing and addressing complaints, appeal rights if any, and timelines.

CHAPTER 6

LIBRARY AND INFORMATION RESOURCES

Standard 601. GENERAL PROVISIONS

(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration of the law school.

(b) A law library shall have sufficient financial resources to support the law school's teaching, scholarship, research, and service programs. These resources shall be supplied on a consistent basis.

(c) A law school shall keep its library abreast of contemporary technology and adopt it when appropriate.

Interpretation 601-1
Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to meet the law school's educational needs. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region, or by providing electronic access.

Standard 602. ADMINISTRATION

(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

(b) The dean and the director of the law library, in consultation with the faculty of the law school, shall determine library policy.

(c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.

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

Interpretation 602-1
This Standard recognizes that substantial operating autonomy rests with the dean, the director of the law library and the faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in

university library decisions that may affect the law 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, the director of the law library, and faculty are responsible for the determination of basic law library policies.

Standard 603. DIRECTOR OF THE LAW LIBRARY

(a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.

(b) The selection and retention of the director of the law library shall be determined by the law school.

(c) A director of a law library should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration.

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

Interpretation 603-1
The director of the law library is responsible for all aspects of the management of the law library including budgeting, staff, collections, services and facilities.

Interpretation 603-2
The dean and faculty of the law school shall select the director of the law library.

Interpretation 603-3
The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director.

Interpretation 603-4
It is not a violation of Standard 603(a) for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of library operations.

Standard 604. PERSONNEL

The law library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

Interpretation 604-1
Factors relevant to the number of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty

and students, a dual division program in the school, graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing informational resource services.

Standard 605. SERVICES

A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.

Interpretation 605-1
Appropriate services include having adequate reference services, providing access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission.

Standard 606. COLLECTION

(a) The law library shall provide a core collection of essential materials accessible in the law library.

(b) In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,

(1) meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;

(2) supports the teaching, scholarship, research, and service interests of the faculty; and

(3) serves the law school's special teaching, scholarship, research, and service objectives.

(c) A law library shall formulate and periodically update a written plan for development of the collection.

(d) A law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.

Interpretation 606-1
All materials necessary to the programs of the law school shall be complete and current and in sufficient quantity or with sufficient access to meet faculty and student needs. The library shall ensure continuing access to all information necessary to the law school's programs.

Interpretation 606-2
The appropriate mixture of collection formats depends on the needs of the library and its clientele. A collection that consists of a single format may violate Standard 606.

Interpretation 606-3
Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:

(1) the agreements are in writing; and

(2) the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.

Interpretation 606-4
Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.

Interpretation 606-5
A law library core collection shall include the following:

(1) all reported federal court decisions and reported decisions of the highest appellate court of each state;

(2) all federal codes and session laws, and at least one current annotated code for each state;

(3) all current published treaties and international agreements of the United States;

(4) all current published regulations (codified and uncodified) of the federal government and the codified regulations of the state in which the law school is located;

(5) those federal and state administrative decisions appropriate to the programs of the law school;

(6) U.S. Congressional materials appropriate to the programs of the law school;

(7) significant secondary works necessary to support the programs of the law school, and

(8) those tools, such as citators and periodical indexes, necessary to identify primary and secondary legal information and update primary legal information.

Interpretation 606-6
The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan.

Interpretation 606-7
This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audio-visual materials in the collection.

CHAPTER 7

FACILITIES

Standard 701. GENERAL REQUIREMENTS

A law school shall have physical facilities that are adequate both for its current program of legal education and for growth anticipated in the immediate future.

Interpretation 701-1
Inadequate physical facilities are those that have a negative and material effect on the education students receive or fail to provide reasonable access for persons with disabilities. If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons.

Interpretation 701-2
Adequate physical facilities shall include:

(1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;

(2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;

(3) an office for each full-time faculty member adequate for faculty study and for faculty-student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;

(4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;

(5) suitable space for all staff; and

(6) suitable space for equipment and records in proximity to the individuals and offices served.

Interpretation 701-3
To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient.

Interpretation 701-4
A law school must demonstrate that it is and will be housed in facilities that are adequate to carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, and the security of the school's interest.

Interpretation 701-5
A law school's physical facilities should 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, the arrangements shall permit proper scheduling of all law classes and other law school activities.

Standard 702. LAW LIBRARY

The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

Interpretation 702-1
A law library shall have sufficient seating to meet the needs of the law school's students and faculty.

Standard 703. RESEARCH AND STUDY SPACE

A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty. A law school should provide space that is suitable for group study and other forms of collaborative work.

Standard 704. TECHNOLOGICAL CAPACITIES

A law school shall have the technological capacities that are adequate for both its current program of legal education and for program changes anticipated in the immediate future.

Interpretation 704-1
Inadequate technological capacities are those that have a negative and material effect on the education students receive.

Interpretation 704-2:
Adequate technological capacity shall include:

(1) sufficient and up-to-date hardware and software resources and infrastructure to support the teaching, scholarship, research, service and administrative needs of the school;

(2) sufficient staff support and space for staff operations;

(3) sufficient financial resources to adopt and maintain new technology as appropriate.

CHAPTER 8

COUNCIL AUTHORITY, VARIANCES AND AMENDMENTS

Standard 801. COUNCIL AUTHORITY

The Council shall have the authority to adopt, revise, amend or repeal the Standards, Interpretations and Rules. A decision of the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules shall not become effective until it has been reviewed by the House. Review of such decisions by the House shall be conducted pursuant to the procedures set forth in Standard 803 and the Rules of Procedure of the House.

Standard 802. VARIANCE

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance, may impose conditions, and shall impose time limits it considers appropriate. Council may terminate a variance prior to the end of the stated time limit if the school fails to comply with any conditions imposed by the Council. As a general rule, the duration of a variance should not exceed three years.

Interpretation 802-1
Variances are generally limited to proposals based on one or more of the following:

(a) a response to extraordinary circumstances that would create extreme hardship for students or for an approved law school; or

(b) an experimental program based on all of the following:

(1) good reason to believe that there is a likelihood of success;

(2) high quality experimental design;

(3) clear and measurable criteria for assessing the success of the experimental program;

(4) strong reason to believe that the benefits of the experiment will be greater than its risks; and

(5) adequately informed participation by students involved in the experiment.

Interpretation 802-2
A school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:

(a) a precise statement of the variance sought;

(b) an explanation of the bases and reasons for the variance; and

(c) additional information needed to support the application.

Interpretation 802-3
The Chair of the Accreditation Committee or the Consultant may appoint one or more fact finders to elicit facts relevant to consideration of the application for a variance. Thus an application for a variance must be filed well in advance of consideration of the application by the Accreditation Committee and the Council.

Interpretation 802-4
The Consultant, the Accreditation Committee or the Council may from time to time request written reports from the school concerning the variance.

Interpretation 802-5
Variances are school-specific and based on the circumstances existing at the law school filing the request.

Standard 803. AMENDMENT OF STANDARDS, INTERPRETATIONS AND RULES

(a) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to adopt, revise, amend or repeal the Standards, Interpretations or Rules, the Chairperson of the Council shall furnish a written statement of the Council action to the House.

(b) Once the action of the Council is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(c) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.

(d) Proposals for amendments to the Standards, Interpretations or Rules may be submitted to the Consultant, who shall refer the proposal to the Standards Review Committee or other appropriate committee. The committee to which any such proposal is referred shall report its recommendation concerning that proposal to the Council within twelve months after the proposal had been referred to the Committee.

KEY WORD INDEX

Note: In some cases, simply the corresponding Standard(s) is given to note the section wherein the keyword can be found. One should also refer to the corresponding Interpretations for additional information. Standard numbers for definitions are in **boldface**.

Key Word	Locator ("I" = Interpretation)
University	**106(18)**
University affiliation	210
Unqualified students	501(b)
Variance	802
Weighted bar passage averages	Appendix 3
Withdrawal of approval (removal from list)	102(b), 103(b), I 103-1, 801(a)
Writing experience	302(a)(3), I 302-1, I 302-2

RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

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A. INTRODUCTION

Rule 1. Definitions As Used in These Rules

(a) "Association" means the American Bar Association.

(b) "Committee" means the Accreditation Committee of the Section.

(c) "Consultant" means the Consultant on Legal Education to the American Bar Association.

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

(e) "Department of Education" means the United States Department of Education.

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

(g) "J.D. degree" means the first professional degree in law granted by a law school.

(h) "President" means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.

(i) "Probation" is a public status indicating that the law school is in substantial noncompliance with the Standards and is at risk of being removed from the list of approved law schools.

(j) "Rules" means the Rules of Procedure for Approval of Law Schools by the American Bar Association.

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

(l) "Standards" means the Standards for Approval of Law Schools by the American Bar Association, and the associated Interpretations.

(m) "University" means a post-secondary educational institution, whether called university, college, or other similar name, that confers a baccalaureate degree and, in some cases, may grant other degrees.

B. GENERAL PROVISIONS

Rule 2. Site Evaluation

(a) When a site evaluation is required under these Rules, the Consultant shall arrange for a visitby a team of qualified and objective persons.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed application (if the school is applying for provisional or full approval), the completed site evaluation questionnaire, and the current self study. Complaints received under Rule 24 and not dismissed by the Consultant or the Accreditation Committee shall be supplied by the Consultant to the site evaluation team.

(c) The Consultant shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. In the case of a law school seeking provisional or full approval, such visit shall take place during the academic year in which the application is received.

(d) Following a site evaluation, the team shall promptly prepare and submit to the Consultant a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance.

(e) After reviewing the report and conforming it to the requirements of Rule 2(d), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant transmits the report to the school.

(f) Following receipt of the school's response to the site evaluation report, the Consultant shall forward a copy of the report with the school's response to members of the Accreditation Committee and the site evaluation team.

Rule 3. Accreditation Committee Consideration

(a) Upon completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application or the status of the law school based upon a record consisting of the law school's application (in the case of a school seeking provisional or full approval), the site evaluation report, any written material submitted by the school, and other relevant information.

(b) The Committee shall make findings of fact and state conclusions with respect to the law school's compliance with the Standards. If the matter falls within the provisions of Rule 5(a), the Committee also shall make recommendations to the Council. The Committee also may request

(1) that the law school provide the Committee with specific information or (2) that the law school take specific actions, including reporting back to the Committee concerning actions that the law school has taken to bring itself into compliance with the Standards.

(c) The Consultant shall inform the president and the dean of the law school of the Committee's decision or recommendation in writing.

Rule 4. Application for Provisional or Full Approval

(a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the beginning of fall term classes but no later than October 15 in the academic year in which the law school is seeking approval. If the school is seeking a site evaluation visit in the fall academic term it shall also file, during the month of March of the preceding academic year, a written notice of its intent to do so. A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.

(b) The application must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school complies with each of the requirements of the Standards for provisional or full approval or that the law school seeks a variance from specific requirements of the Standards. If a law school seeking approval is not part of a university, the letter required from that institution by this subsection must be from the chairperson of the governing board and from the dean;

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) In the case of a law school seeking provisional approval, a copy of a feasibility study which evaluates the nature of the educational program and goals of the school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the school, including relation to the resources of a parent institution, if any;

(5) A copy of the self-study;

(6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(7) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;

(8) A request that the Consultant schedule a site evaluation at the school's expense; and,

(9) Payment to the Association of the application fee.

(c) A law school may not apply for provisional approval until it has completed the first full academic year of its program, except as provided in subsection (d).

(d) A law school may apply for provisional approval before it has completed the first academic

year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rules 20 and 21, and:

(1) the law school was created, or is to be created, by the transfer of all, or substantially all, of the academic programs or assets of a fully approved or provisionally approved law school to a new institution and all of the details of the transfer have been settled; or,

(2) the law school was created by the opening of a branch by a fully approved law school.

(e) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.

(f) A law school shall disclose whether an accrediting agency recognized by the U.S. Secretary of Education has denied an application for accreditation filed by the law school, revoked the accreditation of the law school, or placed the law school on probation. If the law school is part of a university, then the law school shall further disclose whether an accrediting agency recognized by the U.S. Secretary of Education has taken any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

(g) When a law school submits a completed application for provisional or full approval, the Consultant shall arrange for a site evaluation as provided under Rule 2.

(h) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application in accordance with Rule 3.

Rule 5. Jurisdiction of the Accreditation Committee

(a) The Committee has the jurisdiction to make recommendations to the Council concerning:

(1) the granting of provisional approval or the extension of the period of provisional approval under Standard 102;

(2) the granting of full approval under Standard 103;

(3) the granting of acquiescence in major changes under Standard 105, except that the Committee has jurisdiction to make decisions concerning acquiescence in the types of major changes specified in Interpretation 105-6; and

(4) the granting of variances under Standard 802.

(b) The Committee has jurisdiction to make decisions concerning all matters other than those specified in Rule 5(a).

(c) The Committee has jurisdiction to impose sanctions and to make recommendations to the Council concerning sanctions as provided in Rule 16(f).

Rule 6. Appearances Before Accreditation Committee and Council

(a) A law school has a right to have representatives of the school, including legal counsel, appear before the Committee and the Council when those bodies are considering (i) the school's application for provisional approval, (ii) the school's application for full approval, (iii) the school's application for acquiescence in a major change (other than those major changes with respect to which the Committee has jurisdiction to make a decision under Interpretation 105-6), and (iv) recommending or imposing sanctions.

(b) The chairperson or a member of the site evaluation team may be present at the Committee or Council meeting at which the law school is considered if requested by the chairperson of the Committee or the Council. The reasonable and necessary expenses of such attendance shall be the responsibility of the law school.

Rule 7. Reconsideration

A law school does not have the right to request reconsideration of a decision or recommendation made by the Accreditation Committee or to request reconsideration of a decision made by the Council.

Rule 8. Council Consideration of Recommendation of Accreditation Committee

(a) In considering a recommendation of the Committee, the Council shall adopt the Committee's findings of fact unless the Council determines that the findings of fact are not supported by substantial evidence on the record.

(b) The Council may adopt, modify or reject the Committee's conclusions or recommendations, or it may refer the matter back to the Committee for further consideration.

(c) Council consideration of the Committee's recommendation shall, subject to section (d), be based on the following record:

(1) The record before the Committee at the time of the Committee's decision;

(2) The letter reporting the Committee's findings of fact, conclusions and recommendations; and

(3) The school's appearance before the Council, if any.

(d) The Council will accept new evidence submitted by the school only upon a two-thirds vote of those Council members present and voting and only based on findings that:

(1) The evidence was not presented to the Committee,

(2) The evidence could not reasonably have been presented to the Committee,

(3) A reference back to the Committee to consider the evidence would, under the circumstances, present a serious hardship to the school,

(4) The evidence was submitted at least 14 days in advance of the Council meeting, and

(5) The evidence was appropriately verified at the time of submission.

(e) The Consultant shall inform the president and the dean of the law school of the Council's decision in writing.

Rule 9. Council Consideration of Appeal from Accreditation Committee Decision

(a) A law school may appeal an Accreditation Committee decision by filing with the Consultant a written appeal within 30 days after the date of the letter reporting the Committee's decision.

(b) The Council shall consider the appeal at its next regularly scheduled meeting, if feasible.

(c) The Council shall adopt the Committee's findings of fact unless the Council determines that the findings of fact are not supported by substantial evidence on the record.

(d) The Council shall give substantial deference to the Committee's conclusions and decisions.The Council may affirm or modify the Committee's conclusions and decisions or it may refer the matter back to the Committee for further consideration.

(e) The record upon which the law school may base its appeal shall consist of the following:

(1) The record before the Committee at the time of the Committee's decision,

(2) The letter reporting the Committee's decision,

(3) The Committee response to the appeal, if any, and

(4) The law school's written appeal. The written appeal may not contain, nor may it refer to, any evidence that was not in the record before the Committee at the time of its action.

(f) There shall be no right of appearance before the Council in connection with the appeal.

(g) The Consultant shall inform the president and the dean of the law school of the Council's decision by letter.

Rule 10. Appeal of an Adverse Decision of the Council

(a) A law school may appeal the following adverse decisions of the Council:

1. Denial of provisional approval;

2. Denial of full approval; or

3. Removal from list of approved law schools

(b) A law school may appeal the adverse decisions specified in Section (a) of this Rule, by filing with the Consultant a written appeal within 30 days after the date of the letter reporting the adverse decision of the Council to the law school.

(c) A written appeal must include:

1. Grounds for appeal; and

2. Documentation to support the appeal. The written appeal may not contain, nor may it refer to, any evidence that is not in the record before the Council.

(d) The grounds for an appeal must be based upon at least one of the following:

1. The decision was arbitrary and capricious; or

2. The Council failed to follow the applicable Rules of Procedure and the procedural errorprejudiced its decision.

(e) On appeal, the law school has the burden of demonstrating that the Council's decision was arbitrary and capricious and not supported by the evidence on record, or inconsistent with the Rules of Procedure and that inconsistency prejudiced its decision.

(f) Within 30 days of receipt of a written appeal, the Consultant will refer the appeal to the Appeals Panel.

(g) The Appeals Panel shall consist of three people appointed by the Chair of the Council to serve a one year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section. The Chair of the Council shall also appoint, at the same time and for the same term, three alternates to the Appeals Panel. All members of the Appeals Panel and alternates shall be (1) former members of the Council or Accreditation

Committee or (2) experienced site team evaluators. The Appeals Panel and the panel of alternates will each include one legal educator, one judge or practitioner, and one public member. The Chair of the Council shall designate one member of the Appeals Panel to serve as its chair. Members of the Appeals Panel and alternates shall be:

1. Experienced and knowledgeable in the Standards, Interpretations and Rules of Procedure;

2. Trained in the current Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the last 3 years;

3. Subject to the Section's Conflicts of Interest Policy, as provided in IOP 19; and

4. Appointed for a one-year term and eligible to serve consecutive terms.

In the event that any member of the Appeals Panel is disqualified under IOP 19 or is otherwise unable to serve on a particular Appeal, that member of the Appeals Panel shall be replaced for that Appeal by the alternate from the same occupational category. In the event that neither the member nor designated alternate in the same occupational category is able to serve on a particular Appeal, the Chair of the Council shall appoint a second alternate, from the same occupational category, for that Appeal.

(h) The Consultant shall inform the law school of the time, date, and place of the hearing at least thirty days in advance. The law school shall have a right to have representatives of the school, including legal counsel, appear and present written and/or oral statements to the Appeals Panel, subject to Sections (c) and (i) of this Rule. The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the Council and the law school. The hearing will be held in closed session and not open to the public. The Council may establish additional rules of procedure for the hearing of appeals.

(i) The Appeals Panel shall consider the appeal at a hearing within forty-five days of having received its charge from the Consultant. The appeal shall be decided based on the record before the Accreditation Committee and the Council, the decision letters of those bodies and the documents cited therein, and transcripts from appearances by the law school. No new evidence shall be considered by the Appeals Panel. The Appeals Panel can take one of the following actions:

1. Affirm the adverse decision of the Council;

2. Reverse the adverse decision of the Council;

3. Amend the adverse decision of the Council; or

4. Remand the adverse decision of the Council for further consideration.

Within 30 days after the conclusion of the hearing, the Appeals Panel shall provide the Council and the law school with a written statement of the Appeals Panel's decision and the basis for that decision.

The decision of the Appeals Panel shall be effective upon issuance. If the Appeals Panel remands the adverse decision of the Council for further consideration by the Council, the Appeals Panel shall identify specific issues that the Council must address. The Council shall act in a manner consistent with the Appeal's panel decisions or instructions.

In implementing the decision of the Appeals Panel, the Council may impose any monitoring, reporting or other requirements on the law school consistent with the Appeals Panel decision and the Rules of Procedure.

(j) The Consultant shall give written notice to the president and dean of the law school of the Council's adoption and implementation of the Appeal Panel's decision.

(k) When the only remaining deficiency cited by the Council in support of an adverse decision is a law school's failure to meet the standards dealing with financial resources for a law school, the law school may request a review of new financial information that was not part of the record before the Council at the time of the adverse decision if all of the following conditions are met:

1. A written request for review is filed with the Consultant within 30 days after the date of the letter reporting the adverse decision of the Council to the law school;

2. The financial information was unavailable to the law school until after the adverse decision subject to the appeal was made; and

3. The financial information is significant and bears materially on the financial deficiencies that were the basis of the adverse decision by the Council.

(l) The request to review new financial information will be considered by the Council at its next meeting occurring at least 30 days after receipt of the request.

(m)The Consultant shall inform the president and dean of the law school of the Council's decision in writing.

(n) A law school may request review of new financial information only once and a decision made by the Council with respect to that review does not provide a basis for appeal.

Rule 11. Reapplication for Provisional or Full Approval or for Acquiescence in Major Change

(a) If an application for provisional or full approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application.

Any new application also must be filed within the time prescribed by Rule 4(a). For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(b) If the Council decides not to grant provisional or full approval, or if a law school is removed from the list of approved law schools, the law school may not reapply for approval until at least ten months after the date of the letter reporting the Council's decision to the law school or (if later) the date of any letter reporting the concurrence of the House in the Council's decision. Any new application for approval also must be filed within the time prescribed by Rule 4(a). For good cause shown, the chairperson of the Council may authorize an earlier application.

(c) If an application for acquiescence in a major change is withdrawn by a law school, the school may not reapply for acquiescence until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(d) If the Committee or the Council decides not to grant acquiescence in a major change, the law school may not reapply for acquiescence until at least ten months have elapsed from the date of the letter reporting the decision of the Committee or the Council. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

C. EVALUATION OF PROVISIONALLY OR FULLY APPROVED LAW SCHOOLS

Rule 12. Site Evaluation of Provisionally or Fully Approved Law Schools

(a) A site evaluation of a provisionally approved law school shall be conducted each year. A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every seventh year thereafter. The Council or Committee may order additional site evaluations of a school when special circumstances warrant.

(b) In years two, four and five of a school's provisional approval status, the school shall normally be required to prepare a complete self-study, and the site evaluation shall normally be undertaken by a full site evaluation team. In years one and three of a school's provisional status, a full self-study normally will not be required and a limited site evaluation, conducted by one or two site evaluators, normally will be undertaken. The purpose of the limited site evaluation will primarily be to determine the extent to which the school is making satisfactory progress toward achieving full compliance with the Standards, and to identify any significant changes in the school's situation since the last full site evaluation. The Accreditation Committee shall have the discretion to order a

full site evaluation in any particular year, and to order a limited site evaluation if it determines that a full site evaluation is not necessary in any particular year.

(c) The Consultant shall arrange for the site evaluation in accordance with Rule 2.

(d) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the law school's evaluation in accordance with Rule 3.

(e) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year. The pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. The Consultant, with the approval of the Accreditation Committee, may postpone site evaluations of some fully approved schools for one year in order to reduce the variation in the number of site evaluations of fully approved schools that are conducted each year.

Rule 13. Action Concerning Apparent Non-Compliance with Standards

(a) If the Committee has reason to believe that a law school has not demonstrated compliance with the Standards, the Committee shall inform the school of that fact and request the school to furnish by a date certain further information in order to demonstrate the school's compliance with the Standards. The school shall furnish the requested information to the Committee.

(b) If, upon a review of the information furnished by the law school in response to the Committee's request and other relevant information, the Committee determines that the school is not in compliance with the Standards, the school shall be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it or be placed on probation, or be removed from the list of law schools approved by the Association. After a determination under Rule 13(b) that a law school is not in compliance with the Standards, the school shall have a period of time as set by the Committee to come into compliance. That period of time shall not exceed two years. If the law school does not demonstrate compliance by the end of that period, the Committee shall recommend to the Council that the law school be removed from the list of approved law schools unless the Committee, or the Council, extends the period for demonstrating compliance for good cause shown.

(c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it, be placed on probation, or be removed from the list of law schools approved by the Association.

(d) The Consultant shall give the law school at least thirty (30) days notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the

time and place of the hearing. For good cause shown, the chairperson of the Committee may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing.

Rule 14. Fact Finders

(a) The chairperson of the Committee or the chairperson of the Council may appoint, or may direct the Consultant to appoint, one or more fact finders to elicit facts relevant to any matter before the Committee or Council.

(b) The Consultant shall furnish the fact finder(s) with a copy of the most recent site evaluation questionnaire, the site evaluation report, the annual questionnaire, any letters reporting Committee or Council actions written subsequent to the most recent site evaluation report, notice of the Committee hearing or Council meeting, and other relevant information.

(c) Following the fact finding visit, the fact finder(s) shall promptly prepare a written report. The fact finder(s) shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance.

(d) The fact finder(s) shall promptly submit the report to the Consultant. After reviewing the report and conforming it to Rule 14(c), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant transmitted the report to the school.

Rule 15. Hearing on Show Cause Order

(a) This Rule governs hearings conducted pursuant to Rule 13(b) and Rule 13(c).

(b) The Consultant shall furnish to the Committee:

(1) The fact finder(s)'s report, if any;

(2) The most recent site evaluation report;

(3) The site evaluation questionnaire;

(4) The annual questionnaire;

(5) Any letters reporting Committee or Council decisions written subsequent to the most recent site evaluation report; and

(6) Other relevant information.

(c) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the Standards, to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time, or to present information relevant in a sanctions proceeding.

(d) The chairperson of the Committee may invite the fact finder(s), if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.

Rule 16. Sanctions

(a) Conduct for which sanctions may be imposed upon a law school includes, without limitation:

(1) Substantial or persistent noncompliance with one or more of the Standards;

(2) Failure to present a reliable plan to bring the law school into compliance with the Standards;

(3) Failure to provide information or to cooperate in a site evaluation as required by the Standards;

(4) Making misrepresentations or engaging in misleading conduct in connection with consideration of the school's status by the Committee or the Council, or in public statements concerning the school's approval status; and/or

(5) Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards.

(b) Sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has, subsequent to the actions that justify sanctions, ceased those actions or brought itself into compliance with the Standards.

(c) Sanctions that may be imposed include, without limitation:

(1) A monetary penalty proportionate to the violation;

(2) A requirement that the law school refund part or all of the tuition and/or fees paid by students in such a program;

(3) Censure, which may be either private or public;

(4) Required publication of a corrective statement;

(5) Prohibition against initiating new programs;

(6) Probation; and/or

(7) Removal from the list of approved law schools.

(d) In the course of a sanctions proceeding, the Committee or the Council may also direct a law school to take remedial action to bring itself into compliance with the Standards.

(e) If a law school is placed on probation, the Council shall establish the maximum period of time that the school may remain on probation and shall establish the conditions that the law school must meet in order to be removed from probation. The Committee may make recommendations to the Council concerning the period and conditions of probation.

(f) The Committee has the power to impose upon a school any sanction other than probation or removal from the list of approved law schools. A school may appeal a decision of the Committee to impose a sanction to the Council. The Committee also may recommend to the Council that a school be placed on probation or removed from the list of approved law schools.

Rule 17. Council Consideration of Sanctions

(a) Council consideration of a Committee recommendation to impose sanctions or a school's appeal from a Committee decision to impose sanctions shall be conducted in accordance with Rule 8. The Council may affirm, modify or reject the sanctions imposed or recommended by the Committee, or it may refer the matter back to the Committee for further consideration.

(b) The Council has the power to impose any sanction, including probation and removal from the list of approved law schools, regardless of whether the Committee has imposed or recommended any sanction.

Rule 18. Compliance with Sanctions or with Remedial or Probationary Requirements

(a) Upon determination under Rule 13(b) that a law school is not in compliance with the Standards and or after a law school has been placed on probation pursuant to Rule 16, the school shall have a period as set by the Committee or the Council to come into compliance. The period of time may not exceed two years. If the law school does not demonstrate compliance by the end of that period, the Committee shall recommend to the Council that the law school be removed from the list of approved law schools unless the Committee, or the Council, extends the period for demonstrating compliance for good cause shown.

(b) The Committee shall monitor the law school's compliance with any sanctions imposed upon the school under Rules 16 or 17, with any requirements that the law school take remedial action, or with the requirements of the law school's probation. If the Committee concludes that the school is not complying with the sanctions that have been imposed, or not making adequate progress toward bringing itself into compliance with the Standards, or not fulfilling the requirements of its

probation, the Committee may impose or recommend additional sanctions, including probation or removal from the list of approved law schools.

(c) If a law school has been placed on probation and the Committee concludes that the school has not established that it has fulfilled the requirements of its probation by the end of the established period of probation, the Committee shall recommend to the Council that the school be removed from the list of approved law schools. If the Committee concludes that the school has fulfilled the requirements of its probation, it shall recommend to the Council that the school be taken off probation. These recommendations shall be considered under the procedures set forth in Rule 17.

Rule 19. Approval Status of Law School Pending Appeal

The approval status of a law school is not affected while an appeal from, or review of, a decision or recommendation of the Committee or Council is pending.

D. MAJOR CHANGES IN PROGRAM OR STRUCTURE

Rule 20. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School

(a) This Rule governs consideration of applications for acquiescence in a major change in the organizational structure of an approved law school, including, without limitation:

(1) Materially modifying the law school's legal status or institutional relationship with a parent institution;

(2) Merging or affiliating with one or more approved or unapproved law schools;

(3) Acquiring another law school, program, or educational institution;

(4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;

(5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;

(6) Opening of a Branch campus or a Satellite campus at which a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D.;

(7) Merging or affiliating with one or more universities;

(8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement;

(9) A change in the location of the school that could result in substantial changes in the faculty,administration, student body or management of the school;

(10) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;

(11) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;

(12) A significant change in the mission or objectives of the law school; or

(13) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

(b) For purposes of this Rule:

(1) Any of the changes in organizational structure listed in Rule 20(a) may amount to the closure of an approved law school and the opening of a different law school. If the Accreditation Committee determines, after written notice and an opportunity for written response, that such a change does amount to the closure of an approved law school and the opening of a different law school, it shall so notify the law school(s). If the Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(2) Factors that shall be considered in making the determination of whether the events listed in subsection (1) above constitute the closure of an approved law school and the opening of a different law school include, without limitation, whether such events are likely to result in

(a) significant reduction in the financial resources available to the law school;

(b) significant change, present or planned, in the governance of the law school;

(c) significant change, present or planned, in the overall composition of the faculty and staff at the law school;

(d) significant change, present or planned, in the educational program offered by the law school; or

(e) significant change, present or planned, in the location or physical facilities of the law school.

(3) Opening of a Branch campus by an approved law school is treated as the creation of a different law school. After the law school has obtained prior acquiescence of the Council in the major change caused by the opening of a Branch campus, the Branch campus also shall apply for provisional approval under the provisions of Standard 102 and Rule 4 no later than October 15 of the second academic year of operation of the Branch campus. A law school seeking to establish a Branch campus shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed Branch campus: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed Branch campus.

(4) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school. If the Accreditation Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(c) If a different school will be created as a result of the major structural change, the different school may apply for approval pursuant to provisions of Rule 4. If the different school demonstrates that it is in full compliance with the Standards as provided in Standard 103, the Committee shall recommend that it be fully approved. Such recommendation may be conditioned upon further site evaluation visits or other requirements. If the different school is not in full compliance with the Standards, but it substantially complies with each of the Standards as provided in Standard 102, the Committee shall recommend that it be provisionally approved. The Committee may also recommend that the school will be allowed to seek full approval in a period of time shorter than that provided in Standard 103.

(d) Whether or not the Accreditation Committee determines that the proposed change will create a different law school, the law school's request for acquiescence by the Council in the proposed major change in organizational structure shall be considered under the provisions of Rule 21, and will become effective upon the decision of the Council.

Rule 21. Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School

(a) This Rule governs consideration of applications for acquiescence in major changes in the program of legal education of a law school, including, without limitation:

(1) Instituting a new full-time or part-time division;

(2) Changing from a full-time to a part-time program or from a part-time to a full-time program;

(3) Establishing a two-year undergraduate/four-year law school or similar program;

(4) Establishing a new or different program leading to a degree other than the J.D. degree;

(5) A change in program length measurement from clock hours to credit hours; and

(6) A substantial increase in the number of clock or credit hours that are required for graduation.

(b) This Rule also governs consideration of applications for acquiescence in a change in organizational structure as provided in Rule 20(a).

(c) An application governed by this Rule must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying major change questionnaire, and do certify that, in their respective opinions, the school meets the requirements of the Standards for the granting of acquiescence in the proposed major change. If a law school seeking acquiescence is not part of a university, the letter may be from only the dean;

(2) A completed major change questionnaire;

(3) A copy of the law school's most recent self-study;

(4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;

(5) A request that the Consultant schedule any required site evaluation at the school's expense; and,

(6) Payment to the Association of the application fee.

(d) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application, unless the application seeks acquiescence in a major change described in Rule 21(a)(4), Rule 21(a)(5), or Rule 21(a)(6).

(e) The site evaluation shall be conducted in accordance with the provisions of Rules 2 and 14. The site evaluators shall prepare a written report based on the site evaluation. The site evaluators shall report facts and observations that will enable the Accreditation Committee and the Council to determine whether the law school satisfies the requirements of the Standards for granting acquiescence in the proposed major change. The site evaluators shall not make any determination as to the school's compliance with the Standards.

(f) The Accreditation Committee's consideration of an application for acquiescence shall be governed by the provisions of Rules 3, 5 and 6. The Council's consideration of such applications shall be governed by the provisions of Rules 6 and 8.

(g) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council's decision. There is no appeal from the Council's decision on an application for acquiescence in a major change.

(h) Following acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school not later than six months after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards. No site visit shall be required following acquiescence in a major change described in Rule 21(a)(5) or Rule 21(a)(6). The limited evaluation of a school granted acquiescence pursuant to Rules 21(a)(1)-(4), or after acquiescence in the establishment of a Branch or Satellite campus under Rule 20(a)(6), shall be conducted in the first academic term subsequent to acquiescence in which students are enrolled in the new program or attending the Branch or Satellite campus. The Consultant may determine in each instance whether the evaluation pursuant to a major change under Rule 21(a) (4) requires an actual site visit or may be conducted through other means.

E. CLOSURE

Rule 22. Teach-out Plan and Agreement and Law School Closure

(a) A provisional or fully approved school must submit a teach-out plan for approval by the Accreditation Committee and Council upon occurrence of any of the following events:

> (1) The school notifies the Consultant's Office that it intends to cease operations entirely or close a separate location in which a student can earn all of the necessary credits to earn the J.D. degree;

(2) The Accreditation Committee recommends or the Council acts to withdraw, terminate, or suspend the accreditation of the school;

(3) The U.S. Secretary of Education notifies the Consultant's Office that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required; or

(4) A state licensing or authorizing agency notifies the Consultant's Office that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(b) To be approved by the Accreditation Committee and Council, the teach-out plan must be in writing and must provide for the equitable treatment of its own students, specify additional charges that may apply, and provide for notification to the students of any additional charges.

(c) The Consultant's Office, in consultation with the Accreditation Committee leadership, may require a school to enter into a teach-out agreement as part of its teach-out plan.

(d) If the school enters into a teach-out agreement, either on its own accord or as required by the Consultant's Office, the agreement must be recommended by the Accreditation Committee and approved by the Council and must comply with all federal and state laws, including regulations of the United States Department of Education. At a minimum, the agreement must be with a law school approved by the Accreditation Committee and Council for this purpose, must provide students access to the program and services without requiring them to move or travel substantial distances, and must provide students with information about additional charges, if any.

(e) The teach-out institution must have the necessary experience, resources and support services to provide a program of legal education that is reasonably similar in content, structure and scheduling to that provided by the institution that is subject to any of the occurrences that are set out in (a)(1-4) above. Additionally, the teach-out institution must be financially stable and able to carry out its mission and meet all of its obligations to its students and must demonstrate that it can provide students access to its program and services without requiring them to move or travel substantial distances and that it will provide re-located students with information about additional charges, if any.

(f) If the Accreditation Committee recommends and the Council approve a teach-out plan that includes a program that is accredited by another recognized accrediting agency, the Consultant's Office must notify that accrediting agency of its approval.

(g) In the event of closure or cessation of operation, an approved law school and its parent institution, if any, must agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure

plan which meets at least the conditions set out below. As soon as the decision to close an approved law school is made, the institution shall make a public announcement of the decision and shall notify the Consultant, the appropriate state licensing authority and the U.S. Department of Education of its decision.

(h) Upon deciding or being required to close or cease operations, the law school shall promptly submit a closure plan, which shall be reviewed by the Accreditation Committee and must be approved by the Council.

(i) The conditions to be met by a closure plan shall include the following:

(1) The law school shall not thereafter admit or enroll any student (including transfer or non-degree candidates) who was not a student at the time when the decision to close is announced.

(2) The governing body of the institution shall take all necessary steps to retain degree-granting authority for sufficient time to allow completion of degrees by those students who are degree candidates at the time the decision to close is announced and who complete degree requirements either at the law school or at another ABA-approved law school in the normal period of time required for that student's course of study.

(3) The law school shall use its best efforts to assist students in transferring to, or acquiring visiting status at, another ABA-approved law school for completion of their degree requirements. Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for processing of records.

(4) The Consultant shall notify the Accreditation Committee and Council of the school's closure and the date on which the school will cease operations.

(5) Until the date of closing the law school shall maintain:

(i) an educational program that is designed to qualify its graduates for admission to the bar;

(ii) a library collection and services adequate to support the curriculum, either on-site or through arrangements with other law libraries in the immediate vicinity;

(iii) a faculty adequate to maintain a sound educational program;

(iv) an adequate administrative staff to handle student ~~problems~~ needs and recordkeeping along with support of the academic program; and

(v) its existing physical facilities unless prior approval of the Accreditation Committee is obtained.

(j) If the school discontinues instruction or makes a decision to do so prior to the end of the normal period for completion of degrees by current students, then:

(1) The school shall take all reasonable steps to avoid closing during an academic year. If the closing occurs during an academic year, then the school shall make adequate arrangements for students to enroll in other law schools for that current year at no additional cost to the student.

(2) The school shall permit currently enrolled students to complete their degree requirements at other ABA-approved law schools by entering into "teach out" agreements with other law schools. Credit earned at other law schools shall be received as transfer credit toward the degree of the closing school.

(k) The law school or the governing body of the institution shall make satisfactory arrangements for the continuation of legal representation undertaken during the operation of a law school clinical program.

(l) The governing body of the institution shall make arrangements for permanent retention and availability of student records.

(m) In the event a school closes without an approved teach-out plan or agreement, the Consultant's Office will work with the U.S. Department of Education and the appropriate state agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

F. FOREIGN PROGRAMS

Rule 23. Credit-Granting Foreign Programs

(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee approval in accordance with the Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Student Study at a Foreign Institution, or other criteria applicable to the awarding of credit for foreign study.

(b) If the Accreditation Committee determines not to approve, or to withdraw approval from, a credit-granting foreign program, the law school may appeal the Committee's decision to the Council under the provisions of Rule 9.

G. COMPLAINTS

Rule 24. Complaints Concerning Law School Non-Compliance with the Standards

(a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency's accreditation standards. This is the process for the Council of the Section of Legal Education and Admissions to the Bar and law schools with Juris Doctor programs approved by the Council.

(i) This process aims to bring to the attention of the Council, the Accreditation Committee, and the Consultant on Legal Education facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards for the Approval of Law Schools.

(ii) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. The Council, Accreditation Committee and the Consultant on Legal Education will not intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The outcome of this process will not be the ordering of any individual relief for any person or specific action by a law school with respect to any individual.

(iii) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site visit within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site visit.

(b) Any person may file with the Consultant on Legal Education a written complaint alleging non-compliance with the Standards for the Approval of Law Schools by an approved law school.

(i) Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.

(ii) Complaints must be in writing using the form "Complaint Against an ABA-Approved Law School" and must be signed. The form is available online and from the Office of the Consultant on Legal Education.

(iii) Anonymous complaints will not be considered.

(iv) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.

(c) The Complaint form requests the following information:

(i) A clear and concise description of the nature of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the allegation that the law school is out of compliance with the Standards referenced in the complaint.

(ii) The section(s) of the Standards alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred.

(iii) A description of the steps taken to exhaust the law school's grievance process and the actions taken by the law school in response to the complaint as a result of prescribed procedures.

(iv) Disclosure of any other channels the complainant is pursuing, including legal action.

(v) A release authorizing the Consultant's Office to send a copy of the complaint to the dean of the law school.

(d) If the person filing the complaint is not willing to sign a release authorizing the Consultant's Office to send a copy of the complaint to the dean of the law school, the matter will be closed. If the Consultant or designee concludes that extraordinary circumstances so require, the name of the person filing the complaint may be withheld from the school.

(e) Process

(i) The Consultant or the Consultant's designee shall acknowledge receipt of the complaint within 14 days of its receipt.

(ii) The Consultant or designee shall determine whether the complaint alleges facts that raise issues relating to an approved law school's compliance with the Standards. This determination shall be made within six weeks of receiving the complaint. If the Consultant or designee concludes that the complaint does not raise issues relating to an approved school's compliance with the Standards, the matter will be closed.

(iii) If the Consultant or designee determines that the complaint may raise such issues, the complaint shall be sent to the school and a response requested. The Consultant or designee ordinarily will request the dean of the school to respond within 30 days.

(iv) If the school is asked for a response to the complaint, the Consultant or designee will review that response within 45 days of receiving it. If the response establishes that the school is not out of compliance with respect to the matters raised in the complaint, the Consultant or designee will close the matter.

(v) If the school's response does not establish that it is operating in compliance with the Standards on the matters raised by the complaint, the Consultant or designee, with the concurrence of the chairperson of the Accreditation Committee, may appoint a fact finder to visit the school to investigate the issues raised by the complaint and the school's response. The complaint, school response, and fact-finder's report, if any, shall be referred to the Accreditation Committee and considered in the same manner as complaints and reviews that fall under Rule 13(a) of the Rules of Procedure.

(vi) The person making the complaint will be notified promptly whether the matter was concluded under (ii), (iv) or (v) above. The person filing the complaint will not be provided with a copy of the school's response, if any, and will not receive any furtherreport on the matter.

(f) There is no appeal to the Council or the Accreditation Committee, or elsewhere in the American Bar Association, in connection with a conclusion by the Consultant or designee that a complaint does not raise issues under the Standards.

(g) To ensure the proper administration of the Standards and this complaint process, a subcommittee of the Accreditation Committee shall periodically review the written complaints received in the Consultant's Office and their disposition. The subcommittee shall periodically report to the Committee on this process. The Consultant's Office shall keep a record of these complaints for a period of ten years.

H. INFORMATION DISCLOSURE AND CONFIDENTIALITY

Rule 25. Confidentiality of Accreditation Information and Documents

(a) Except as provided in this Rule and in Rules 10 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council, and all non-public documents and information received or generated by the American Bar Association.

(b) The law school or the university may release an entire site evaluation report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the chairperson of the Council.

(c) Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration or the governing board of the university (or a free standing law school) does not constitute release of the report to the public within the meaning of this Rule.

(d) The law school is free to make use of the recommendations and decisions as contained in a decision letter addressed to the president and the dean. However, any release must be a full release and not selected excerpts. The Consultant and the Council reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).

(e) The dean of the evaluated law school shall review the site evaluation report to determine whether it contains criticism of the professional performance or competence or the behavior of a member of the law school's faculty or professional staff. If the report contains such criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the Consultant a copy of the transmitting letter and of the extract. The person concerned shall have the right to file with the Consultant a document stating the person's views concerning the criticism contained in the site evaluation report, which document or documents shall become part of the law school's official file.

Rule 26. Release of Information Concerning Law Schools

(a) In the case of a law school seeking provisional or full approval or applying for acquiescence in a major change in organizational structure, the Council or the Consultant shall state:

(1) Whether or not a specific law school has submitted an application for provisional or full approval, or for acquiescence in a major change in organizational structure; and

(2) The procedural steps for consideration of an application.

(b) After a law school has been notified of the Accreditation Committee's decision or recommendation concerning the law school's

(i) application for provisional or full approval,

(ii) application for acquiescence in a major change in program or organizational structure,

(iii) the imposition of sanctions upon the law school, (iv) the placing of the school on probation, or

(v) the withdrawal of the law school's approval, in response to inquiries the Consultant may state the essence of the Accreditation Committee's decision or recommendation, with an explanation of any procedural steps for further consideration of the matter.

(c) After a law school has been notified of a decision of the Council concerning the law school's

(i) application for provisional or full approval,

(ii) application for acquiescence in a major change in program or organizational structure,

(iii) the imposition of sanctions upon the school,

(iv) the placing of the school on probation, or

(v) the withdrawal of the law school's approval, the Council or the Consultant shall provide public notification of the Council's decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter.

(d) After a matter concerning a law school has been acted upon by the House as provided in Rule 10, the Council or the Consultant shall provide public notification of the action of the House with an explanation of any procedural steps for further consideration of the matter.

Rule 27. Information to be Furnished by Schools

(a) A law school shall provide in a timely manner all information requested by the Consultant, a site evaluation team, the Accreditation Committee or the Council.

(b) Statistical reports prepared from data contained in the annual questionnaires are for the use of the Council, the Accreditation Committee, the Consultant, and deans of ABA-approved law schools and are not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it, except as public disclosure of information about specific law schools is authorized under Standard 509. The Consultant is also authorized to release to the public or in response to inquiries general data from the statistical reports that are not school-specific.

(c) An approved law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education denies an application for accreditation filed by the law school, revokes the accreditation of the law school, or places the law school on probation. If the law school is part of a university, then the law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education takes any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

Rule 28. Publication of List of Approved Schools

The Council shall publish a complete list of all approved law schools. The list shall be published annually in a publication designated by the Council pursuant to Standard 509 and on the Section's website.

I. FEES

Rule 29. Fees

The Council shall fix fees for:

(a) Filing an application for provisional approval. If a law school withdraws its application for provisional approval before a site evaluation takes place, the school will be refunded fifty percent of the application fee;

(b) Annual site evaluations of a provisionally approved law schools;

(c) Annual fees for fully approved law schools;

(d) Annual fees for approved foreign programs;

(e) Applications for approval of foreign programs;

(f) Applications for acquiescence in a major change in program or structure of an approved school as provided in Rules 20 or 21; and

(g) Other services and activities of the Section.

J. REIMBURSEMENT

Rule 30. Guidelines for Reimbursement of Site Evaluators and Fact Finders

All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution as follows:

(a) Transportation - All necessary transportation on the basis of coach class airfares and ground transportation expenses.

(b) Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a meeting room when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis.

(c) Incidentals – Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

Revised August 2010

Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-approved Law Schools

Revised August 2010

Preamble

The Council has adopted three sets of Criteria applicable to study abroad: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Semester and Year-Long Study Abroad Programs; and Criteria for Student Study at a Foreign Institution.

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies in a foreign country unless those studies are approved in accordance with the *Rules of Procedure for Approval of Law Schools* and *Criteria* adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The ABA's oversight role with regard to study abroad programs is designed to provide assurance of a sound educational experience in a study abroad program sponsored by an ABA-approved law school.

The Criteria related to study abroad provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the law school's mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the *Standards for the Approval of Law Schools*.

These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.

The *ABA Standards and Rules of Procedure for the Approval of Law Schools* shall apply to study abroad programs except as modified by the Criteria or by necessary implication.

I. The Program

A. The dean and faculty of the sponsoring law school (or schools if there is more than one sponsoring law school) are responsible for formulating and administering the foreign summer or intersession program.

B. The faculty of each of the sponsoring law school(s) must approve the academic content of the program in the same manner as the curriculum of the sponsoring school's on-campus program.

C. The academic content of the program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate for the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

II. Faculty and Staff

A. Faculty Oversight

1. The sponsoring law school(s) shall assign at least one tenured, tenure-track or full-time faculty member from the law school (or one of the co-sponsoring law schools) to the foreign summer or intersession program who will be present onsite for the duration of the program.

2. A visiting professor to a sponsoring law school is not considered a full-time faculty member for purposes of this provision.

3. The faculty member assigned to fulfill subsection A.1. may also serve as the program director.

4. The faculty member assigned to fulfill subsection A.1. must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) to provide leadership and appropriate faculty oversight of the program for the sponsoring law school(s).

5. The requirement of a continuous presence of a tenured, tenure-track or full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as each fulfills subsection A.1. and one such faculty member is on site at all times.

B. Program Director

1. The sponsoring law school(s) must provide a program director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.

2. The same person may serve as both the program director and as the faculty member assigned to fulfill subsection A.1.

3. The requirement of a continuous presence of the program director may be satisfied by having more than one program director at different times as long as one program director who fulfills subsection B.1. is on site at all times and there is provision for continuity of administration and oversight.

4. The director may not participate concurrently in another program.

5. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

C. Program Faculty

1. Faculty members who are not from the sponsoring law school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

2. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.

D. The program director or at least one member of the full-time faculty or on-site staff must:

1. Be fluent in both English and the language of the host country, and

2. Be familiar with the country in which the program is offered.

III. Program Administration

A. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

B. Students must be provided with the name and contact information of the program director or another responsible person on-site who can be reached at all times during the program.

IV. Educational Program

A. Length of program

1. Foreign summer and intersession programs must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.

2. No student shall receive more than 1.5 semester credit hours for each week of the program.

3. No student shall be in class more than 220 minutes per day, excluding breaks.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

C. Instruction Conducted in a Foreign Language

1. When instruction is offered in a foreign language with consecutive English interpretation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required credit hours, classes in which consecutive interpretation is needed may not count more than fifty (50) percent of actual class time expended.

2. When instruction is offered in a foreign language with simultaneous English interpretation, the time expended in class is commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required credit hours, classes in which a simultaneous interpretation is needed may be counted at one hundred (100) percent of actual class time expended.

D. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof (i.e., a clear statement of goals and methods; adequate instructional resources to supervise program and be available to students; clearly articulated methods for evaluating student performance involving both a faculty member and a field placement supervisor; methods for selecting, training, evaluating and communicating with field placement supervisors; periodic review following the school's established procedures for approval of the curriculum).

E. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.

F. The sponsoring law school(s) determine(s) whether specific prerequisites are required for enrollment in certain courses.

G. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the law school in which the student is enrolled.

H. Visits to legal institutions

1. The program shall include at least two visits to legal institutions in the host country.

2. Time or a portion of the time allocated for visits to legal institutions is not included in the 220 maximum class minutes per day but may be calculated in the 700 minutes per class credit hour only when the content of the visit is academic in nature and specifically related to the class for which the credit is being awarded.

I. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

J. The sponsoring law school(s) shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the study abroad program and the faculty and courses offered in the program.

V. Students

A. The sponsoring law school(s) determines the academic criteria for admission to the program.

B. Students enrolling in a foreign summer or intersession program for credit toward a J.D. degree must have completed at least one year of full- or part-time law study at an ABA-approved law school or a law school described in Standard 506(a)(1) prior to enrolling.

C. All students must furnish a letter or other documentation from their dean or registrar certifying their current good standing.

D. The sponsoring law school(s) may include participants other than those described in V.B., provided that such participation does not detract from the law school's ability to maintain a program that meets the requirements of these Criteria and the Standards.

VI. Physical Facilities

A. Faculty members should be provided with appropriate work space.

B. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

C. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

D. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.

E. Adequate facilities for studying must be available to students.

F. Housing

1. Students must be informed if the housing made available by the program is significantly lower in quality, or safety than housing normally used by law students in the U.S. and must be provided with information regarding the cost and availability of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, quality, approximate cost, and location of housing must be provided.

VII. Cancellation, Change, or Termination of Programs

A. Program Cancellation

1. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in accordance with Section VIII.

2. For cancellation that occurs after a deposit has been paid, the program director must use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires.

B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

C. State Department Travel Information

1. As part of the registration materials for the program, the school shall supply the U.S. State Department Country-Specific Information for the country(ies) in which the program will be conducted. If the Country-Specific Information for the country(ies) is revised prior to or during a program the updated information must be distributed promptly to students.

2. Travel Warnings and Travel Alerts

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly and be given an opportunity to withdraw from the program.

b. If, during the course of a program, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the program is being conducted, students must be notified promptly and given an opportunity to withdraw from the program.

D. Refund Policy

1. If students withdraw as permitted in Sections VII.B, VII.C.2.(a) or VII.C.2.(b) prior to the commencement of the program, or if a program is canceled, students must receive a full refund of all monies advanced within twenty (20) days after the cancellation or withdrawal.

2. If students withdraw as permitted in Sections VII.B., VII.C.2.(a) or VII.C.2.(b) during the course of the program, or if the program is terminated, students must be refunded fees paid except for room and board payments utilized prior to the date of termination or withdrawal.

VIII. Disclosures

The following information must be disclosed when program information is initially made available to prospective students (i.e., on the program website, in the initial announcement or brochure, and in any communication sent directly to prospective students):

1. Dates, location(s), description of the program, and anticipated enrollment;

2. The nature of the relationship with the foreign institution, if any, other than the provision of facilities and minimal services;

3. The number of students who participated in the program the previous year from the sponsoring law school(s) and the number from other schools (if the program is open to other students);

4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;

5. Description of each course and number of credit hours;

6. Schedule of classes with days and times for each class;

7. Requirements for student performance and grading method;

8. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites;

9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;

10. Descriptive biography of the program director;

11. Descriptive biographies, including academic credentials and experience, of each faculty member responsible for teaching a course or any portion of a course.

12. Name, address, telephone, e-mail and fax number of an informed contact person at (each of) the sponsoring law school(s);

13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;

14. Description and location of classrooms and administrative offices;

The extent to which the country, city, and facilities are accessible to individuals with disabilities;

16. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students; what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;

17. State Department Travel Information; and Refund policy in the event of student withdrawal as permitted in Section VII, or program cancellation or termination.

IX. Procedures for Approval

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant's Office by October 1 of the year preceding the first offering of the new program. The application shall contain the following information regarding the impact of the program on the sponsoring school:

a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;

b. The current accreditation status of the sponsoring school; and

c. A statement of how the program relates to the academic program and mission of the sponsoring school.

If the program faculty changes after the questionnaire has been filed, the sponsoring school(s) shall promptly notify the Office of the Consultant of the change.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then

determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. and D.

D. Monitoring of Approved Programs

1. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

2. To assist the Accreditation Committee in monitoring foreign summer programs, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by December 1 and programs subject to a site visit shall file a site visit questionnaire by February 1.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit.

Examples of actions or changes that might trigger this review include:

a. failure to timely file the annual questionnaire;

b. submitting an incomplete questionnaire;

c. number and nature of the concerns raised in the most recent review of the program;

d. significant change in location of the program (country, city, or specific location);

e. changes in the curriculum that significantly reduce the comparative or international focus of the program;

f. continuing turnover in the administration of the program;

g. significant change in the enrollment in the program;

h. adding a new externship program or a substantial increase in the enrollment in existing externship programs; and

i. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

E. Change of Location

1. If the location of an approved program is changed by changing the city in which the program is conducted, adding one or more additional cities or sites to the program, or changing the institution or other facility at which the program is located, written notice of such change shall be provided to the Consultant no later than October 1 of the year prior to the implementation of the proposed change.

2. The sponsoring school(s) shall file a New Foreign Summer Program Questionnaire no later than October 1 of the year prior to the implementation of the proposed change, but the school(s) need not pay the fee assessed for applications for approval of new foreign summer programs.

3. The Accreditation Committee will review the information submitted concerning the proposed change and determine whether a site evaluation is necessary to evaluate the program's compliance with the Criteria in light of the changes in the program. If the Committee determines that such a site evaluation is necessary, the sponsoring school(s) will be required to pay the fee established for Evaluation of Major Changes in Foreign Programs.

F. Expiration of Approval. If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.

CRITERIA FOR STUDENT STUDY AT A FOREIGN INSTITUTION

Preamble

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies or activities in a foreign country unless those studies are approved in accordance with the Rules of Procedure and Criteria adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The three sets of Criteria approved by the Council provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the school's standards, culture and mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the Standards for the Approval of Law Schools.

These Criteria implicitly recognize that the primary responsibility for determining the quality of the educational experience that its students will receive during a study abroad experience rests on the faculty and administration of the law school.

The ABA's oversight role with regard to foreign study is important for at least two reasons. They provide assurance of a sound legal educational experience at a foreign institution that has not been reviewed for compliance with the Standards for the Approval of Law Schools, is distant from the student's home school, and operates in a legal culture quite different from our own. They also provide assurance of a sound educational experience in study abroad sponsored by approved law schools. This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

I. The Program

A. An ABA-approved law school may allow students to receive credit for law study at a foreign institution consistent with these Criteria.

1. A school that approves six or fewer students over a consecutive three-year period for study at a particular foreign institution shall file an annual report with the Consultant's Office identifying the students, institutions, courses taken, credit hours granted, grades received, and names of advisors at both the parent school and the foreign institution.

2. A school that approves 7 to 12 students over a consecutive three-year period for study at a particular foreign university, law school, institute or program shall:

a. Have a formal written agreement with the foreign institution that details the number and qualifications of students and describes the selection process, academic and other advising (at both the parent school and the foreign institution), course selection, grading, evaluation, attendance, and other relevant matters;

b. File this report and amendments or renewals with the Consultant's Office; and

c. File an annual report with the Consultant's Office that identifies the students who participated in the program that year, courses taken, credit hours granted, grades received, and names of advisors at both the parent school and the foreign institution.

3. A school that approves more than 12 students over a consecutive three-year period for study at a particular foreign institution is engaged in a Cooperative Program and shall comply with the provisions of Section II below.

4. The relevant three-year period is the three academic years prior to the current year. If a law school has exceeded the thresholds in subsections 1 and 2 above and wishes to send students to that foreign institution in the current year, then it must file the written agreement or apply for approval of a cooperative program by October 15 of the current academic year.

5. The program or course of study approved for credit toward the J.D. degree must be related to the socio-legal environment of the country in which the foreign institution is located or have an international or comparative focus.

6. A law school may not award credit for study at a foreign institution that does not comply with these Criteria.

B. The Parent School

1. The parent school must be a school that is approved by the American Bar Association.

2. Before approving any student's foreign study under these Criteria, the parent school shall develop and publish a statement that defines the educational objectives it seeks to achieve in allowing students to study abroad for credit toward the J.D. degree.

3. The parent school shall assume responsibility for approving course work and monitoring the study undertaken by any student who participates in a foreign study program. A faculty member or a law school administrator who has the training or experience to permit effective approval and monitoring of foreign study by law students may discharge this responsibility.

C. The Foreign Institution

1. The foreign institution will generally be one that is government sanctioned or recognized, if educational institutions are state regulated within the country; recognized or approved by an evaluation body, if such an agency exists within the country; or chartered to award first degrees in law by the appropriate authority within the country.

2. If the foreign institution does not award a first degree in law, then it shall provide assurances to the parent school that the quality of the educational experience that it can offer to a visiting student is at least equal to the experience that would be available to a student at such an institution in the country where that foreign institution is located. An institution that provides law training in a country to individuals who are graduates of institutions that award a first degree in law may be such an institution.

3. The foreign institution shall appoint an advisor for each student who shall effectively supervise and monitor the student's study at the institution. That advisor may be a faculty member at the foreign institution or a law school administrator at the foreign institution who has the training or experience to discharge this responsibility.

4. The foreign institution shall have faculty members who possess academic credentials and experience in the legal profession similar to those of faculty at the parent school.

D. Educational Program

1. Only students who have completed one year of full-time or part-time study and are in good standing at the parent school may participate in foreign study under these Criteria. The parent school may set additional academic requirements for foreign study under these Criteria.

2. The student's academic program must be approved in advance by the parent school. The student and the student's advisor shall develop a written plan to define the educational objectives a student seeks to achieve during a period of study abroad. That plan shall specify the methods to be used in evaluating the student's attainment of those objectives.

3. If the foreign study is not at an institution with which the parent school has a formal written agreement, then the parent school shall obtain written assurance from the foreign institution that the school's and the student's proposed educational objectives can be achieved at that institution.

4. The parent school shall review course materials and sufficient written work of the student to ensure that the program meets standards equivalent to those employed at the parent school.

5. The parent school shall assure that a student approved for foreign study under these Criteria is fluent in the language of instruction.

E. Academic Credit; Residency

1. Maximum credits toward the J.D. degree for all foreign study shall not exceed one third of the credits required for the J.D. degree at the parent school.

2. The granting of residency credit shall comply with the requirements of Standard 304.

3. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.

4. No credit shall be awarded for:

a. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.

b. Externship placements (e.g., in a law firm, government office, or corporation).

c. Distance Education courses.

F. Fees

1. Any fee imposed by the parent school or the foreign institution shall be rationally related to the cost of administering the service for which the fee is charged.

2. The parent school shall make known to students any costs in addition to tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.

G. Upon receiving notification from the foreign institution of cancellation of a course in which a student had been approved to enroll under these Criteria, the parent school shall reexamine the student's study in light of the school's stated program for foreign study and the student's stated educational objectives for study abroad. The parent school shall determine whether the approved foreign study continues to satisfy those objectives.

H. Except as modified by these Criteria or by necessary implication, the ABA Standards for Approval of Law Schools, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to study pursuant to these Criteria.

II. Cooperative Programs

A. A law school that approves more than 12 students to study at a particular foreign institution in a three-year period as described in Section I.A.3. and 4. shall apply for approval of a Cooperative

Program in the current year prior to approving any additional students for foreign study at that institution.

B. Cooperative Program Agreement. The cooperative program shall be governed by a written agreement between the parent school and the foreign institution that is consistent with all sections of these Criteria.

C. Program Director

1. An on-site director who shall be responsible to both the parent school and the foreign institution shall direct the cooperative program at its foreign site. The director shall either be a member of the law faculty from either the parent school or the foreign institution or a full-time administrator at either the parent school or the foreign institution who has the training or experience necessary to discharge this responsibility effectively.

a. If the director is a faculty member or administrator from the foreign institution, the person shall have spent a substantial period of time in residence at an ABA-approved school and shall have visited the parent school and demonstrated familiarity with its academic program prior to application for approval of the cooperative program.

b. If the director is a faculty member or administrator from the parent school, that person shall have spent a substantial period of time in residence at the foreign institution prior to application for approval of the cooperative program.

c. If the director is a faculty member or administrator from the parent school, that person may not participate concurrently in another foreign program.

2. The director shall be provided with appropriate assistance including secretarial and student support services.

D. Cooperative programs shall include visits to legal institutions in the host country.

E. The foreign institution shall have library resources that are both accessible and adequate to meet the needs of students enrolled in the cooperative program. If course work to be undertaken by students in the program depends on access to U.S. legal materials, the parent school is responsible for making such materials available.

F. Students

1. Enrollment in the foreign segment of an approved cooperative program shall be limited to the parent school's own students. A cooperative program, however, may involve an exchange of students between the parent school and the foreign institution.

2. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational programs or goals.

G. Physical Facilities

1. An administrative office or offices must be provided through which students may communicate effectively with staff and faculty.

2. Classrooms shall be adequate to provide meaningful communication and exchange between students and faculty.

3. Students shall be provided with adequate space for study.

H. Housing

1. If housing is made available by the program and it is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.

2. If the cooperative program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

I. Cancellation, Termination, Material Change in a Cooperative Program

1. Upon receiving notification from the foreign institution of cancellation of a course in which a student had been approved to enroll under these Criteria, the parent school shall reexamine the student's study in light of the school's stated program for foreign study and the student's stated educational objectives for study abroad. The parent school shall determine whether the approved foreign study continues to satisfy those objectives.

2. If a cooperative program is subject to cancellation for insufficient enrollment or any other reason, the circumstance under which cancellation will occur must be disclosed in the application materials sent to prospective students. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

J. Disclosures

1. The following information must be published to each prospective registrant in a timely fashion, usually on a website for that purpose, in the initial announcement or brochure, or

in writing directly to prospective registrants, but, in any event, prior to the date when the student must commit or pay a nonrefundable deposit, whichever is earlier.

a. Dates, location(s), description of the program and anticipated size of enrollment;

b. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;

c. The number of students who participated in the program the previous year and the number of visiting students from other U.S. law schools, if any;

d. If the foreign institution has visitors from non-U.S. law schools, the countries likely to be represented and the expected number of students from those countries;

e. Description of the curriculum available to the students and academic calendar of the foreign institution;

f. Requirements for student performance and grading methods;

g. Enrollment limitations, if any, on any courses offered and criteria for enrollment;

h. A statement that acceptance of any credit or grade for any course taken in the program is subject to determination by the parent school;

i. Descriptive biographies of the program director and the faculty of the foreign institution;

j. Name, address, telephone and fax number, if available, of an informed contact person at the parent school;

k. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;

l. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and

m. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations, if any.

2. If changes are made in any significant aspects of the cooperative program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all fees paid.

K. State Department and Travel Advisories

1. Consular Information Sheets

a. The parent school shall provide each student with the U.S. State Department Consular Information Sheet for any country in which the student will reside during study abroad; "Areas of Instability" must be included. If the Consular Information Sheet is revised during the program to announce an "Area of Instability" in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an "Area of Instability" students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an "Area of Instability."

2. Travel Warnings

a. If, prior to the commencement of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

III. Procedures for Approval, Review and Monitoring of Cooperative Programs

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant's Office by October 1 of the year preceding the first

offering of the new program. The application shall contain the following information regarding the impact of the program on the sponsoring school:

a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;

b. The current accreditation status of the sponsoring school; and

c. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. above.

D. Monitoring of Approved Programs

If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

1. To assist the Accreditation Committee in monitoring Cooperative Programs under

2. Section I.A.3. and Section II of these Criteria, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by October 1 and programs subject to a site visit shall file a site visit questionnaire by October 15.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit. Examples of actions or changes that might trigger this review include:

a. failure to timely file the annual questionnaire;

b. submitting an incomplete questionnaire;

c. number and nature of the concerns raised in the most recent review of the program;

d. changes in the curriculum that significantly reduce the comparative or international focus of the program;

e. continuing turnover in the administration of the program;

f. significant change in the enrollment in the program; and

g. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

Criteria for Approval of Foreign Semester And Year-Long Study Abroad Programs Established by ABA-approved Law Schools

Revised August 2010

Preamble

The Council has adopted three sets of Criteria applicable to study abroad: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Semester and Year-Long Study Abroad Programs; and Criteria for Student Study at a Foreign Institution.

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies in a foreign country unless those studies are approved in accordance with the *Rules of Procedure for Approval of Law Schools* and *Criteria* adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The ABA's oversight role with regard to study abroad programs is designed to provide assurance of a sound educational experience in a study abroad program sponsored by an ABA-approved law school.

The Criteria related to study abroad provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the law school's mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the *Standards for the Approval of Law Schools*.

These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.

The *ABA Standards and Rules of Procedure for the Approval of Law Schools* shall apply to study abroad programs except as modified by the Criteria or by necessary implication.

I. The Program

A. The dean and faculty of the sponsoring law school (or schools if there is more than one sponsoring law school) are responsible for formulating and administering the foreign semester and year-long study abroad program.

B. The faculty of each of the sponsoring law school(s) must approve the academic content of the program in the same manner as the curriculum of the sponsoring school's on-campus program.

C. The academic content of the program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate for the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

II. Faculty and Staff

A. Program Director

1. The sponsoring law school(s) must provide a program director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.

2. The program director must be a tenured, tenure-track or full-time faculty member from the law school (or one of the co-sponsoring law schools). A visiting professor to one of the co-sponsoring law schools is not considered a full-time faculty member for purposes this provision.

3. The program director must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) to provide leadership and appropriate faculty oversight of the program for the sponsoring school(s).

4. The requirement of a continuous presence of the program director may be satisfied by having more than one program director serving at different times as long as one program director who satisfies subsection A.1. is on site at all times and there is provision for continuity of administration and oversight.

5. The director may not participate concurrently in another program.

6. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

B. Faculty

1. In addition to the director, the sponsoring law school(s) shall assign at least one tenured, tenure-track or full-time faculty member from the law school (or one of the co-sponsoring law schools) who will be present onsite for the duration of the program.

a. A visiting professor to a sponsoring law school is not considered a full-time faculty member for this provision.

b. The requirement of a continuous presence of a tenured, tenure-track or full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as one faculty member who fulfills subsection B.1. is on site at all times.

2. Faculty members who are not from the sponsoring law school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

3. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.

C. The program director or at least one member of the full-time faculty or on-site staff must:

1. Be fluent in both English and the language of the host country, and

2. Be familiar with the country in which the program is offered.

III. Program Administration

A. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

B. Students must be provided with the name and contact information of the program director or another responsible person onsite who can be reached at all times during the program.

C. The program director shall be provided with appropriate assistance, including secretarial and administrative support.

D. Faculty members shall be provided with adequate secretarial support services.

IV. Educational Program

A. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the law school in which the student is enrolled.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

C. Language of instruction

1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.

2. When instruction is offered in a foreign language with consecutive English interpretation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required class hours, classes in which consecutive translation is necessary may not count more than fifty (50) percent of actual class time expended.

3. When instruction is offered in a foreign language with simultaneous English interpretation, the time expended in class is commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required credit hours, classes in which a simultaneous interpretation is needed may be counted at one hundred (100) percent of actual class time expended.

D. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof. (i.e., a clear statement of goals and methods; adequate instructional resources to supervise program and be available to students; clearly articulated methods for evaluating student performance involving both a faculty member and a field placement supervisor; methods for selecting, training, evaluating and communicating with field placement supervisors; periodic review following the school's established procedures for approval of the curriculum.)

E. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.

F. The sponsoring law school(s) shall determine whether specific prerequisites are required for enrollment in certain courses.

G. The program shall include at least two visits to legal institutions in the host country. Time or a portion of the time allocated for visits to legal institutions may be calculated in the 700 minutes per class credit hour only when the content of the visit is academic in nature and specifically related to the class for which the credit is being awarded.

H. The sponsoring law school(s) shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the foreign study program and the faculty and courses offered in the program.

V. Library

A. In accordance with Standards 601 and 702, the program must have or must provide acceptable access to a library and study facility adequate for its academic program. This requirement may entail development and supervision of the library holdings by the sponsoring law school librarian.

B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

VI. Students

A. The sponsoring law school(s) shall determine the academic criteria for admission to the program.

B. Students enrolling in a semester or year abroad study program for credit toward a J.D. degree must have completed at least one year of full- or part-time law study at an ABA-approved law school or a law school described in Standard 506(a)(1) prior to enrolling.

C. All students must furnish a letter or other documentation from their dean or registrar certifying their current good standing.

D. The sponsoring law school(s) may include participants other than those described in VI.B., provided that such participation does not detract from the law school's ability to maintain a program that meets the requirements of these Criteria and the Standards.

VII. Physical Facilities

A. The faculty shall be provided with office space adequate to achieve the purposes of the program.

B. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

C. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

D. Adequate facilities for studying must be available to students.

E. Housing

1. Students must be informed if the housing made available by the program is significantly lower in quality, sanitation, or safety than housing normally used by law students in the U.S. and must be provided with information regarding the cost and availability of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, quality, approximate cost, and location of housing must be provided.

VIII. Cancellation, Change, or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other reason, th circumstances under which cancellation will occur must be disclosed in accordance with Sectio IX.15.

B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.

C. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

D. State Department Travel Information

1. As part of the registration materials for the program, the school shall supply the U.S. State Department Country-Specific Information for the country(ies) in which the program will be conducted. If the Country-Specific Information for the country(ies) is revised prior to or during a program the updated information must be distributed promptly to students.

2. Travel Warnings and Travel Alerts

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly and be given an opportunity to withdraw from the program.

b. If, during the course of a program, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the program is being conducted, students must be notified promptly and given an opportunity to withdraw from the program.

E. Refund Policy

1. If students withdraw as permitted in Sections VIII.C., VIII.D.2.(a) or VIII.D.2.(b) prior to the commencement of the program, or if a program is canceled, students must receive a

full refund of all monies advanced within twenty (20) days after the cancellation or withdrawal.

2. If students withdraw as permitted in Sections VIII.C., VIII.D.2.(a) or VIII.D.2.(b) during the course of the program, or if the program is terminated, students must be refunded fees paid except for room and board payments utilized prior to the date of termination or withdrawal.

IX. Disclosures

The following information must be disclosed when program information is initially made available to prospective students (i.e., on the program website, in the initial announcement or brochure, and in any communication sent directly to prospective students):

1. Dates, location(s), description of the program, and anticipated enrollment;

2. The nature of the relationship with the foreign institution, if any, other than the provision of facilities and minimal services;

3. The number of students who participated in the program the previous year from the sponsoring law school(s) and the number from other schools (if the program is open to other students);

4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;

5. Description of each course and number of credit hours;

6. Schedule of classes with days and times for each class;

7. Requirements for student performance and grading method;

8. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites;

9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;

10. Descriptive biographies of program director;

11. Descriptive biographies, including academic credentials and experience, of each faculty member responsible for teaching a course or any portion of a course;

12. Name, address, telephone, e-mail and fax number of an informed contact person at (each of) the sponsoring law school(s);

13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;

14. Description and location of classrooms and administrative offices;

15. The extent to which the country, city, and facilities are accessible to individuals with disabilities;

16. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students; what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;

17. State Department Travel Information; and

18. Refund policy in the event of student withdrawal as permitted in Section VIII, or program cancellation or termination.

X. Procedures for Approval

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant's Office by October 1 of the year preceding the first offering of the new program. The application shall contain the following information regarding the impact of the program on the sponsoring school:

a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;

b. The current accreditation status of the sponsoring school; and

c. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. If the program faculty changes after the questionnaire has been filed, the sponsoring school(s) shall promptly notify the Office of the Consultant of the change.

3. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

4. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. and D.

D. Monitoring of Approved Programs

1. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

2. To assist the Accreditation Committee in monitoring semester abroad programs, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by October 15 and programs subject to a site visit shall file a site visit questionnaire by October 15.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit. Examples of actions or changes that might trigger this review include:

a. failure to timely file the annual questionnaire;

b. submitting an incomplete questionnaire;

c. number and nature of the concerns raised in the most recent review of the program;

d. significant change in location of the program (country, city, or specific location);

e. changes in the curriculum that significantly reduce the comparative or international focus of the program;

f. continuing turnover in the administration of the program;

g. significant change in the enrollment in the program;

h. adding a new externship program or a substantial increase in the enrollment in existing externship programs; and

i. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

E. Change of Location

1. If the location of an approved program is changed by changing the city in which the program is conducted, adding one or more additional cities or sites to the program, or changing the institution or other facility at which the program is located, written notice of such change shall be provided to the Consultant no later than October 1 of the year prior to the implementation of the proposed change.

2. The sponsoring school(s) shall file a New Semester Abroad Program Questionnaire no later than October 1 of the year prior to the implementation of the proposed change, but the school(s) need not pay the fee assessed for applications for approval of new foreign summer programs.

3. The Accreditation Committee will review the information submitted concerning the proposed change and determine whether a site evaluation is necessary to evaluate the program's compliance with the Criteria in light of the changes in the program. If the Committee determines that such a site evaluation is necessary, the sponsoring school(s) will be required to pay the fee established for Evaluation of Major Changes in Foreign Programs.

F. Expiration of Approval. If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.

STATEMENT OF ETHICAL PRACTICES IN THE PROCESS OF LAW SCHOOL ACCREDITATION

1. Impartiality and Propriety

(a) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.

(b) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph (d) below, should not serve as a consultant to a law school in any matter relating to:

(i) initial accreditation by the American Bar Association, and

(ii) re-evaluation and continuation of American Bar Association accreditation.

(c) This statement applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders

(i) without fee;

(ii) informally; and

(iii) which he or she discloses fully to the other members of the accreditation body on which he or she serves or has served; nor does it apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Consultant on Legal Education to the American Bar Association, or by persons acting on behalf of the Consultant; or

(iv) by a person acting in the normal course of his or her employment.

(d) This statement applies to:

(i) members of the Accreditation Committee of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(ii) members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(iii) members of the Appeals Panel of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(iv) members of the professional staff of the Section of Legal Education and Admissions to the Bar of the American Bar Association, except as provided in subsection (c) above; and

(v) a member of a site evaluation team or hearing commission accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, within two years after the site evaluation or while the Section of Legal Education and Admissions to the Bar still has under consideration matters developed by the site evaluation, whichever is longer;

(e) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph (d). However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

(f) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.

(g) The Consultant on Legal Education to the American Bar Association shall bring this statement to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph (d) above and to all persons who are holding these positions or who have held them within two years past, at the time the statement becomes effective.

2. Conflicts of Interest

(a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an associational interest in the law school or law school program under review by the Council or the Accreditation Committee. Thus, if a member of the Council, the Appeals Panel or the Accreditation Committee is a dean or a regular faculty member of a law school under review, a former dean of a law school under review, a former faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of the law school under review, she or he may not vote on the consideration of that school during her or his tenure on the Council, the Appeals Panel or the Accreditation Committee. Furthermore, a dean or faculty member of a law school under review, a former dean of a law school under review, a former regular faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of a law school under review may not serve on a site evaluation team or as a fact finder visiting that law school or law school program.

(b) In order that members of the Council, the Appeals Panel and the Accreditation Committee may avoid the appearance of a conflict of interest not considered herein, any member of the Council, the Appeals Panel or Accreditation Committee may recuse himself or herself from voting on any law school or law school program without the necessity of stating a reason therefore.

(c) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or of the Council, the Appeals Panel or the Accreditation Committee, recuse himself or herself from acting in such capacity. With regard to a member of a site evaluation team, the Consultant shall grant or deny such request based on the merits of the claim. With regard to a member of the Council, the Appeals Panel or of the Accreditation Committee, the Chairperson of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, shall grant or deny such request based on the merits of such claim.

(d) A person who acts as a chairperson of a site evaluation team or as fact finder at a law school or of a law school program under review may be present and speak at the Accreditation Committee's, Council's or Appeals Panel's deliberations concerning such law school or law school program, if so requested by the Chairperson of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, or if a request therefore is received from said person and is granted by the appropriate Chairperson.

3. Procedures for Complaints Filed Against Council Members, Appeals Panel Members, Committee Members, Consultant's Office Staff, and Site Team Evaluators Pursuant to Section 2

(a) Any party aggrieved may file with the Consultant a written complaint alleging noncompliance with Section 2 of this Statement by a member of the Council, the Appeals Panel, the Accreditation Committee, a staff member of the Consultant's Office, or a site team evaluator in relation to matters involved in the accreditation of that school. The complaint must be filed within one year of the complainant's learning of the facts comprising the allegation of non-compliance. Pursuit of other remedies does not toll the one calendar year limit.

(b) Unless the complaint is asserted against the Consultant, the Consultant shall dismiss the Complaint if the Consultant determines that it does not allege a violation of Section 2 of this Statement. If the Consultant does not dismiss the complaint, the Consultant shall forward it to the Chairperson of the Grievance Committee of the Council within 45 days after receipt of the complaint. The Consultant shall simultaneously forward a copy of the complaint to the person or persons against whom the complaint is asserted.

Each of the persons against whom the complaint is asserted may respond to the complaint by mailing a written response to the Chairperson of the Grievance Committee. Said response shall be mailed to the Chairperson of the Grievance Committee within 45 days

after the date on which the Consultant mailed the complaint to said person. The Grievance Committee shall meet to consider the complaint and any response or responses received. The complainant and the person or persons against whom the complaint is asserted may appear and present evidence. Thereafter the Grievance Committee shall render its decision. In the event that the Grievance Committee determines that there has been non-compliance with Section 2 of this Statement, it may also determine such relief, if any, as is appropriate to remedy the non-compliance. The decision of the Grievance Committee is final and is not subject to appeal within the Association. The Grievance Committee shall render its decision within 180 days after the Chairperson of the Grievance Committee receives the responses from all persons against whom the complaint is asserted or, if one or more responses are not received, the 45 days period for response has expired.

The Consultant shall inform the complainant and any person or persons against whom the complaint is asserted as to the Grievance Committee's action.

(c) All matters under this section shall be confidential, except as made public by the Council. This shall include all proceedings and deliberations of the Council and the Grievance Committee and all non-public documents and information received or generated by the American Bar Association.

4. Participation by the Council in Various Awards by ABA Entities

The Council will not participate either by lending its name, by co-sponsorship or by financial support to awards, competitions, seminars or meetings that are sponsored by other entities, inside or outside of the ABA, unless the Council determines that such participation will significantly advance legal education or the process of bar admission. As the agency designated by the Department of Education to determine law school accreditation, and as the agency most heavily relied on by the highest courts of the states, as well as other admitting authorities, in bar admission matters, the mission of the Section is more sharply defined than that of most other ABA entities. This must constrict activities of the Section and cause it to refrain from activities creating, or appearing to create, conflicts of interest with its duties and responsibilities or diluting its focus on its mission.

INTERNAL OPERATING PRACTICES

1. Reimbursement of Section Expenses

The officers of the Section and members of the Council may receive reimbursement for attending Section sponsored conferences. Officers of the Section receive reimbursement for attending meetings of Section Committees. Persons who are not officers of the Section are not entitled to reimbursement for attending Section committee meetings unless they are a member of the committee or have been requested by the chair of the Section to attend a committee meeting.

2. Public Proceedings

Except as provided in Rules 6 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council and all non-public documents and information received or generated by the Association. Absent exceptional cause for confidentiality, all other proceedings, writings and documents of the Section of Legal Education and Admissions to the Bar shall be public, including the activities of the Council, the Consultant, and the various committees and other representatives of the Section of Legal Education and Admissions to the Bar.

3. Site Team Evaluators

(a) Qualifications - The Council seeks to appoint persons who are competent and knowledgeable concerning legal education and the legal system to site evaluation teams. Each full site evaluation team normally consists of (i) a chairperson, who may be a legal educator, a legal practitioner or a judge; (ii) one or more legal academics; (iii) a person experienced with law libraries; (iv) a person experienced with law school clinics and professional skills programs; (v) a person who is a judge, legal practitioner or public representative; and (vi) to the extent feasible and only for law schools affiliated with a college or university, a person who is a university administrator, other than a law school administrator. The size and composition of smaller site evaluation teams (such as those undertaking limited site evaluation visits or fact-finding visits) shall be appropriate to the assignment given the team.

(b) Process - the responsibility for selecting site evaluation team members rests with the Consultant for Legal Education. The Consultant should seek to develop the pool of potential evaluators in a variety of ways, including but not limited to correspondence with deans of law schools, members of the Council of the Section of Legal Education and Admissions to the Bar, members of the Section's Accreditation Committee, legal practitioners, judges, and organizations familiar with higher education. The actual selection of persons depends on the type of school to be visited, the location of the school, the

particular issues which need to be reviewed at the school, and the need for multi-level diversity in the make-up of the teams.

(c) Evaluation - The Consultant should seek to evaluate the quality of work done by individual site evaluators. This may be accomplished by corresponding with the chair of the team and the dean of the school visited. The objective of this process should be the development of a pool of well- experienced site evaluators.

(d) Training - The Consultant shall conduct, each year, workshops to train evaluators (particularly new or relatively new ones), and chairpersons of site evaluation teams. These workshops should cover the Standards, Interpretations and Rules of Procedure; current matters of accreditation policy, process considerations for the conduct of an on-site inspection, and the drafting of the site team report. Current instructions concerning the conduct of a site evaluation visit and the content of a site evaluation report should be supplied to each site evaluator.

4. Notice of Schools and Programs to be Accredited, and Preparation of Schools for Site Evaluation Visits

(a) The Consultant shall publish on the Section website a list of all law schools which are scheduled to be visited during the upcoming academic year for sabbatical, provisional or full approval site evaluation visits, or a visit in connection with an application for acquiescence in a major change of organizational structure. The notice should also state that interested persons may submit written comments regarding the school by a date certain determined by the Consultant. The Consultant may also publish such information in other media or formats as deemed appropriate.

(b) The Consultant shall conduct, each year, one or more workshops to prepare schools for undergoing site evaluation visits. Such workshops may be, but need not be, held in conjunction with the workshops for training new site evaluators. These workshops should cover the Standards, Interpretations and Rules of Procedure, current matters of accreditation policy, preparation for a site evaluation visit, the conduct of a site evaluation visit, and the expected content of a site evaluation report. Current instructions concerning the conduct of a site evaluation visit and the expected content of a site evaluation report should be provided to each school well in advance of the scheduled site evaluation visit.

5. Notification of Council Decisions

In accordance with Council policy, the Consultant shall:

(a) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, and the appropriate accrediting agency, at the same time the Consultant notifies the law school in writing of any decision to deny, withdraw, suspend or remove the approval or provisional approval of the law school, or to place a law

school on probation, but no later than thirty (30) days after the Council reaches the decision.

(b) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public, within thirty (30) days, of:

(i) a decision to grant provisional approval or full approval to a law school;

(ii) a decision by an approved or provisionally approved law school to withdraw from approved or provisionally approved status; and

(iii) a decision by a law school to allow its approval or provisional approval to lapse

(c) Provide written notification to the public within twenty-four (24) hours of the time the Consultant notifies the law school in writing of any decision to deny, withdraw, suspend or remove the approval or provisional approval of the law school, or to place a law school on probation.

(d) Make available to the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public within sixty (60) days after final decision, a brief statement summarizing the reasons for the decision to deny, withdraw, suspend or remove the approval or provisional approval of a law school, and the comments, if any, which the affected law school may wish to make with regard to that decision or evidence that the law school was offered but declined to provide any comments.

6. Due Regard for Decisions of Other Accrediting Agencies

(a) The Council approves only those institutions that are legally authorized under applicable State law to provide a program of education beyond the secondary level.

(b) The Council does not usually renew the approval or provisional approval of a law school or a law school program during a period in which the school or its parent institution:

(i) is the subject of an interim action by a recognized institutional accrediting agency potentially leading to the suspension, revocation, or termination of accreditation or preaccreditation;

(ii) is the subject of an interim action by a State agency potentially leading to the suspension, revocation, or termination of the law school's or the parent institution's legal authority to provide postsecondary education;

(iii) has been notified of a threatened loss of accreditation for a law school or its parent institution, and the due process procedures required by the action have not been completed; or

(iv) has been notified of a threatened suspension, revocation, or termination by a State of the law school's or the parent institution's legal authority to provide postsecondary education, and the due process procedures required by the action have not been completed.

(c) In considering whether to grant provisional approval to a law school or law school program the Council takes into account actions by:

(i) recognized institutional accrediting agencies that have denied accreditation or preaccreditation to the law school or its parent institution; and

(ii) a state agency that has suspended, revoked or terminated the law school's or the parent institution's legal authority to provide postsecondary education.

(d) If the Council decides to grant or continue approval or provisional approval to a law school or law school program notwithstanding the above sections, the Council will provide the Secretary of the Department of Education a thorough explanation, consistent with the Council's Standards and Interpretations, regarding why the previous action by a recognized institutional accrediting agency or State does not preclude the Council's grant or continuation of approval or provisional approval.

(e) If a recognized institutional accrediting agency takes adverse action with respect to a dually-accredited law school or its parent institution or places either on public probationary status, or if a recognized programmatic accrediting agency takes an adverse action for reasons associated with the overall institution rather than the specific program against a program offered by the parent institution or places the program on public probation, the Council shall review its approval or provisional approval of the law school or law school program to determine if it should also take adverse action against the law school or the law school program.

(f) The Council will share with other appropriate recognized accrediting agencies and State agencies information about the approved or provisionally approved status of a law school or a law school program and any adverse actions it has taken against an approved or provisionally approved law school or law school program.

7. Submission of Information to Secretary of Education

The Council shall submit to the Department of Education the following information:

(a) the Consultant's *Annual Report*;

(b) the ABA Guide to Approved Law Schools;

(c) the identity of any school that the Council has reason to believe is failing to meet its Title IV program responsibilities or is engaged in fraud or abuse, and the reason for the Council's concern;

(d) any revisions to the Standards, Interpretations or Rules of Procedure that are circulated by the Council for comment (see IOP 9), any reports to the ABA House of Delegates seeking concurrence in such revisions that are adopted by the Council, and any such revisions that are finally effective;

(e) a copy, updated annually, of the Council's listing of approved law schools;

(f) upon request by the Secretary of Education, information regarding an approved law school's compliance with its Title IV, HEA responsibilities; and

(g) upon request by the Secretary of Education, a summary of the Council's major accrediting activities during the previous year.

8. Maintenance of Records

The Consultant shall maintain a complete set of records for a sufficient period of time to cover at least the last two reviews of a law school or a law school's programs. The records shall include site evaluation and fact finder reports, law school responses to site evaluation and fact finder reports, the law school's most recent self-study, and any other reports and responses related to the review of a law school. Periodic review reports, including the law school's completed annual questionnaire, shall be retained for a period of one accreditation review.

The Consultant shall maintain the following records indefinitely: Accreditation Committee decision letters, Council decision letters, Appeals Panel decision letters, the law school's responses to such decision letters, and all other correspondence significantly related to those decisions.

9. Notice of Proposed Changes to the Standards, Interpretations and Rules of Procedure

The Council shall provide notice of proposed revisions or additions to the Standards, Interpretations and the Rules of Procedure of the Council to deans of approved law schools, chief justices, and directors of state bar admission authorities. Such notice shall be given at least fifteen (15) days prior to any scheduled hearing on the proposed revision or addition or fifteen (15) days prior to the date of the proposed action by the Council, if no hearing is scheduled on the revision or addition. Interested parties may comment on the proposed revisions or additions either at the hearing or by written comment.

10. Response to Department of Education Information Regarding Law School Compliance with Standards

In the event that the Consultant should receive information from the Department of Education which raises issues about a law school's ability to comply with the Standards for the Approval of Law Schools and Interpretations, the Consultant will submit such information to the Accreditation Committee for consideration under Rule 11 of the Rules of Procedure, and for any subsequent action by the Committee as it may deem appropriate.

11. Review of Standards, Interpretations and Rules

The Standards Review Committee shall engage in an ongoing review of the Standards, Interpretations and Rules. At five-year intervals, the Consultant shall provide notice as to the commencement of a process of comprehensive review for all the Standards, Interpretations and Rules, including a proposed schedule for completion of this review to take place over two to three academic years. As part of the notice, the Consultant shall invite suggestions as to possible revisions of the Standards, Interpretations and Rules. Such notice shall be provided to the deans of ABA-approved law schools, with instruction to share the notice with faculty, students and staff. Notice shall also be provided to Chief Justices, directors of state bar admission authorities, presidents of universities affiliated with ABA-approved law schools, deans of law schools that are not ABA-approved and are known to the Consultant's office, and organizations concerned with legal education. Such notice shall be provided by publication on the Section website and through written memoranda. Proposals received by the Section for revisions to the Standards, Interpretations or Rules shall be referred to the Committee and considered in accordance with Standard 803(d).

The Committee shall submit to the Council proposed Standards, Interpretations or Rules or revisions thereto for approval and circulation for notice and comment from interested constituencies, including but not limited to, the highest appellate court of each state, the board of bar examiners of each state, presidents of universities affiliated with ABA-approved law schools, deans of ABA-approved law schools, deans of unapproved law schools known to the Consultant's Office, and organizations concerned with legal education. Proposed revisions shall also be made available to the public on the Section website and through publication in *Syllabus*. The Committee also shall hold public hearings to solicit testimony from interested constituencies, including those described above.

The Committee shall consider oral and written comments and testimony received and revise, if necessary, its recommendations to the Council regarding new Standards, Interpretations or Rules or revisions to the current Standards, Interpretations or Rules. The Council shall act on the Committee's recommendations as appropriate and shall make available to the public a written report discussing the results of the review, the rationale for the decisions that were made, an explanation for the revisions adopted, and a summary of the reasons why other comments were not adopted. A Council decision to adopt, revise,

amend or repeal the Standards, Interpretations or Rules shall be reviewed by the House in accordance with Standard 803.

If, during the comprehensive review process the Standards Review Committee or the Council determines that changes need to be made to the Standards, Interpretations, or Rules, action to make those changes must be initiated within 12 months of the determination and shall be completed within a reasonable period of time.

12. Approval of Questionnaires

Each year the Council shall approve all of the questionnaires (including annual and site evaluation questionnaires) that schools will be required to complete.

13. Accreditation Committee Reports to the Council

After each of its meetings, the Accreditation Committee shall provide to the Council a written report identifying all of the decisions and recommendations that the Committee made at the meeting. The report shall be transmitted no later than three months after the conclusion of the meeting of the Committee.

14. Publication of Composition of Site Teams

At the end of each Association year, the Consultant shall cause to be posted on the Section website and published in the Consultant's *Annual Report* the date and place of each site evaluation (including limited site evaluations, fact-finding visits, and visits to foreign programs) that occurred during the past Association year, together with the names and institutional affiliations of each site evaluator or fact-finder.

15. Procedures for Processing Complaints Filed Against Council Members, Committee Members, Consultant's Office Staff, Site Team Evaluators, or Entities of the Section

(a) Any person may file with the Consultant a written and signed complaint against a member of the Council, the Accreditation Committee, any other Section Committee, a staff member of the Consultant's Office, or a site team evaluator for failure to comply with rules, procedures or policies of the Section of Legal Education and Admissions to the Bar (including for violations of the provisions of the Statement of Ethical Practices in the Process of Law School Accreditation), or for other misconduct related to the accreditation process. Any such complaint against the Consultant may be filed with the Chairperson of the Grievance Committee of the Section, and the Chairperson of the Grievance Committee shall act in the place of the Consultant for all procedures that would otherwise involve the Consultant. The complaint must contain a statement of facts and circumstances showing with reasonable particularity the basis for the allegation of non-compliance or misconduct. The complaint must be filed within 6 months of the occurrence that is the basis for the allegation of non-compliance or misconduct. Pursuit of other remedies does not toll the 6

month limit. Under no circumstance shall this complaint procedure be a substitute for or alternative to the appeal procedures with respect to decisions affecting accreditation, in which instances the appeal procedures shall be exclusive.

(b) The Consultant shall dismiss the complaint if the Consultant determines that the complaint does not allege facts sufficient to establish a violation of the rules, procedures or policies of the Section, or otherwise to establish misconduct related to the accreditation process. If the Consultant does not dismiss the complaint, the Consultant shall forward the complaint to the Chairperson of the Grievance Committee within 30 days after receipt of the complaint. The Consultant shall simultaneously forward a copy of the complaint to the person or persons against whom, or the Section entity against which, the complaint asserted. Such persons or entities shall hereinafter be referred to as "respondents".

(c) Respondents shall respond to the complaint by sending a written response to the Chairperson of the Grievance Committee. Said response shall be delivered to the Chairperson of the Grievance Committee within 30 days after the date on which the Consultant sent the complaint to the respondents.

(d) Upon review of the complaint and the response required by (c), the Grievance Committee may request that the complainant or respondents provide additional information. Complainant and/or respondents shall submit the additional information requested within 30 days after receipt of the Committee's request.

(e) The Complainant bears the burden by a preponderance of the evidence of establishing that there has been a violation of the rules, procedures or policies of the Section, or other misconduct related to the accreditation process.

(f) Within 45 days, after receipt of the information required in (c) and (d), the Grievance Committee shall render its decision. In the event that the Grievance Committee determines that there has been such a violation or misconduct, the Grievance Committee may also determine such relief, if any, as is appropriate to remedy the violation or misconduct. The decision of the Grievance is final and is not subject to appeal within the Association.

(g) The Consultant shall, in writing, inform the complainants and any respondents of the Grievance Committee's decision.

(h) All matters under this section shall be confidential, except as made public by decision of the Grievance Committee. This shall include all proceedings and deliberations of the Grievance Committee and all non-public documents and information received or generated by the American Bar Association.

16. Training for Council and Accreditation Committee Members

At the beginning of each academic year, the Consultant shall provide training for members of the Council and the Accreditation Committee concerning the Standards for Approval of Law Schools and the policies and procedures that govern the accreditation process. Additional training in the Standards, policies and procedures will be provided at the beginning of each academic year to any new members of the Council and the Accreditation Committee. All new members of the Accreditation Committee and Council are required to attend a training session.

17. Soliciting Suggestions for Revisions of the Standards, Interpretations and Rules of Procedure

At the beginning of each academic year, the Consultant shall provide notice as to any specific Standards, Interpretations or Rules of Procedure that will be considered for revision during the coming academic year and shall invite suggestions as to those possible revisions and any other revisions of the Standards, Interpretations and Rules that should be considered. Such notice shall be provided to the deans of ABA-approved law schools, with instruction to share the notice with faculty, students and staff. Notice shall also be provided to Chief Justices, directors of state bar admission authorities, presidents of universities affiliated with ABA-approved law schools, deans of law schools that are not ABA-approved and are known to the Consultant's office, and organizations concerned with legal education. Such notice shall be provided by publication on the Section website and through written memoranda. Any suggestions for revisions of the Standards, Interpretations or Rules of Procedure will be considered in accordance with the provisions of Standard 803(d).

18. Grievance Committee

There shall be six members of the Grievance Committee. The Chairperson of the Council shall appoint the members of the Grievance Committee for terms of three years. The terms of the members shall be staggered and a member may serve no more than two terms. Appointments shall be made from members of the Section; however no member of the Grievance Committee may be a current member of the Council, the Accreditation Committee or staff of the Section. The Chairperson shall appoint a Chairperson of the Grievance Committee for a term of one year, subject to one reappointment.

Complaints received pursuant to IOP 15 Grievance Procedure shall be heard by a panel of three members of the Grievance Committee. The Chairperson of the Grievance Committee shall appoint the panel, designating one member to preside. Members shall be subject to the same conflict of interest rules that apply to members of the Council.

19. Conflicts of Interest

(a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an interest in the law school or law school program under review by the Council, the Accreditation Committee or the Appeals Panel.

(b) In order that members of the Council, members of the Accreditation Committee, members of the Appeals Panel and members of the staff of the Office of the Consultant (in each case when used in this IOP, a "Member") may avoid the appearance of a conflict of interest, any Member may recuse himself or herself from participating in any matter before the Accreditation Committee, the Council or the Appeals Panel related to a law school under review without the necessity of stating a reason for recusal.

(c) If any of the following conditions are met, a Member is required to recuse himself or herself from participating in a matter before the Accreditation Committee, the Council or the Appeals Panel related to a law school under review:

1. The Member:

   (A) is currently the dean, a faculty member, other employee or a student of a law school under review (or its parent institution), a former dean of a law school under review, a former full-time faculty member of the law school under review (for a period of ten years following the termination of faculty status with that law school), a former employee of the law school under review other than as a full-time faculty member (for a period of two years following termination of such employment) or a graduate of the law school under review;

   (B) is currently a member of any board of the law school or its parent institution or has been within the last two years; or

   (C) has a current business or professional relationship (including consulting with or without compensation) with the law school (or its parent institution) or has had such a relationship within the last two years.

2. The Member's spouse, child, parent, domestic partner, or sibling:

   (A) is an employee or student of the law school under review (or its parent institution) or has been within the last two years;

   (B) is currently a member of any board of the law school or its parent institution or has been within the last two years; or

(C) has a current material business or professional relationship with the law school (or its parent institution) or has had such a relationship within the last two years.

(d) A Member of the Council shall recuse himself or herself from participating in the review of a matter before the Council involving the status of a law school in any case where the Member of the Council participated in making the decision or recommendation on such matter as a member of the Accreditation Committee. A Member of the Appeals Panel shall recuse himself or herself from participating in the review of a matter before the Appeals Panel involving an adverse action as defined in Rule 10, Section (a)(1-3) against a law school in any case where the Member of the Appeals Panel participated in making the decision on such adverse action as a member of the Council or the Accreditation Committee or served on the site team which visited the law school.

(e) In addition to the conditions set forth in Subparts (b), (c) and (d) above, if, in a matter before the Council, the Appeals Panel or Accreditation Committee related to a law school under review, a meaningful conflict exists or could be reasonably perceived to exist in view of the Member's office or other position, previous or current relationship with the law school, or other circumstances (including geographic distance between the member's residence or place of employment and the law school under review or circumstances involving the Member's spouse, child, parent, domestic partner, or sibling), then the Member shall disclose the relationship to the Chair of the Council, the Chair of the Appeals Panel or the Accreditation Committee, as applicable, and the relevant Chair shall determine whether the Member shall be recused from participating in the matter under consideration. For purposes of this Subpart, a relationship with a law school includes, but is not limited to, a relationship with the members of the law school's faculty, staff, students, graduates or its parent institution.

(f) A Member who is recused with regard to a matter related to a law school under review:

(1) may not be present in the room (nor participate in the meeting by means of telecommunications) when the law school appears before the Council, the Appeals Panel or the Committee or when the Council, the Appeals Panel or the Committee is discussing the matter related to the law school;

(2) shall refrain from participating in any discussions, formal or informal, with other Members regarding the matter related to the law school; and

(3) shall not read but instead shall destroy or delete any materials received from the Consultant or the Consultant's staff concerning the law school.

(g) A current dean, faculty member, other employee or student of the law school under review (or its parent institution), a former dean of the law school under review, a former full-time faculty member of the law school under review (for a period of ten years

following the termination of faculty status with the law school), a former employee of the law school under review other than as a full-time faculty member (for a period of two years following termination of such employment) or a graduate of the law school under review may not serve on a site evaluation team or as a fact finder visiting that law school or law school program.

(h) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or a Member of the Council, the Appeals Panel or the Accreditation Committee, recuse himself or herself from acting in such capacity with respect to the dean's law school. With regard to a member of a site evaluation team, the Consultant shall grant or deny such request based on the merits of the claim. With regard to a Member of the Council, the Appeals Panel or of the Accreditation Committee, the Chair of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, shall grant or deny such request based on the merits of such claim.

(i) A person who acts as a chair of a site evaluation team or as fact finder at a law school or of a law school program under review may be present and/or speak at the Accreditation Committee's, Council's or Appeals Panel deliberations concerning such law school or law school program, if so requested by the Chair of the Council, the Appeals Panel or the Accreditation Committee, or such Chair's designee, as the case may be, or if the Chair grants the person's request for such participation.

20. Right to Representation

A law school shall have the right to representation, including legal counsel, at all stages of a determination regarding the school's removal from the list of approved law schools or the denial of the school's provisional or full approval.

COUNCIL STATEMENTS

Periodically, the Council issues Statements intended to provide law schools with guidance on a variety of issues. These Statements are advisory in nature only. They are not and should not be considered the equivalent of Standards, Interpretations, and Rules for the Approval of Law Schools.

1. LL.M. and Other Post-J.D. Degrees and Qualification for Admission to Practice

The American Bar Association's approval of a law school extends only to the first professional degree in law (J.D.) offered by a law school. ABA approval of a school's J.D. program provides bar admission authorities, students and the public assurance that the law school's J.D. program meets the Standards established by the ABA and that graduates of the school have completed an educational program that prepares them for admission to the bar and to participate effectively and responsibly in the legal profession. ABA approval does not extend to any program supporting any other degree granted by the law school. Rather the content and requirements of those degrees, such as an LL.M., are created by the law school itself and do not reflect any judgment by the ABA regarding the quality of the program. Moreover, admission requirements for such programs vary from school to school, and are not evaluated through the ABA accreditation process. The ABA Accreditation process does not evaluate in any way whether a school's post-J.D. degree program ensures that students in the program gain the basic knowledge and skills necessary to prepare the student adequately for the practice of law. It is the long-standing position of the Council of the Section of Legal Education and Admissions to the Bar that no graduate degree is or should be a substitute for the J.D., and that a graduate degree should not be considered the equivalent of the J.D. for bar admission purposes.

The Standards for Approval of Law Schools prohibit an approved law school from establishing a post-J.D. program without first obtaining the acquiescence of the Council of the Section of Legal Education and Admissions to the Bar. However, the ABA reviews post-J.D. degree programs only to determine whether the offering of such post-J.D. program would have an adverse impact on the law school's ability to comply with the Standards that the ABA establishes for J.D. programs. If no adverse impact is indicated, the ABA acquiesces in the law school's decision to offer the non-J.D. program and degree. Acquiescence in a post-J.D. program does not constitute ABA approval or endorsement of such a program.

2. J.D. Degree - Ph.D. Degree Equivalency

WHEREAS, the acquisition of a Doctor of Jurisprudence degree requires from 84 to 90 semester hours of post baccalaureate study and the Doctor of Philosophy degree usually requires 60 semester hours of post baccalaureate study along with the writing of a dissertation, the two degrees shall be considered as equivalent degrees for educational

employment purposes; THEREFORE, BE IT RESOLVED, that all appropriate persons be requested to eliminate any policy, or practice, existing within their jurisdiction which disparages legal education or promotes discriminatory employment practices against J.D. degree-holders who hold academic appointment in education institutions.

3. Propriety of Examination by Public Authority before Admission to Practice

A half century ago the American Bar Association adopted standards for legal education, the second of which is as follows:

"The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subject to an examination by public authority to determine his fitness."

The criticism of bar examinations, which is daily becoming more prevalent, makes it most appropriate for the Council of the Section of Legal Education and Admissions to the Bar and the Board of Managers of the National Conference of Bar Examiners to state their opinion on the matter of the so-called Diploma Privilege.

It is the position of the Council and Board that the above-quoted standard, adopted in 1921, is as valid today ─ perhaps more so with the mobility of law graduates ─ as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

Very great progress has taken place in the caliber of legal education in the fifty years intervening since 1921. In part the improvement in legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.

Not only are law schools quite properly experimenting in teaching techniques but they are experimenting in curriculum content. Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. In one of the jurisdictions where graduates of certain law schools are admitted without examination, the Court found it necessary to a certain extent to dictate the curriculum content of those schools—an unfortunate limitation on the educational freedom of these schools.

Bar examinations themselves serve additional functions. They encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law—to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve.

Also, it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation for appearing before a completely strange judge.

To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority. This is not to say that public authority must not be very careful in its examination procedure to make sure that it is fulfilling its responsibilities. It should continually strive to make its methods of examination more effective so that the results will be the nondiscriminatory admission of none not qualified and the exclusion of none qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of society is a continual challenge to teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques.

4. Law Students Called to Active Military Duty

Resolved, that any student who leaves his/her law school prior to completion of a semester, quarter or session as a result of being called to active military duty in the armed forces of the United States may be granted by any approved law school appropriate credit for any quarter, semester or session which was interrupted by the call to active military duty. A law school may establish its own policies with respect to adequate completion of further work by the student.

5. Rating of Law Schools

No rating of law schools beyond the simple statement of their accreditation status is attempted or advocated by the official organizations in legal education. Qualities that make one kind of school good for one student may not be as important to another. The American Bar Association and its Section of Legal Education and Admissions to the Bar have issued disclaimers of any law school rating system. Prospective law students should consider a variety of factors in making their choice among schools.

6. Law School Policy Encouraging Faculty to Engage in Reasonable Post-Examination Review with Students

It is recommended that a law school have a policy encouraging faculty members to engage in reasonable post examination review with students, preferably individual review upon request. Absent good cause, students should also have a right reasonably to review their examination papers. This does not mean that faculty members are obligated to review examinations individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of examinations in the course, the academic needs of the particular students requesting review, and the availability of review in courses throughout the school. Faculty members may choose to carry out such a

policy using alternative means, including engaging in individual review of examinations upon student's request, by holding a general review concerning the examination open to all students, or by providing an outline or exemplar of good examination answers.

7. Period of Retention of Examination Materials

Law schools approved by the American Bar Association should practice the policy of retaining examination booklets for a period of one year. This policy applies only if the examination booklet has not been returned to the student.

8. Retention of Records

Law schools approved by the American Bar Association should retain admission, financial aid and placement records for a one-year period.

9. Interference in Law School Clinical Activities

Improper attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses have an adverse impact on the quality of the educational mission of affected law schools and jeopardize principles of law school self-governance, academic freedom, and ethical independence under the ABA Code of Professional Responsibility. In appropriate ways, the Council shall assist law schools in preserving the independence of law school clinical programs and courses.

10. Timely Grading of Law School Examinations

Law schools should adopt and maintain policies for timely grading of law school examinations. It is urged that such policies provide for completion of the grading and notification of results to the students not later than 30 days following the last examination of the term.

11. Pass/Fail Grading

At its August, 1970 meeting the Council of the Section of Legal Education and Admissions to the Bar decided to endorse the following statement issued earlier by the Law School Admission Council on the impact of pass/fail grading by undergraduate colleges upon the law school admission process. This statement has also been endorsed by the Executive Committee of the Association of American Law Schools.

The adoption by an increasing number of colleges and universities of pass/fail or similar grading systems for some or all of their students' work has implications for the law school admissions process. When a student with a transcript bearing such grades seeks to enter law school, law school admissions committees will be deprived of data that have served them well in the past in making the admissions decision. In the belief that college and

university faculties and administrations who are considering conversion of a conventional grading system to a pass/fail or some variant system may be interested in the possible effect of such grading systems upon their graduates who seek admission to law school, the Law School Admission Council issues this statement.

The Law School Admission Test (LSAT) was developed more than twenty years ago in response to an expressed need of law schools for additional data upon which to base their admissions decisions. Validity studies conducted over the years demonstrate that the LSAT score contributes significantly to the prediction of an applicant's grades in law school and thus aids in the making of the admissions decision. These studies show that the LSAT score and the undergraduate grade-point average are the two best quantitative predictors, and that when they are used together they are better than either used separately. College grades represent both academic competence and achievement; the LSAT score largely indicates academic competence—the kind relevant to the study of law. The academic achievement of an applicant to law school indicates the extent of his preparation and motivation for the study of law. It is apparent, then, that college grades make a significant contribution to prediction of law school grades that is not supplied by the LSAT score.

Where an applicant for admission to law school submits a transcript in which all or virtually all of his grades are on pass/fail basis, and submits no other indication of his level of achievement in college, the admissions committee can make little specific use of his college work in predicting his law school grades. This means that this prediction must be based on the LSAT score, even though the committee would much prefer not to place sole reliance on the test scores in making this prediction. Even when such a transcript is supplemented by a narrative evaluation of the applicant by several of his teachers and deans, the committee can make only limited use of the college work in predicting performance in law school. Like interviews, these evaluations give the committee some help in making the admissions judgment, but they are largely helpful in deciding which risks to take and which to reject.

Where the applicant for admission to law school submits a transcript containing some conventional grades and some pass/fail grades, the admissions committee can develop a grade-point average for that portion of the student's college work bearing the conventional grades. However, many admissions officers will not feel justified in assigning to that average the conventional weight. They may well assume that the student chose to receive a conventional grade in those courses in which he gauged his probabilities for a premium grade to be good. This indicates that his grade-point average so developed will overstate his academic competence and achievement as compared with the average of a student whose grades are all conventional. Furthermore, the committee may reasonably assume that the applicant did not make the same effort in the courses graded on a pass/fail basis as he did in those graded on the conventional basis. In short, a grade-point average based only upon the limited part of a student's work in which conventional grades were assigned seems to overstate in a compound way the student's general academic ability and achievement. Therefore, it is understandable that many admissions officers are already

discounting such a grade-point average, and discounting it more if there is a large proportion of pass/fail grades.

The Council recognizes that the increased use of the pass/fail grading system—or some variant thereof—will mean that law school admissions committees and officers will place an increased reliance upon the LSAT score, a greater reliance than either the Council or law school admissions committee would like. The Council recognizes that there are many educational considerations to be taken into account by the faculty and administration in determining the appropriate grading system for that college or university. The Council, of course, respects the authority and judgment of the college and university faculty and administration in making that decision. The Law School Admission Council offers this statement concerning the effect of pass/fail grades upon the proper evaluation of a college graduate's application for admission to law school only in the hope that it may be useful to college faculties and administrations in determining what grading system to use.

12. Student Complaints

Each law school approved by the American Bar Association should communicate in written form to its students the manner in which it receives and responds to student complaints.

13. Law School Admission Fees

The American Bar Association Section of Legal Education and Admissions to the Bar condemns the practice of requiring persons seeking admission to a law school to pay a fee, in addition to the regular application fee, to be placed on a list of persons who will be admitted if additional places become available, commonly known as a "waiting list."

14. Law School Curricula

The Council is the governing body of the Section of Legal Education and Admissions to the Bar, and it also serves as the United States Department of Education recognized accrediting agency for J.D. programs in the United States. In its role as an accrediting authority the Council has adopted Standards and Interpretations for the Approval of Law Schools. A number of those Standards and Interpretations speak to the program of legal education that the Council believes a law school must offer to prepare its graduates for careers in the legal profession.

The Standards and Interpretations reflect the general principle that law schools should be given considerable discretion to fashion their own curricula, consistent with their varied and diverse missions. There are many more courses and subjects that might be appropriate and worthy of inclusion in a law school course of study than can be accommodated in a threeyear full-time course of study (or its part-time equivalent). Choosing among many

worthy and important courses, subjects and topics is a matter best left to each law school within the basic framework established by the Standards and Interpretations.

It is inconsistent with the Council's role as an accrediting agency to support proposals that law schools include in their curricula matters that are not specifically required by the Standards. Moreover, a resolution adopted by the ABA House of Delegates to encourage law schools to include specific courses or subjects in their curricula will lead many to believe that such courses and subjects are related to accreditation requirements.

In its report to the Council in 2008, the Section's Special Committee on Transparency recommended the following:

The Committee RECOMMENDS that, in appropriate circumstances, the Consultant's Office prepare a "Consultant's Memo" to assist schools in coming into compliance with the Standards.

The Accreditation Committee considered this recommendation and determined that it will, in appropriate circumstances, authorize the Consultant to issue Consultant's Memos. The goal of the memos are to guide schools in their efforts to comply with the Standards and occasionally provide explanations about Accreditation Committee policies on various issues of importance to the schools. In no event are these memos to serve as interpretations of the Standards or as new policy-making guidance to the schools or other interested parties. Their purpose is to be helpful to schools in understanding certain compliance requirements or processes utilized by the Committee to determine compliance with the Standards (i.e. to be "transparent" both in the sense of being open and being clear).

CONSULTANT'S MEMO 1
STANDARDS 503 & 802
AUGUST 2009

Introduction

Over the last several months there has been significant publicity about the plans of several law schools to initiate special admission programs for cohorts of entering students that do not require the use of the LSAT. We believe that all of these programs have been brought to the attention of the Accreditation Committee, and the Committee has had ongoing dialogue with the schools about these programs and their compliance with the Standards. Rule 25 does not permit me to release compliance information tied to individual schools, but I am able to provide general information about the approach taken by the Accreditation Committee and the Council in dealing with these special admissions programs.

Standard 503 in General

Standard 503 says in relevant part: **A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the schoo and the applicant in assessing the applicant's capability of satisfactorily completing the school's educational program.** Additionally, Interpretation 503-1 says: *A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program.*

Interpretation 503-1 makes it clear that the burden is on the law school to demonstrate the validity and reliability of any test or assessment methodology, other than the LSAT, that is used for law school admission purposes. I should note that "validity" and "reliability" are terms of art in the world of testing. Validity asks if the scores reflect what the test or assessment method is intended to measure. Reliability asks if repeated applications of the test or assessment method will produce substantially the same results. The LSAT has been determined to be a valid and reliable test for law school admission purposes. For each of the law schools proposing to use something other than the LSAT for admissions purposes, the Accreditation Committee has asked that the school provide certain information so that the Committee can determine if Standard 503 and Interpretation 503-1 are satisfied, and if not, whether a variance pursuant to Standard 80 is warranted. In each case where an admissions program implicating the concerns of Standard 503 has been brought to the attention of the Committee, the school has been asked to answer the following questions:

> Is the law school using the SAT, ACT, or some test other than the LSAT for admissions purposes; and if so, what evidence does the school have that the test is "… a valid and reliable test to assist the school in assessing the applicant's capability to satisfactorily complete the school's educational program"?
>
> Does the law school intend to seek and obtain a variance of Standard 503 from the Council?

The basic issue for the Accreditation Committee to decide under Standard 503 is whether admissions criteria being employed by the special admissions program are comparable to the admissions criteria being applied under the standard admissions program (i.e., the admissions program under which most incoming J.D. students are admitted). The assessment methods used should be shown to be valid for the intended purpose (i.e., to assess "the applicant's capability of satisfactorily completing the school's educational program"), by demonstrating that the performance of students admitted under the special criteria is, in general, about as good or better than that for students admitted under the standard criteria.

Once the Committee has received and reviewed the requested information, it will make determination as to compliance with Standard 503 and Interpretation 503-1. If the school satisfies the requirements, that ends the inquiry. If the school is not able to demonstrate compliance through the documentation and evidence it submits, it can either end the program or seek a variance from Standard 503 pursuant to Standard 802.

Variances under Standard 802

Standard 802 provides: **If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance, may impose conditions, and shall impose time limits it considers appropriate.** The relevant part of Standard 802 is the one relating to experimental programs. Interpretation 802-1 permits the granting of a variance for an experimental program based on all of the following:

(1) Good reason to believe that there is a likelihood of success;

(2) High quality experimental design;

(3) Clear and measurable criteria for assessing the success of the experimental program;

(4) Strong reason to believe that the benefits of the experiment will be greater than it's risks; and

(5) Adequately informed participation by students involved in the experiment.

The Accreditation Committee, in assessing the application for a variance, will consider (among other things) whether the program in question is one that might, with further evidence from experience, be found to be in compliance with Standard 503 and Interpretation 503-1. It is also important to keep in mind that under Standard 802 and Interpretation 802-5, variances are school-specific and based on the circumstances existing at the law school filing the request.

Committee and Council Determinations to Date

The Accreditation Committee, at its April 2009 meeting, voted to find one admissions program that uses a test other than the LSAT in its admissions process in compliance with Standard 503. The Committee also voted to recommend, and the Council at its June 2009 meeting voted to approve, variances to Standard 503 for several other law school admission programs. The applications for variances in these cases were found to comply with the requirements of Standard 802. The Committee has since recommended, and the Council approved at its July 2009 meeting, a variance for one additional school. Thus, there are currently five programs not relying on the LSAT for admissions purposes that have received variances to Standard 503. One school was able to demonstrate compliance with Standard 503 despite not using the LSAT because it has a joint degree program that has been using a different admissions test for many years. The school was able to present historical data showing that the students admitted using the other test performed as well as, or better than, students admitted who presented an LSAT score.

Each school that was granted a variance received a letter detailing the terms of the variance and the response required by the law school over the five-year period of the variance. Even though the

details of the variances are confidential pursuant to Rule 25, the critical part of the letter that each school received reads in part:

CONCLUSIONS:

(1) In accordance with Standards 503 and Interpretations 503-1 and 503-2, the Committee concludes that it has reason to believe the admissions criteria employed under the Program may be comparable to the admissions criteria applied by the Law School under its regular admissions program, and that the assessment methods used in connection with the Program may be valid and reliable for the purpose of assisting the Law School and applicants to assess the applicant's capability to successfully complete the Law School's educational program.

(2) The Committee further concludes that the Program is consistent with the general purposes of the Standards, within the meaning of Standard 802.

(3) The Committee further concludes that the Program is an experimental program based on all of the following:

(a) Good reason to believe that there is a likelihood of success;

(b) High quality experimental design;

(c) Clear and measurable criteria for assessing the success of the experimental program;

(d) Strong reason to believe that the benefits of the experiment will be greater than its risks; and

(e) Adequately informed participation by students involved in the experiment.

(4) The Committee recommends that the Council grant a variance under Standard 802 and Interpretations 802-1(b) and 802-5 for five years to the Law School with respect to the Program, as presented by the Law School, and to the admissions criteria used in connection with the Program.

RESPONSE REQUESTED:

In the event the Council grants a variance, the Committee requests that the Law School report by September 15 of each year regarding the following:

(1) For the most recent entering class, the number of students who applied for admission under the Program, the number of those students admitted, and the number who matriculated.

(2) For the various student populations referred to in paragraph (a), the distribution, mean, median, and standard deviation of the following: SAT score; ACT score; UGPA; and LSAT scores for those applicants under the Program who took the LSAT and reported LSAT scores.

(3) A report on the reliability of the assessment method used in connection with the Program.

(4) A report on the performance (including means, medians, and standard deviations) of students who matriculated under the Program, with respect to first semester Law School GPA, first year Law School GPA, cumulative GPA, attrition, graduation rate, bar passage, and employment; and a comparison of such data with corresponding data for students who matriculated under the Law School's regular admission program.

(5) A report on any other evidence or studies regarding the validity of the assessment method used in connection with the Program and the comparability of that assessment method with the assessment method used under the Law School's regular admission program.

(6) A description of the regular admission program of the Law School then in effect and the assessment method used under it.

(7) A description of the person or persons who performed the psychometric and other analyses reported to the Committee in connection with paragraphs (a)-(e), above.

(8) A report on the impact of the Program on the Law School's obligation to comply with Standard 212(a), and a description of the actions undertaken by the Law School to assure compliance with Standard 212(a) in light of the implementation of the Program.

(9) The information provided to applicants to the Law School under the Program regarding the experimental character of the admissions aspects of the Program.

(10) The information provided to applicants to the Law School under the Program regarding the possible need for such students to take the LSAT in order to apply to another law school as either first-year or transfer students.

(11) A report on the means by which the Law School complies with Standard 509 and Interpretation 509-1(1), concerning the publishing of basic consumer information regarding admissions, for students admitted to the Law School under the Program. Such consumer information shall include information on the LSAT scores of students admitted under the Program, both separately for such students and in the aggregate with all students admitted to the Law School.

Summary

The Accreditation Committee urges any school that is considering implementing a special admission program not requiring the use of the LSAT to consider the analysis above, to give notice to the Consultant's Office, and to be prepared to address all the issues identified and provide the documentation and evidence outlined above.

CONSULTANT'S MEMO 2
H1N1 FLU AND STANDARD 304
SEPTEMBER, 2009

The Consultant's Office is monitoring the H1N1 flu situation and will be developing policies and processes for schools to follow as quickly as necessary. For now, I am providing a link (http://www.cdc.gov/h1n1flu/schools/) to the guidance provided by the CDC for institutions of higher education and encourage you to consult and follow the guidance to the extent it applies to your school. In the CDC materials, there is advice about educating individual students who miss substantial time as well as what to do in case of a school closure. We do not endorse any particular approach, but you should be aware of this guidance. In addition, Associate Dean Aric Short of Texas Wesleyan has created a "wiki" which aggregates school materials on the subject and provides a platform for possible collaborative drafting. You can access the wiki by going to http://lawdeansflu.wetpaint.com.

At this stage, I can say the following:

1. If a student misses classes, but the school does not close, that situation should be covered by your current policies and procedures. The ABA Standards most likely will not be implicated in such a situation

2. If the school closes (either by university mandate, government requirement or board decision), the Standards could be implicated depending on the length of closure [see Standards 304(a) and (b)]. It is hoped that the school will be able to make up the lost class time in the weeks or months remaining in the semester or academic year. If this is impossible (lack of time remaining, other intervening factors, etc.), then we anticipate implementing an "emergency variance" procedure pursuant to Standard 802. This was done after Hurricane Katrina and worked well for the schools affected. The school affected would submit a variance request to the Consultant's Office and be asked to provide all relevant information. The variance request would be processed as quickly as feasible and appropriate. The Consultant's Office will be working over the next several weeks on a template for that submission, specifically delineating the kinds of information the school would be expected to provide. I can imagine that at a minimum the Accreditation Committee and Council would want to know the reasons for the closure, the reason why the classes cannot be made up and the steps the school has taken to ensure the delivery of the full course content for the semester. We will be in further communication once these procedures are put into place.

Our goal is similar to yours: to avoid disruption to the extent possible while respecting the health concerns of students, faculty, staff and the institution. The primary objective will be to get the educational program delivered to all students in a safe and secure environment, and at the same time, to make certain the Standards are followed.

I encourage you to contact the Consultant's Office as soon as it is evident to you that disruption to the school calendar will likely occur.

CONSULTANT'S MEMO 3
STANDARD 302(a)(4), STANDARD 304, STANDARD 504, STANDARD 509
MARCH 2010

This memo addresses four rather technical Standards about which the Accreditation Committee believes law schools can benefit from guidance regarding compliance. The goal is to explain the requirements and the nuances and give examples of what will comply and what will not.

1. Standard 302(a)(4)- Other Professional Skills

2. Standard 304- Course of Study and Academic Calendar

3. Standard 504- Character and Fitness

4. Standard 509- Basic Consumer Information

1. Standard 302(a)(4) – Other Professional Skills

(a) A law school shall require that each student receive substantial instruction in:

> **(4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and**

Interpretation 302-2 Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302 (a)(4).

Interpretation 302-3 A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be "substantial," instruction in professional skills must engage each student in skills performances that are assessed by the instructor.

GUIDANCE: Standard 302(a)(4) has several components that must be met:

1) Every student must be *required* to receive substantial instruction in other professional skills generally regarded as necessary for effective and responsible participation in the legal profession. Thus, the fact that 98% of the student body takes a skills course is not sufficient; *every* student, as a requirement of graduation, must receive substantial skills instruction.

2) What is "s*ubstantial instruction*" in other professional skills? Interpretation 302-3 includes a helpful explanation here: to be "substantial," instruction in (other) professional skills must engage *each* student in skills *performances* that are *assessed* by the instructor. Thus, merely reading about and taking an exam on counseling and negotiation will not suffice; engaging in counseling and negotiation sessions by each student that are then assessed by the professor may. At least one solid credit (or the equivalent) of skills training is necessary. This can be accomplished through a class devoted specifically to skills (e.g., trial advocacy, advanced legal research, live client clinic) or a substantive course that includes substantial skills instruction (e.g., a corporations class where each student is required to draft substantial legal documents that are assessed by the instructor). Note that merely adding a few sessions (i.e., less than the equivalent of one or more credit hours) to what is otherwise a non-skills course is not sufficient.

3) No "*double dipping,*" e.g., a seminar paper used to satisfy the upper-class writing requirement [see 302(a)(3)] cannot also be used to satisfy the other professional skills requirement of 302(a)(4). The Accreditation Committee has interpreted "other" professional skills to mean in addition to the skills requirements set out in Standard 302(a). Thus, the typical first-year research and writing program will not satisfy 302(a)(4); however, the typical first-year research and writing program, with the addition of a substantial counseling and negotiation module, *may* satisfy 302(a)(4) through the additional module.

4) Schools have flexibility in determining what skills instruction to provide and are encouraged to be creative in developing programs of instruction in professional skills. (See Interpretation 302-2 for some examples.) What is required are skills that are generally regarded as necessary for effective participation in the profession, that can be "performed" by students and "assessed" by the instructor; so the options for schools are reasonably broad. Note that any one of the skills listed in 302-2 would suffice (assuming no double dipping). Interpretation 302-2 does *not* require instruction in each of the skills listed.

5) Schools have adopted a variety of formats to require substantial skills instruction, including: (1) a "cafeteria" plan--a list of courses that meet the skills requirement of 302(a)(4) and require each student to take at least one of the courses; or (2) requiring each student to take a specific skills course (or courses). To make certain students are on notice, schools should consider adding this to the posted list of graduation requirements.

2. Standard 304. COURSE OF STUDY AND ACADEMIC CALENDAR

(d) A law school shall require regular and punctual class attendance.

(e) A law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that school for graduation (or a proportionate number for schools on other academic schedules, such as a quarter system).

(f) A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.

Interpretation 304-6
A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, and limitation on employment.

GUIDANCE: There are three distinct areas covered in Standard 304 -- class attendance, credit hour enrollment limitations and limitations on student employment -- that schools sometimes fail to address sufficiently and therefore may fall short of compliance with the Standard. Note that with each of these items, the School must demonstrate that it has *adopted* policies AND must provide evidence of their *enforcement.* (Interpretation 304-6.)

Standard 304(d). Schools establish minimum attendance requirements and generally publish them in the student academic handbook or similar publication. Enforcement of regular and punctual class attendance can be accomplished in a variety of ways such as sign-in sheets or seating charts (which the professor checks) or leaving it up to individual faculty to establish enforcement rules as long as these rules are communicated to students in the class *and* the rules are not inconsistent with the requirement of regular and punctual attendance. The burden is on the school to provide an attendance policy *and* demonstrate enforcement by some appropriate means. Site teams are instructed to report on both the school's attendance policies and how they are enforced.

Standard 304(e) is sometimes referred to as the "20 percent rule." Basically, what this Standard requires is that in any semester a student cannot enroll in coursework that, if successfully completed, would exceed 20 percent of the total coursework required for graduation. Thus, if a school required 85 hours of course credit for graduation, a student could not enroll in more than 17 course hours (20%) in any semester. As with attendance, the burden is on the school to demonstrate that it properly enforces the 20 percent rule. **IMPORTANT NOTE**: The Accreditation Committee has interpreted this as a strict limit; thus if a school required 88 course hours for graduation, 20 percent is 17.6 hours *not* 18 hours. In other words, "rounding up" is not permitted so, functionally, the limit in this example would be 17 credit hours per semester. Also, some schools have policies that meet the Standard. (e.g., "Students cannot enroll in more than 20 percent of the course hours needed for graduation. . . ") but then include a statement such as ". . . except as authorized by the associate dean." This exception, even under extraordinary circumstances, is treated by the Accreditation Committee as a violation of Standard 304(e).

Standard 304(f) limits student employment to no more than 20 hours per week for full-time students. Schools must demonstrate that they have adopted policies and enforcement mechanisms to limit employment as required by the Standard. Schools frequently accomplish this by asking full-time students to sign a statement (often as part of the registration process) attesting that they will not work more than 20 hours per week and by scheduling classes throughout the day, Monday through Friday. (Note that this requirement applies to full-time students only.)

3. Standard 504. CHARACTER AND FITNESS

(a) A law school shall advise each applicant that there are character, fitness and other qualifications for admission to the bar and encourage the applicant, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice. The law school should, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness and other qualifications.

GUIDANCE: Note that Standard 504 requires that the school advise each *applicant* that there are character and fitness qualifications for admission to the bar. In addition the school must encourage applicants, *prior to matriculation*, to determine what those fitness requirements are in the state(s) in which the applicant intends to practice. Since the Standard requires notifying each *applicant*, notifying only admitted students or each matriculant is *not* sufficient. Also, simply asking an applicant to answer various character and fitness questions or simply describing character and fitness requirements without *also* encouraging applicants to determine what the character and fitness requirements are for the state(s) in which they intend to practice is not sufficient to meet the requirements of Standard 504. The school must advise each applicant that there are character and fitness requirements *and* encourage each applicant to determine, prior to matriculation, what those requirements are in the state(s) in which the applicant intends to practice.

Schools tend to meet this requirement in a variety of ways: by including appropriate language on their application and/or by prominently and clearly posting this information on the admissions section of the school's Web site.

The following are examples, from Accreditation Committee Decision Letters, which describe how two schools have met the requirements of Standard 504:

> "Applicants who intend to practice law should be aware that admission to the bar in all states involves character, fitness and other qualifications. Applicants are encouraged to determine what those requirements are in the state(s) in which they intend to practice by consulting the website of the National Conference of Bar Examiners at http:www.ncbex.org/."

AND

> "Law school graduates must become admitted to the bar of the State or Territory in order to practice law there. All jurisdictions have standards of character and fitness the candidates are required to meet in order to become admitted to the bar. Applicants therefore should consult the website of the bar examiners of the jurisdictions in which they wish to become admitted--[a link is provided to a resource for bar examiners' contact information and links to bar examiners' websites]--and [applicants] should also try to consult with an official of the bar as necessary to discover whether any past

conduct could keep them from becoming admitted to the bar upon graduation from law school."

4. Standard 509. BASIC CONSUMER INFORMATION

A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Interpretation 509-1
The following categories of consumer information are considered basic:

(5) curricular offerings;

Interpretation 509-7
A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard.

GUIDANCE: Schools are advised to check their Web sites and other areas where they list course offerings on a regular basis and remove listed courses that are not to be offered in the current year and have not been offered in the previous two academic year. Site teams are to report on the number of courses listed by the school and indicate how many of those (if any) are not being offered in the current year and have not been offered in either of the previous two years.

APPENDIX 1: STATEMENT ON 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.

Academic Freedom

1. Teachers [1] are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their 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.

3. College or university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as a citizen, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they 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 they are not speaking for the institution.

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

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

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.

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 the 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 and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an adviser of his or her 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 the teacher's 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.

APPENDIX 2: LSAC CAUTIONARY POLICIES CONCERNING LSAT SCORES

These Cautionary Policies are intended for those who set policy and criteria for law school admission, interpret LSAT scores and LSDAS reports, and use other LSAC services. The Policies are intended to inform the use of these services by law schools, and to promote wise and equitable treatment of all applicants through their proper use.

I. The Law School Admission Test

Because LSATs are administered under controlled conditions and each test form requires the same or equivalent tasks of everyone, LSAT scores provide a standard measure of an applicant's proficiency in the well-defined set of skills included in the test. Comparison of a law school's applicants both with other applicants to the same school and with all applicants who have LSAT scores thus becomes feasible. However, while LSAT scores serve a useful purpose in the admission process, they do not measure, nor are they intended to measure, all the elements important to success at individual institutions. LSAT scores must be examined in relation to the total range of information available about a prospective law student. It is in this context that the following restraints on LSAT score use are urged:

Do not use the LSAT score as a sole criterion for admission.

The LSAT should be used as only one of several criteria for evaluation and should not be given undue weight solely because its use is convenient. Those who set admission policies and criteria should always keep in mind the fact that the LSAT does not measure every discipline-related skill necessary for academic work, nor does it measure other factors important to academic success.

Evaluate the predictive utility of the LSAT at your school.

In order to assist in assuring that there is a demonstrated relationship between quantitative data used in the selection process and actual performance in your law school, such data should be evaluated regularly so that your school can use LSAT scores and other information more effectively. For this purpose, the Law School Admission Council annually offers to conduct correlation studies for member schools at no charge. Only by checking the relationship between LSAT scores, undergraduate grade-point average, and law school grades will schools be fully informed about how admission data, including test scores, can be used most effectively by that school.

Do not use LSAT scores without an understanding of the limitations of such tests.

Admission officers and members of admission committees should be knowledgeable about tests and test data and should recognize test limitations. Such limitations are set forth in the Law School Admission Reference Manual and are regularly discussed at workshops and conferences sponsored by the Law School Admission Council.

Avoid improper use of cut-off scores.

Cut-off LSAT scores (those below which no applicants will be considered) are strongly discouraged. Such boundaries should be used only if the choice of a particular cut-off is based on a carefully considered and formulated rationale that is supported by empirical data, for example, one based on clear evidence that those scoring below the cut-off have substantial difficulty doing satisfactory law school work. Note that the establishment of a cut-off score should include consideration of the standard error of measurement in order to minimize distinctions based on score differences not sufficiently substantial to be reliable. Significantly, cut-off scores may have a greater adverse impact upon applicants from minority groups than upon the general applicant population. Normally, an applicant's LSAT score should be combined with the undergraduate grade-point average before any determination is made of the applicant's probability of success in law school.

Do not place excessive significance on score differences.

Scores should be viewed as approximate indicators rather than exact measures of an applicant's abilities. Distinctions on the basis of LSAT scores should be made among applicants only when those score differences are reliable.

Carefully evaluate LSAT scores earned under accommodated or nonstandard conditions.

LSAC has no data to demonstrate that scores earned under accommodated conditions have the same meaning as scores earned under standard conditions. Because the LSAT has not been validated in its various accommodated forms, accommodated tests are identified as nonstandard and an individual's scores from accommodated tests are not averaged with scores from tests taken under standard conditions. The fact that accommodations were granted for the LSAT should not be dispositive evidence that accommodations should be granted once a test taker becomes a student. The accommodations needed for a one-day, multiple choice test may be different from those needed for law school coursework and examinations.

Avoid encouraging use of the LSAT for other than admission functions.

The LSAT was designed to serve admission functions only. It has not been validated for any other purpose. LSAT performance is subject to misunderstanding and misuse in other contexts, as in the making of an employment decision about an individual who has completed most or all law school work. These considerations suggest that LSAT scores should not be included on a law school transcript, nor routinely supplied to inquiring employers. Without the student's specific authorization, the Buckley Amendment would preclude the latter, in any event.

APPENDIX 3: GUIDANCE ON INTERPRETATION 301-6

In determining compliance with Interpretation 301-6(A)(2) [first-time bar passage] schools should collect the data necessary to complete the charts below. These data are required to be submitted for the most recently completed calendar year in the school's Annual Questionnaire and for the five most recently completed calendar years for schools undergoing a site visit and completing a Site Evaluation Questionnaire.

Table 1
First-Time Bar Passage – Back-up Data

A	B	C	D	E	F
Calendar Year	Total Graduates In Calendar Year	Number of Graduates from Calendar Year NOT Taking Bar Exam	Graduates from Previous Years Taking Bar for FIRST Time in Calendar Year	Total First Time Takers Calendar Year (B minus C plus D)	70% of Total First Time Takers
2006					
2007					
2008					
2009					
2010					

C = e.g., August or December graduates who were unable to take the bar in their graduation year and May graduates who elected not to sit in their year of graduation.

D = e.g., Graduates from the previous year who sat for the bar for the FIRST time in the calendar year.

E = Subtract C (non-takers) from B (graduates in calendar year) and add D (first-time takers from previous years). (B minus C plus D = E)

F = Multiply E (total FIRST time takers in calendar year) x 70% = F (70% is the minimum number of first-time takers the school must report on for each calendar year.)

The school must account for a ***minimum*** of 70% of first-time takers in ***each*** of the five most recently completed calendar years. It does this by starting with the jurisdiction in which the largest number of its graduates sit for the bar for the ***first*** time and proceeding in descending order of frequency until a ***minimum*** of 70% of first-time takers in ***each*** calendar year is accounted for.

Table 2
First-Time Bar Passage Reporting

A	B	C	D	E	F	G
Calendar Year	Graduates Taking Bar FIRST Time in Calendar Year*	Percentage of School's FIRST Time Takers Reported for Calendar Year**	List Jurisdictions Reported	ABA First Time Weighted Average Pass Rate for Calendar Year	School's Weighted Average Pass Rate for Calendar Year	Difference in Weighted Averages (School minus ABA)
2006						
2007						
2008						
2009						
2010						

* From Column E, Table 1
** Must be at least 70% of Column B, Table 2

Ultimate Bar Passage

The following two charts are for reporting ***ultimate*** bar pass rate under I 301-6 A.1(a) and (b), and ***not*** for first-time data collected under 301-6 A.(2). While all schools must report first-time bar pass data, schools may demonstrate compliance with 301-6 using either ultimate or first-time data.

Table 3
Ultimate Bar Passage – Back-up Data

A	B	C	D	E	F
Graduation Year	Number of Students in Graduation Year	Number of Non-Persisters*	Number Never Attempting a Bar Examination	Net Bar Exam Takers (B minus C and D=E)	70% of Net Takers
2006					
2007					
2008					
2009					
2010					
Total					

* A non-persister is a graduate who took a bar examination once and failed but did not take a bar examination again in ***any*** jurisdiction over the next two examination opportunities**.**

Table 4
Ultimate Bar Passage Reporting

A	B	C	D
Graduation Year	Number in Calculation for Graduation Year*	Passed Some Bar Examination	Never Passed a Bar Examination or Missing Information
2006			
2007			
2008			
2009			
2010			
5-Year Total		# (%)	# (%)

*See column F above in Table 3. Must equal or exceed column F in Table 3 for ***each*** graduation year.

The Application of Interpretation 301-6 for Provisional Schools Seeking Full Approval

(From the Commentary approved by the Council of the Section of Legal Education and Admissions to the Bar, February 2008.)

The application of Interpretation 301-6 to provisionally approved schools seeking full approval tracks that of fully-approved schools: the cohort size (70 percent) is the same, the first-time pass rate (not more than 15 points below . . .) is the same, and the ultimate pass rate (at least 75 percent . . .) is the same. The one area where there is some difference in application is with respect to the time periods covered when a provisional school applies for full approval. Thus, when a provisionally approved school applies for full approval, the application of 301-6 necessarily takes into account the fewer number of bar exam sittings these schools have in order to demonstrate full compliance with the bar passage portion of Standard 301(a).

Interpretation 301-6 sets out three different ways for a school to demonstrate compliance with the bar passage portion of Standard 301(a). In applying for full approval, a provisionally approved school may demonstrate compliance under *any* of the three tests. As applied to provisionally approved schools seeking full approval, the three tests would work as follows:

> 1). That for students who graduated from the law school *since provisional approval was received*, at least 75 percent of these graduates who sat for a bar examination have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(a)).
>
> OR
>
> 2). That in each of at least *two* calendar years since the school received provisional approval, at least 75 percent of the graduates who took a bar examination in those same years have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(b)).
>
> In demonstrating compliance under either of the above requirements, the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. Non-persisters (i.e., those who took a bar examination once and failed but did not take the bar examination again in *any* jurisdiction over the next two examination opportunities) must be identified as such but are not factored in when determining compliance under either of the two tests above.
>
> OR
>
> 3). In each of at least *two* calendar years since the school received provisional approval, the school's annual *first-time* bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-

approved law schools taking the bar examination in these same jurisdictions. (301-6(A)(2)).

To demonstrate compliance under this test, the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

Under all of the above tests, only those who graduated *after* the school received provisional approval are counted. Thus, if a school received provisional approval in February 2008, only those who graduated and took a bar exam after that date would be tracked and reported by the school. In determining "calendar" years, if the first opportunity for a school's graduates to take the bar from a provisionally approved school is in July, then that would count as the first calendar year. Subsequent calendar years would, of course, include the entire January – December period. Note that schools that receive full approval undergo a site visit three years after this approval and at that point they must meet the five-year look-back as set out in 301-6.