

PREFACE

Concern for improving the competence of those entering the legal profession was a major reason for creating the American Bar Association in 1878. The Standards for Approval of Law Schools are promulgated to serve that objective.

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 first professional degree in law. It is the Council and 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, that graduation from a law school alone should not confer the right of admission to the bar, and that every candidate for admission should be examined by public authority to determine fitness for admission.

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 its 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 2003–04 through 2005–06. The next comprehensive review will commence in fall 2008.

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 1999, the role of the ABA House of Delegates in accreditation matters was revised in order to comply with the requirements of the Department of Education that any recognized accrediting agency be "separate and independent" from any membership organization of a profession to which the programs accredited by the agency lead. If the Council grants provisional or full approval to a law school, that decision is effective immediately upon notice to the school, without any action by the House of Delegates. If the Council decides to deny provisional or full approval to a school, or to withdraw

approval from a school, the Council's decision is final unless the school timely files an appeal to the House of Delegates. If the school does appeal, the House of Delegates may either concur in the Council's decision or refer that decision back to the Council for further consideration. A decision of the Council denying provisional or full approval may be referred back a maximum of two times, and the Council's decision following a second referral back is final. A decision of the Council to withdraw approval from a school may be referred back to the Council by the House only one time, and the Council's decision following that referral is final.

Any decision of the Council to adopt any revisions to the Standards, Interpretations or Rules of Procedure also 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 Programs, the Criteria for Approval of Semester 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.