



The Law School Accreditation Process

The Role of the ABA Section of Legal Education and Admissions to the Bar

Under Title 34, Chapter VI, §602 of the Code of Federal Regulations, the Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar is recognized by the United States Department of Education (DOE) as the accrediting agency for programs that lead to the first professional degree in law. In this function, the Council and the Section are separate and independent of the ABA, as required by DOE regulations. The Council must be recertified by the DOE approximately every five years.

The Council of the Section promulgates the *Standards and Rules of Procedure for Approval of Law Schools* with which law schools must comply in order to be ABA-approved. The Standards establish requirements for providing a sound program of legal education. The law school approval process established by the Council is designed to provide a careful and comprehensive evaluation of a law school and its compliance with the Standards.

The Council is comprised of 21 voting members, no more than 10 of whom may be law school deans or faculty members. Other members of the Council include judges, practicing attorneys, one law student, and at least three public members. The Chair rotates among a justice, an academic, and a practicing lawyer.

To assist in its accreditation function, the Council has created three Standing Committees, with a similar mix of membership. The Accreditation Committee (19 members) assists the Council in evaluating schools seeking provisional or full approval and monitoring approved schools. It meets five times per year, typically for two-and-a-half days at each meeting. The Standards Review Committee (11 members) assists in reviewing the Standards to assure that they focus on matters that are central to quality legal education. The Council has established an extensive process to seek comment on current and proposed Standards. It meets four times a year, typically for a day-and-a-half. The Questionnaire Committee (10 members) assists in gathering and maintaining the vast information database concerning ABA-approved law schools and their programs. It meets three times each year for a one-day meeting.

The Council and the Accreditation Committee are assisted by the 14-person staff of the Office of the Consultant on Legal Education and Admissions to the Bar. As of September 1, 2006, Hulett H. (“Bucky”) Askew became the Consultant on Legal Education.

The Standards for Approval of Law Schools, the associated Rules of Procedure, additional information about the accreditation process, and other information about legal education may be found on the website of the Section of Legal Education and Admissions to the Bar: <http://www.abanet.org/legaled>.

ABA-Approved Schools

As of March 1, 2008, a total of 198 institutions are approved by the Council: 197 confer the first degree in law (the JD degree); the other approved school is the U.S. Army Judge Advocate General's School, which offers an officer's resident graduate course, a specialized program beyond the first degree in law. Widener University with locations in two states (Delaware and Pennsylvania) is counted as two schools. As of March 1, 2008, nine of the 198 approved law schools are provisionally approved: Charleston School of Law; Drexel University College of Law; Faulkner University, Thomas Goode Jones School of Law; Florida A&M University College of Law; Atlanta's John Marshall Law School; the University of La Verne College of Law; Liberty University School of Law; Phoenix School of Law; and Western State University College of Law.

Two schools were granted provisional ABA approval during the 2006–2007 academic year: Charleston School of Law and Phoenix School of Law. Two schools were granted full ABA approval during the 2006–2007 academic year: Barry University—Dwayne O. Andreas School of Law and Florida International University College of Law. During the 2007-2008 academic year, Drexel University School of Law was granted provisional approval.

With an increase in the number of approved law schools, total JD enrollment in approved schools has gone from approximately 98,042 students in 1972 to 141,433 in the fall of 2007. In that same period, enrollment of women increased from 11,878 to 65,050 and minority enrollment increased from 6,730 to 30,598.

The complete list of ABA-approved law schools can be viewed online at <http://www.abanet.org/legaled/approvedlawschools/alpha.html>.

The Approval Process

Provisional Approval

A law school may not apply for provisional approval by the ABA until it has been in operation for one year. Schools considering applying for provisional approval are strongly encouraged to contact the Office of the Consultant as early as possible, and well before the year in which the school applies for provisional approval. The Consultant or other senior members of the Consultant's Office staff meet with representatives of schools seeking provisional approval and provide them with extensive information about the Standards for Approval of Law Schools, the Rules of Procedure, and the accreditation process.

A school must apply for provisional approval after classes have begun in the fall term and before October 15, so that a full site evaluation can be properly scheduled for late in the fall or early in the spring term. The site evaluation process is described below. The school is required to develop an extensive Self-Study, which describes the school in detail, contains a critical evaluation of the school's strengths and weaknesses, establishes goals for the school's future progress, and identifies the means of achieving those goals. The school also completes a Site Evaluation Questionnaire that provides much of the information that a site evaluation team needs to ascertain the basic facts concerning the school and its operation.

The report of the initial site evaluation team is sent to the Accreditation Committee, which holds a hearing at which representatives of the school applying for provisional approval appear. After the hearing, the Accreditation Committee makes its recommendation concerning provisional approval to the Council.

A school that applies for provisional approval must establish that it "is in substantial compliance with each of the Standards and presents a reliable plan for bringing the school into full compliance with the Standards within three years after receiving provisional approval." The burden is on the school to establish that it fulfills these requirements. If the Accreditation Committee concludes that a school is in substantial compliance with the Standards and that the school has a reliable plan for coming into compliance, the Committee will recommend that the Council grant provisional approval. If the Committee concludes either that the school is not in substantial compliance or does not have a reliable plan to come into full compliance in three years, it will recommend against provisional approval.

When a school seeks provisional approval, the final decision on the school's application is made by the Council. The Accreditation Committee's findings of fact are binding on the Council unless those findings are not supported by substantial evidence in the record, but the Accreditation Committee's conclusions and recommendations are not binding on the Council.

If the decision of the Council is to grant provisional approval, that decision is final and effective immediately upon notice to the school. If the decision of the Council is to deny provisional approval, the school has the right to appeal to the ABA House of Delegates and ask the House to refer the matter back to the Council. If the House refers the matter back to the Council, the application process continues with the Accreditation Committee and the Council again reviewing the school to determine whether it meets the standards for provisional approval. In the event of a second referral back by the House, the Council's decision after the second referral back is final.

A school that is provisionally approved is entitled to all the rights of a fully approved law school. Similarly, graduates of provisionally approved law schools are entitled to the same recognition that is accorded graduates of fully approved schools.

Obtaining Full Approval

Once a school has obtained provisional approval, it remains in provisional status for at least three years. Unless extraordinary circumstances justify an extension, a school may not remain in

provisional status for more than five years. In order to be granted full approval, a school must demonstrate that it is in full compliance with each of the Standards; substantial compliance does not suffice. Again, the burden is upon the school to establish full compliance.

During a school's provisional status, the progress of the school is closely monitored. A visit to the school by a full site evaluation team is conducted in years two, four, and five after provisional approval, and a limited site evaluation by one or two site evaluators is conducted during years one and three. After each such site visit, a site evaluation report is submitted to the school and the Accreditation Committee. The Committee reviews the site report and the school's response and sends the school a letter that indicates any areas where the Committee concludes the school does not yet fully comply with the Standards.

In the year in which a school is considered for full approval, the process is identical to that undertaken in connection with an application for provisional approval. Decisions on full approval are made only by the Council, by reviewing the findings, conclusions, and recommendations of the Accreditation Committee. The role of the House of Delegates in reviewing Council decisions on full approval is identical to the House's role concerning decisions on provisional approval.

Oversight of Fully Approved Schools

After a school is granted full approval, it undergoes a full site evaluation in the third year after full approval, and then a full sabbatical site evaluation every seven years.

Each law school is required to complete a comprehensive Annual Questionnaire, which inquires into facts relevant to continued compliance with accrediting Standards. The questionnaire elicits information regarding significant changes in curriculum, facilities, fiscal and administrative capacity, student retention, bar passage rates, and student placement data. Information obtained is reported to the Accreditation Committee on a fact sheet prepared by the Consultant's Office. For schools undergoing a sabbatical review, similar information is reported on a Site Evaluation Questionnaire and both questionnaires are reviewed as well by the site evaluation team.

The Accreditation Committee's actions upon review of a site report on a fully approved school are likely to take one of three forms. If the Committee concludes that the school fully complies with all the Standards, it writes the school with that conclusion and indicates that the school remains on the list of approved schools. In the remainder of the cases, the Committee will conclude either that the school does not appear to comply with one or more of the Standards, or that the Committee lacks sufficient information to determine whether or not the school complies. In either case, the Committee's action letter will indicate with specificity the Standard or Standards with which the school does not comply, or to which Standard or Standards the Committee lacks sufficient information to determine compliance. The school will then be required, by a specific time, to indicate what steps the school has taken to bring itself into compliance or to provide the information necessary to enable the Committee to determine compliance.

If facts indicating possible noncompliance are presented from any source, the Accreditation Committee may, in its discretion, send a special fact finder to ascertain facts for the Accreditation Committee's consideration on whether the school is in compliance. In addition, major changes in the program or organizational structure of the school may constitute grounds for a special site visit and action by the Accreditation Committee.

Once a finding of noncompliance is made under Rule 13(b), the school is required to appear at a show cause hearing and demonstrate that it complies with the Standards and that no remedial action is necessary. If the Accreditation Committee finds that the school is, in fact, out of compliance, then it gives the school no more than two years to come into compliance, absent a finding of good cause for extending the time period. If the school fails to come into compliance during that two-year period, the Accreditation Committee initiates action to remove the school from the list of approved law schools.

Site Evaluation Process

The Office of the Consultant appoints a site evaluation team of six or seven persons to undertake a site evaluation of the school. The team chairperson is always an experienced site evaluator and often—but not always—a present or former law school dean. The team usually consists of one or two academic law school faculty members, a law librarian, one faculty member with an expertise in professional skills instruction (clinic, simulation skills, or legal writing), one judge or practitioner, and, except on teams visiting a law school that is not affiliated with a university or college, one university administrator who is not a member of a law faculty.

The Section conducts annual workshops to train evaluators and chairs of site evaluation teams. Workshops are also conducted to prepare schools for site evaluation visits.

The site evaluation team carefully reviews the materials the school has provided and visits the school for a three-day period, often from Sunday afternoon through Wednesday morning following the schedule as outlined in the Section's Conduct Memo and on the Section website: <http://www.abanet.org/legaled/accreditation/sitevisit/conductmemo200708.doc>. During that visit, the team meets with the dean and other leaders of the faculty and law school administration, with the president and other university administrators (or, in the case of a free-standing law school, with the leadership of the board of trustees), and tries to have one member of the team meet individually with every member of the faculty. The team also visits as many classes as it can during its visit in order to make judgments concerning the quality of instruction, holds an open meeting with students, and meets with student leaders. In addition, the team meets with alumni and members of the bar and judiciary who are familiar with the school.

At the end of the visit (usually on Wednesday morning), the team meets with the dean and the president (or board chair) to provide an oral report of the team's findings. Shortly after leaving the school, the team drafts and finalizes an extensive written site evaluation report. The report covers all aspects of the school's operation as outlined in the Format Memo, including faculty and administration, the academic program, the student body and its success on the bar

examination and in placement, student services, library and information resources, financial resources, and physical facilities and technological capacities.

The site evaluation team does *not* make judgments or reach conclusions as to whether the school complies with the Standards. Those judgments are made by the Accreditation Committee and, ultimately, the Council. The role of the site evaluation team is to provide a factual report that accurately and completely describes the situation of the school and that provides a comprehensive basis for the judgments that must be made by the Accreditation Committee and the Council.

The site evaluation report is sent to the Office of the Consultant. Then, the report is sent to the school, which is given the opportunity to provide written corrections of any factual errors and other comments on the site report.