

**OFFICE OF THE CONSULTANT ON LEGAL EDUCATION**

The Format for an ABA Site Team Report

**September 2010**



**Section of Legal Education  
and Admissions to the Bar**

## THE FORMAT FOR AN ABA SITE VISIT TEAM REPORT

### **Introduction**

Law schools that are fully approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association undergo a review of their programs every seven years. Provisionally approved law schools are reviewed annually. A critical component of these reviews is the site visit. The site visit is also central to the process when a law school applies for provisional approval. The organization and process for a site visit is discussed in a companion memorandum, “Overview of the ABA Accreditation and Site Visit Process and the Conduct of the Site Visit.”

A site team is appointed by the Office of the Consultant on Legal Education to the American Bar Association. This team visits the law school and reviews materials submitted by the law school in advance of the visit. The team’s report is a factual narrative of what they observed on site and found in the submitted materials. ***It should not contain conclusions as to whether the school is in compliance with the Standards.***

### **Accreditation Review**

The Accreditation Committee determines whether a fully approved law school complies with the Standards and whether a provisionally approved law school substantially complies with the Standards and has a reliable plan for coming into full compliance. When a law school applies for provisional approval or a provisionally approved law school applies for full approval, the Accreditation Committee conducts its usual review of the law school, but it makes a recommendation to the Council of the Section on the question of whether a school shall receive provisional or full approval. The Council makes the final determination.

### **Site Team Role – Report Facts - Avoid Conclusions**

All of these decisions and determinations are based on the materials prepared and submitted by the law school, and the report of the site visit team. Obviously, then, the site visit report is a critical part of the accreditation process. Members of site visit teams must keep in mind the role of the site visit and the report during their visit, and in the preparation of the report. The site team is to find and report facts related to the Standards and Interpretations but, as noted, is not to state conclusions as to whether the school is in compliance with the Standards and Interpretations. The Accreditation Committee and the Council take those facts and determine whether a school is operating in compliance with the Standards. If a site visit report suggests conclusions as to whether a school complies with the Standards or has an overly congratulatory or critical tone, then the work of the Accreditation Committee and the Council is made more difficult and misunderstandings on the part of the law school can arise. A full report of the facts found and observations made by the site team will communicate effectively the team’s overall impressions

without interfering with the responsibility that rests with the Accreditation Committee or Council to conclude whether those facts establish compliance with the Standards. Members of a site team have a challenging task to stay within the role of fact-finders, but the team chairperson is an experienced site evaluator and will provide guidance and leadership on this issue.

### **Site Report Format**

To promote consistency, efficiency and fairness, the Council and the Accreditation Committee ask that site evaluation reports follow a particular order. A suggested format and outline for the report is found at the end of this memorandum. The Council, Accreditation Committee and the Consultant's Office *strongly encourage* you to follow this format. If some sections do not apply (e.g., a law school is not currently offering distance education courses), it is helpful if the report notes that the section is not applicable to make clear that the review of this section was not inadvertently omitted.

***Reports generally follow the following outline:***

- I. Introduction
- II. Self Study and Strategic Planning
- III. Program of Legal Education
- IV. Faculty
- V. Students
- VI. Law School Administration
- VII. Library and Information Resources
- VIII. Technology Resources
- IX. Facilities
- X. Law School Finances and University Support
- XI. Summary

The suggested page allocations will produce a report of approximately 60 single-spaced pages. It can be a challenge to keep the report within these suggested page limits. On the other hand, a much shorter report is likely to be too skeletal or not sufficient to cover all of the matters addressed by the Standards. In general, the report should be concise; not discuss extraneous matters; and just long enough to do its job of fully and accurately reporting the facts found by the team on site and in the materials that relate to matters covered in the Standards.

Please make the report complete in itself and avoid the incorporation by reference of material contained in an appendix or in other documents. If the team acquires a document not in the site evaluation materials submitted by the Law School that it wants the Accreditation Committee to consider in its deliberations or that it believes should be in the school's official file, those should be transmitted separately to the Consultant's Office.

The issues that may be dealt with under each of the eleven major headings are suggested below. Much of the basic data on these topics will be supplied to the visiting team through the Site Evaluation Questionnaire completed by the school. The report should emphasize those aspects of the law school that are at the core of its program, may be of concern to the Accreditation Committee or the Council, and are otherwise noteworthy facts or circumstances found in the school materials or observed during the site visit. The report cannot (if it is to remain of reasonable length) discuss in detail facts related to every Standard and Interpretation. Nonetheless, members of the site team must remember that each Standard applies to the school and that if the report is silent on a particular matter covered by the Standards, then the Committee has no clear signal as to what the omission indicates. Often a brief sentence that indicates the matter was reviewed by the site visit team can eliminate confusion in the review of the school and save the school from having to report further information to the Committee to provide assurance that the school is operating in compliance with a Standard.

The Consultant's Office Memo uses Microsoft Word word processing software. It is most efficient if the reports can be submitted in Word.

### **Timeline for Submission**

The Site Report is due in the Consultant's Office no later than eight weeks following the visit. Once the office receives the report, we conduct the internal review and may be in communication with the team if additional information or editing is needed. After the dean receives the report s/he has 30 days to respond to the report and make factual corrections. The report is then calendared with the Accreditation Committee for review. Delays in submission of the report, result in delays in receipt of the report by the school and in review by the Accreditation Committee.

### **FORMAT**

#### **I. INTRODUCTION (2 pages)**

##### **A. Review of Site Visit**

Provide a brief synopsis of the team's activities on site including the dates of the visit, the names of the team members and their affiliations.

##### **B. History of the Law School and University**

Provide a brief history of the university, its accreditation status, and a description of its current program (e.g., schools or colleges, total enrollment).

Provide a brief history of the law school.

### **C. Prior Assurances**

Briefly review the most recent decision letter and any report backs or follow-up correspondence between the law school and the Accreditation Committee or Council. If the law school or university made any assurances or commitments during or after that site visit and program review, describe whether and how these have been fulfilled. If any variances have been granted, please note them in this section.

## **II. SELF STUDY AND STRATEGIC PLANNING (2-3 pages)**

### **A. Describe the Self Study Process [S 202]**

Provide a description of the process the law school used to prepare the self study.

### **B. Analysis of the Self Study**

Report how the self study accomplishes each of the following:

- Describe the mission, goals and objectives of the law school
- Describe the program of legal education
- Evaluate the strengths and weaknesses of the program
- Set goals to improve the program
- Identify means of accomplishing the law school's unrealized goals

Is the self study a candid and rigorous self-assessment?

For *provisionally approved schools* or *schools seeking provisional approval*, the report should provide a thorough review of the school's feasibility study and reliable plan for coming into full compliance with the Standards. It also should discuss the plan's projections for students (number and qualifications), financing the law school operation, and the relationship between the two. [Interpretation 202-1]

### **C. Describe the law school's strategic planning process. [S 203]**

In addition to the self study does the law school *regularly* identify specific goals for improving the school, identify means to achieve the goals, assess the success in realizing the goals, and *periodically re-examine* and revise the goals?

## **III. PROGRAM OF LEGAL EDUCATION (10-12 pages)**

### **A. Requirements for the J.D. Degree**

#### **1. Academic Year [S 304]**

Report how the school's program of study meets the study and calendar requirements of Standard 304. Does the law school 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? [S 304(a)\*; I 304-1 & 2]

Report the law school's requirements for a J.D. degree. Does the law school require a course of study in residence of not fewer than 58,000 minutes of instruction time? Does the law school require that at least 45,000 these minutes be by attendance in regularly scheduled class sessions as required? How does the school monitor these requirements for individual students? If the law school offers a joint or concurrent degree program, how does it assure that students in these programs complete at least 45,000 minutes in regularly scheduled classes in the law school? How are such studies or activities approved and periodically reviewed? [S 304(b)\*; I 304-3]

## **2. Requirements for quantity and period of instruction** [S 304; I 304-1 through 7]

How does the school ensure that graduating students have met the requirements of Standard 304? Please report on: [I 304-6]\*

- Whether students complete a course of study of not less than 58,000 minutes, extending over not fewer 24 months and not longer than 84 months. [S 304(b) and (c)]
- How the law school assures regular and punctual attendance. [S 304(d)] Does the school have a policy? How do the faculty enforce?
- How the law school limits enrollment at any time to no more than 20 percent of the total coursework required by the school for graduation. (Report the maximum number of credit hours a J.D. student may take in any semester (or quarter) and the total number of credit hours required to graduate.) [S 304(e)]\*
- How the law school assures that students enrolled in more than 12 class hours do not engage in employment for more than 20 hours per week. [S 304(f)]\*

**\*See March 2010 Consultant's Memo #3 – Appendix 3 for additional guidance.**

### **B. First Year and Core Curriculum** [S 301; S 302; S 403(a)]

Describe and analyze the first year curriculum. In what ways, if any, does the curriculum differ from that traditionally offered in the first year? Are there any

special programs? Does it offer small sections or group sessions of one or more courses? In what ways is the first year program innovative or unique?

Does the full time faculty teach substantially all of the first year curriculum?  
[S 403(a)]

**C. Upper Division Curriculum (including seminars and small classes)**  
[S 301; S 302]

Describe and analyze the upper division curriculum at the law school. What courses or groupings of courses are required or recommended? Does the educational program include J.D. certificate programs or otherwise emphasize certain aspects of the law or the legal profession? If so, discuss the enrollment patterns for these programs. What opportunities does the school offer for study in seminars, directed research, small classes, and collaborative work? In what ways is the upper division curriculum innovative?

Does the full time faculty teach the major portion of the curriculum? [S 403(a)]

Does the school regularly offer all the upper division courses listed in the catalog or on the law school's website? [I 509-7]

**D. Legal Writing** [S 302 (a)(3); I 302-1]

Describe the first year and upper class programs in legal writing. What is the typical size of sections in the first year program?

Does the law school require that each student receive at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year?

**E. Professional Skills Instruction** [S 302(a)(4) & (b)(1); I 302-2 through 5]\*

Describe the program of professional skills instruction at the law school. What live client or other real-life practice experiences are available to the students? Does the professional skills curriculum emphasize certain areas of the law? In what ways is the professional skills program innovative?

How does the law school ensure that each student receives substantial instruction in other professional skills (i.e., engages *each* student in skills performances that are assessed by the instructor)? [S 302(a)(4); I 302-2 and 3]\*

**\*See March 2010 Consultant's Memo #3 – Appendix 3 for additional guidance.**

**F. Professional Responsibility Instruction**

Describe instruction in the history, goals, structure, values, rules, and responsibilities of the legal profession and its members and how the law school ensures that each student receives that instruction. [S 302(a)(5)]

Does the law school involve members of the bench and bar in this instruction? [I 302-6]

Does the instruction include the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association? [I 302-9]

**G. Pro Bono Opportunities** [S 302(b)(2); I 302-10]

Describe how the law school encourages its students to participate in pro bono activities *and* provides substantial opportunities for them to do so.

**H. Additional Curricular Content**

If not described in the sections above, describe how the law school provides instruction in

Substantive law generally regarded as necessary to effective and responsible participation in the legal profession. [S 302(a)(1)]

Legal analysis and reasoning, legal research, problem solving and oral communication. [S 302(a)(2)]

If not described above, describe opportunities for students to work in small groups (seminars, directed research, small classes, or collaborative work). [S 302(b)(3)]

**I. Study Outside the Classroom** [S 305; I 305-2 through 5]

Report on externship programs in light of the requirements of the Standards (note, *particularly*, the requirements in Standard 305(e)(1-7). To the extent that externship opportunities are for *four or more* credit hours, please provide a full description of the program and the means to insure contemporaneous guided reflection [see S 305(e)(7)].

Does the school allow students to receive credit for co-curricular activities? If so, describe. In what ways do the school's co-curricular activities enhance the academic programs offered by the school? [I305-1; I304-3]

**J. Distance Education** [S 306]

Describe how the law school is using distance education and technology generally in its program of legal education.

Has the faculty approved the academic content, method of course delivery, and the method of evaluating student performance in accordance with the school's regular curriculum approval process? [S 306(a); I 306-7]

Describe the school's methods for assuring ample student/teacher and student/student interaction both inside and outside the formal structure of the course. Describe the school's methods for assuring ample monitoring of student effort and accomplishment as the course progresses. [S 306(c); I 306-4 through 6]

Does the school comply with the limitation on the awarding of credit for distance education courses (no credit in the first year, no more than 12 units, no more than 4 units/semester)? [S 306(d) & (e)]

If the school offers more than an incidental amount of credit for distance education, is there an adopted written plan for distance education? [I 306-8]

Did the law school file the required report on distance education courses that it offers? [I 306-1]

#### **K. Evaluation of Scholastic Achievements [S 303]**

Describe the law school's standards regarding good standing and graduation. [S 303(a)]

Describe and the examination process, grade distributions, rigor of exams; the quality of term papers and other written documents in courses such as moot court, legal writing and drafting, seminars and individual research projects; and the evaluation process in clinical and simulation courses. [I 303-1]

Are students evaluated from the beginning of the students' studies? Does the school adhere to clearly defined academic standards for good standing and graduation? [S 303(b)]

Does the school continue the enrollment of students in such a way as to inculcate false hopes for success, constitute economic exploitation, or detrimentally affect the education of other students? [S 303(c)]

#### **L. Academic Support and Academic Advising**

Describe fully how the school seeks to fulfill the requirement that it provides students meaningful academic advising and appropriate academic support? [I 303-2 & 3] How does the school assess the effectiveness of its academic support

program? [I 501-3]

**M. Part-time Programs and Scheduling Options** [S 301(b); I 301-4 & 5]

If the school has a part-time program or part-time scheduling options, how does the school ensure that its educational program, co-curricular activities, and other educational benefits are made available to all students? Briefly describe any limitations, constraints or deterrents to any group of students' access to the school's curriculum (courses and instructors).

How does the school insure equal access to opportunities for professional skills instruction for all students? Report enrollment data to indicate the extent to which these students are taking advantage of these opportunities.

How does the school insure equal opportunities for co-curricular and school enrichment events for all students? Report the extent to which these students are taking advantage of these opportunities.

**N. Studies in Foreign Countries** [S 307, Criteria for Approval of Semester Abroad Programs; Foreign Summer Programs, Student Study at a Foreign Institution]

Briefly describe and report on any programs of foreign study, including semester abroad, foreign summer programs, cooperative programs of foreign study, and individual student study abroad; indicate the current ABA approval status of formal programs. (The foreign study programs are reviewed by a separate process and need not be assessed by the site team)

How does the law school ensure that credit awarded from foreign study programs complies with the Criteria regarding foreign study?

**O. Degrees in Addition to the J.D.** [S 308; I 308-1 & 2]

Briefly describe and report on any programs at the law school leading to degrees other than the J.D. degree (or certificate programs not related to the J.D. degree), and confirm that acquiescence has been granted for such programs. The report should include the following:

The full-time faculty member or administrator in charge of each program and an estimate of the percentage of that person's time devoted to the program;

Student enrollment in each program; and

Concerns, if any, about whether the degree program interferes with the school's ability to support its J.D. program (e.g., too few faculty to

conduct both J.D. and post-J.D. programs; lack of space to accommodate both programs; lack of library and information resources to support both programs; or a J.D. curriculum that lacks diversity and richness in course offerings due, in part, to the support of the post-J.D. program).

#### **IV. FACULTY (8-10 pages)**

##### **A. Qualifications and Size of Faculty [S 401; S 405(a)]**

###### **1. Report the size and composition of the faculty.**

Describe the level of competence of the faculty with reference to its education and experience in both teaching and practice.

###### **2. Student-Faculty Ratio [S 402; I 402-1 through 4; S 403(a) & (b)]**

Describe how the school has (or does not have) a sufficient number of full-time faculty to meet the Standards' requirements, taking into consideration the size of the student body and the nature and scope of its educational program? In making this assessment, the team should report whether full-time faculty members devote substantially all working time to teaching, legal scholarship, service, and governance. To what extent are faculty involved in outside active practice, consulting, or judicial administration? Is substantially all of the instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum, and a major portion of total instruction provided by the full-time faculty? Report the student/faculty ratio in accordance with I 402-1 (20 percent of full-time faculty maximum addition to faculty count for other than full-time faculty). Has the law school accurately counted the faculty in accordance with the methodology outlined for the Annual Questionnaire?

##### **B. Recruitment/Retention [I 201-2; S 210 (b); S 401; S 405 (a); I 405 -1 through 5]**

Describe the law school's ability to attract and retain a competent faculty. Please report on changes in the composition of the faculty in recent years and since the last sabbatical program review and site visit. As appropriate, report on offers for faculty positions in recent years and the success that the law school has had in faculty hiring.

*NOTE: The team should neither review nor report on levels of faculty compensation, including base salary, stipends and fringe benefits. (Should the team receive an allegation of discrimination that is alleged to be manifested in terms of disparate salaries, the team Chair should contact the Office of the Consultant for instructions.)*

**C. Nondiscrimination, Equal Opportunity and Diversity** [S 211; I 211-1 & 5; S 212; I 212-1]

Describe the school's policies and practices regarding non-discrimination, equal opportunity and diversity for **faculty and staff**. Please insert language from the school's nondiscrimination policy.

*Fully* describe initiatives and concrete efforts by the law school to attract and retain a diverse faculty and staff. Report the gender and racial/ethnic composition of the faculty at the time of the site visit and how the composition of the faculty has changed since the prior site visit. Report on interviews conducted, call back interviews, and offers made in the past three years.

**D. Faculty Responsibilities** [S 404]

Report the law school's established policies with respect to a full-time faculty member's responsibilities in teaching (including consultation with students and academic advising), scholarship, and service to the law school and university community, obligations to the profession, and obligations to the public (including participation in pro bono activities). [S 404(a)]

Report how the law school periodically evaluates how faculty discharge their responsibilities under S 404(a)? [S 404(b)]

**E. Teaching** [S 401, S 404(a)(1)]

Review and report on the quality of faculty instruction by full-time and adjunct faculty.

Describe the teaching program, including instructional innovation and efforts to improve the quality of teaching, such as peer review and support for professional development. The team should report on class visitations, teaching materials, examinations, faculty evaluations, and individual discussions with faculty and students about the quality of instruction.

Describe the steps taken by the law school to ensure the teaching effectiveness of its faculty. [I 403-2]

**F. Research and Publications** [S 401; S 404(a)(2)]

Review and report on the scholarly interests and productivity of the faculty.

Without reporting specific numbers or dollar amounts, describe the various programs at the law school to support faculty scholarship and professional development.

**G. Service Activities** [S 404(a)(3)-(5)]

Review and report on the faculty's public service and pro bono activities.

**H. Governance** [S 205(b); S 207; S 208; I 205-1&2]

Describe the faculty's role in formulating and developing the school's goals and objectives, the faculty committee structure and operation, faculty meetings, and the faculty's role in selection, promotion and tenure of faculty.

Identify any issues impacting faculty morale. Do not, however, report on compensation issues.

**I. Professional Environment** [S 405]

Please discuss the law school's criteria for selection of faculty, and its policies and practices concerning promotion and award of tenure, including the weight given to teaching, scholarship, and service. [S 405(a) & (b); I 405-1 through 4]

Please review and report on the law school's academic freedom policies and practices. Indicate whether faculty who are not tenured or on the tenure track are also protected by the school's academic freedom policies. [S 405(b)]

**J. Status of Professional Skills Faculty**

Review and report on the employment status of the professional skills faculty including:

If clinical faculty are on renewable long-term contracts, describe the basic terms of those contracts (including length, conditions of renewability, particularly noting if the contracts are *presumptively* renewable).

If clinical faculty are not on the tenure track or on presumptively renewable contracts, describe the basic terms of their appointments (including length and other related terms of their contracts) **AND** whether or not they are protected by the school's academic freedom policies.

Describe how the school satisfies the requirement that clinical faculty be provided with non-compensatory perquisites reasonably similar to those provided other full-time faculty members, including participation in governance activities at the law school. [S 405(c); I 405-6 through 8]

**K. Status of Legal Writing Faculty**

If the law school employs full-time legal writing instructors or directors, report on how the school provides conditions sufficient to attract and retain well-qualified individuals who can deliver a program of legal writing instruction that meets the requirements of Standard 302(a)(2). [S 403(b); S 405(d); I 405-9]

**L. Adjunct Faculty** [S 403(c); I 403-1]

Discuss the school's program for recruiting, orienting, monitoring and evaluating adjuncts.

**V. STUDENTS (10-12 pages)**

**A. Admissions**

**1. Admissions Qualifications and Evaluation of Recent Classes**

[S 501; S 502; S 503; I 501-1 through 4; I 502-1, 503-1 through 4]

Describe the size, qualifications and characteristics of the applicants and the entering classes for the current and last two years (see Site Evaluation Questionnaire, Admissions Data Report). Report whether the school has admitted J.D. students who do not have bachelor's degrees from accredited institutions (if so, report whether they have completed at least three-fourths of the work for that degree), or any first year J.D. student who has not taken the LSAT. Indicate whether the school admits any applicants who do not appear capable of completing the program and being admitted to the bar.

If the law school uses the LSAT, indicate whether the school uses the LSAT results consistently with the LSAC Cautionary Policies (see Appendix 1, *LSAC Cautionary Policies*.)

**See also, Appendix 2, August 2009 Consultant's Memo #1, for additional guidance for schools not utilizing the LSAT for selected student admits.**

**2. Admission Policies and Law School Strategic Objectives and Resources**

[S 501]

Describe how the law school's admission policies and practices are consistent with its mission, the objectives of its educational program, and the resources available for implementing those objectives.

**3. Admissions Process and Responsibility** [S 205(b); I 205-2]

Indicate whether the dean and faculty formulate and administer the admissions program and policies of the school, and whether any student is admitted without the approval of the dean and faculty.

**B. Readmission of Students** [S 505; I 505-1 & -2]

Indicate whether the law school has admitted students from other law schools or readmitted its own students who have been previously disqualified for academic reasons. Describe the documentation and basis for determining that the students possess the ability to successfully complete law school studies.

**C. Transfer of Students and Advanced Standing** [S 506; S 507; I 507-1; S 508]

Describe the admission of students with advanced standing, paying special attention to applicants from schools not approved by the ABA and from foreign law schools. For transfer applicants from foreign law schools, describe how the law school has determined that the quality of the educational program at the foreign law school was at least equal to that required at an ABA approved school.

Indicate the number of student transfers *out* of the school over the past two years and describe the impact, if any, on the school's program.

If the law school grants advance standing credit for students from its post J.D. programs, how does it ensure compliance with Interpretation 304-7?

**D. Character and Fitness** [S 504]\*

Describe how the law school advises **each applicant**\* that there are character and other qualifications for admission to the bar and encourages **each applicant** prior to matriculation to secure information concerning such requirements from the jurisdictions which the applicant intends to practice. Describe whether the law school makes a determination regarding the character and fitness regarding applicants for admission.

**\*See March 2010 Consultant's Memo #3 - Appendix 3 for additional guidance.**

**E. Student Services** [S 511]

Describe the administration and delivery of student services, including student records, academic and financial aid advising and career services, at the law school.

Report on the provision of student services to other than full-time students.

**F. Financial Aid** [I 509-1(2); S 510; I 510-1 & 2]

Describe the student financial aid program (both grants and loans) at the law school.

Describe the steps taken by the law school to minimize student loan defaults.

**G. Evaluation of Outputs** [S 301(a); I 301-1; I 301-6; I 509-1(8)]

**1. Bar passage**

- Report the law school's bar passage rates for each of the five (5) most recently completed *calendar years*.
- Provide first-time bar passage rates for all schools; in addition, provide ultimate bar passage rates for schools that were not able to demonstrate compliance with Interpretation 301-6 using first-time passage rates.
- If the school has undertaken longitudinal or other studies with respect to factors for predicting success on the bar exam (e.g., UGPA, LSAT, law school class rank/GPA), report the school's programs and initiatives in light of the studies.

**IMPORTANT: TO RECORD THE SCHOOL'S BAR PASSAGE DATA, PLEASE USE THE INSTRUCTIONS AND TABLES FOUND IN APPENDIX 4.**

**2. Placement (and other output measures)**

- Report the law school's placement rates and types of employment for the past several years.
- Report other output measures the school has adopted for itself.

**H. Non-Discrimination, Equality of Opportunity and Diversity**  
[S 211; I 211-1 & 4; S 212; I 212-1 through 3]

*Fully* describe the initiatives, efforts, programs and other concrete actions the school has taken to provide full opportunities for the study of law by racial and ethnic minorities and how the school demonstrates its commitment to having a **student body** that is diverse with respect to gender, race and ethnicity. If the school has a plan for achieving such diversity, describe the plan and the school's implementation of the plan.

Report how the law school fosters and maintains equality of opportunity in legal education without discrimination. Please insert the school's nondiscrimination policy as applicable to students and student admissions.

**I. Individuals with Disabilities** [S 211; I 211-4 & 5; S 213; I 213-1 through 3]

Describe how the law school provides equal opportunity in legal education for **students, faculty and staff** with disabilities and how accommodations are made for such individuals.

**J. Review of Basic Consumer Information** [S 509; I 509-1 through 7]

Describe any areas in which consumer information published by the law school is inaccurate or incomplete.

Report any courses that are listed in the course offerings that are not being offered in the current year and have not been offered in the previous two academic years (I 509-7)\*

**\*See March 2010 Consultant's Memo - Appendix 3 for additional guidance.**

**VI. LAW SCHOOL ADMINISTRATION (4-5 pages)**

**A. Place of the Law School in the University Structure**

Describe how the law school fits within the university organization, (e.g. the reporting lines within the university).

**B. Institutional Context** [S 209; S 210]

Indicate how the relationship with the university serves to enhance the law school's programs. Indicate whether the law school has adopted separate policies when general university policies (e.g. promotion and tenure requirements) do not facilitate recruitment and retention of law faculty. For independent law schools or those physically remote from the rest of the university, indicate how the law school provides the benefits that usually result from a university connection.

**C. Law School Administrative Structure** [S 204 - 208; I 204-1; I 206-1]

Describe the administrative structure of the law school including the authority of any governing board, advisory board, the dean, faculty and students. Describe the faculty and tenure status, duties and qualifications of the dean. If a dean has been appointed since the last site evaluation, please describe the process.

**D. Adequacy of Administrative Services and Support** [S 201(b)]

Indicate whether the school is organized and administered so as to use efficiently and effectively the available resources to provide a sound educational program

and accomplish the school's mission. Describe whether the school maintains all the records necessary for the efficient operation of its administrative and educational programs. Describe any external pressures that impact the governance or operation of the law school.

## **VII. LIBRARY AND INFORMATION RESOURCES (6-7 pages)**

### **A. Relation of Law Library to Educational Programs of the School**

[S 601(a); I 601-1]

Describe how the law library is an active and responsive force in the educational life of the law school.

### **B. Law Library Collection and Access to Information [S 606; I 606-1 through 7]**

Provide a brief, general description of the collection and information access and how they satisfy the demands of the law school curriculum, facilitate the education of students, and support the teaching, research and service interests of the faculty.

Indicate whether the law library provides a core collection that is accessible in the law library. Describe how the library provides suitable space and adequate equipment to access and use all information in the collection.

Indicate whether the library maintains a written plan for the development of the collection [S 606(c)].

Indicate whether the library acquires additional copies or provides sufficient access to materials that are heavily used. Describe the various formats in which the collection is maintained.

### **C. Law Library Services [S 605; I 605-1]**

Describe how the library provides the appropriate range and depth of reference, bibliographic, and other services and whether they meet the needs of the law school's teaching, research, and service programs.

### **D. Law Library Administration and Autonomy [S 602; I 602-1]**

Report on whether the law library has administrative autonomy sufficient to direct the growth and development of the law library and whether the budget of the law library is determined as part of the law school budget. Indicate whether the dean and director of the law library, in consultation with the faculty, determine library policy. Indicate whether the dean and the director are responsible for the selection and retention of personnel, provision of services and collection development.

**E. Director and Other Library Personnel** [S 603; I 603-1 to -4; S 604; I 604-1]

Describe the duties, qualifications, rank/tenure or other contract status of the law library director. If the law library director is on a renewable long-term contract, describe the basic terms of the contract (length, conditions of renewability and whether the director is protected by the school's academic freedom policy). Describe how the director participates in governance activities at the law school.

Indicate whether the law school determines selection and retention of the director. If a new director has been hired since the last sabbatical site visit and program review, please describe the selection process.

Describe whether the staff is adequate in number to provide suitable library services. (Do not include biographical data on library personnel unless there is a significant reason for doing so.)

**F. Financial Support for the Law Library** [S 601(b)]

Describe whether the library has sufficient and consistent financial resources to support the school's teaching, research and service programs. *If concerns are raised about the adequacy of resources to support the library, describe specifically how, if at all, these areas of concern negatively impact the library's ability to support the school's teaching, research and/or service programs.*

**G. Computer Technology and Information Delivery** [S 601(c); I 606 -7]

Indicate whether the law library adopts computer technology when appropriate, and whether it has sufficient equipment and technical support to make use of its electronic, microform and other non-print materials.

**VIII. TECHNOLOGY RESOURCES (2-3 pages)**

**A. Adequacy of Computer Technology and Information Resources in the Law Library** [S 601(c); I 606-7; S 704]

Report on the resources and administration of information technology and information services in the law library.

**B. Adequacy of Computer Technology and Information Resources for the Administration of the School and Its Programs** [S 704]

Report on the resources and administration of information technology in support of administrative functions of the law school.

**C. Adequacy of Computer Technology and Information Resources for the School's Current and Anticipated Curricular and Research Programs [S 704]**

Report on the current and anticipated resources for information technology at the law school to support current and anticipated curricular and research programs.

**IX. FACILITIES (3-4 pages)**

**A. Adequacy of Facilities [S 701; I 701-1]**

Describe the overall adequacy of the physical facilities for the current and anticipated programs of the law school. *If concerns are raised about the adequacy of the school's facilities, report specifically on the effect, if any, of these possible inadequacies on the school's program of legal education, including the education students receive now or in the future.*

**B. Classroom and Seminar Space [I 701-2(1)]**

Indicate whether the number, capacity and configuration of class and seminar rooms are suitable for the current and future programs of the law school.

**C. Professional Skills Program Space [I 701-2(2)]**

Indicate whether the spaces for clinical skills and programs are suitable; describe the clinical space for students, client interviewing and faculty and indicate whether the space provides for confidentiality of case files, client interviewing, etc.

**D. Faculty and Part-Time Faculty Space [I 701-2(3)]**

Indicate whether the office space for each full-time faculty member is adequate for study and conferences. Describe the office space for part-time faculty.

**E. Co-Curricular Activity Space [I 701-2(4)]**

Describe the spaces for co-curricular (as opposed to extra-curricular) activities.

**F. Administrative Services Space [I 701-2(5)&(6)]**

Indicate whether the space for staff, equipment and records is suitable and appropriately located.

**G. Law Library Facilities [S 702; I 702-1]**

Indicate whether the law library facilities are in all respects sufficient to accommodate the school's students and faculty and all law library functions.

**H. Research and Study Space [S 703]**

Indicate whether sufficient quiet study, research and group study spaces are available for students and faculty. Report on study space in the library and elsewhere in the law school and whether study space is sufficient to meet user demand.

**I. Control and Use of Law School Facilities [I 701-3 through 5]**

Indicate whether the school's facilities are owned, leased, or subject to a mortgage. If the facilities are leased or subject to a mortgage, describe the provisions of the lease or mortgage that are most relevant to a determination of whether the facilities are adequate to carry out its program of legal education. Are the law school's facilities under the law school's exclusive control?

**X. LAW SCHOOL FINANCES AND UNIVERSITY SUPPORT (5-7 pages)**

The financial stability and commitment of the law school and parent institution are important to insure the long-term viability of the institution and its ability to provide for an adequate educational program over a period of years. *Where financial concerns are raised, it is important to include specific descriptions of the ways, if any, in which these concerns may affect the current or future educational programs of the school.*

**A. University Budget [S 210]**

Report the university operating income and expenditures for the past two fiscal years and the budgeted amounts for the current year. Describe any concerns regarding the long-term viability of the institution or its ability to support the law school in accordance with the Standards.

**B. Institutional Financial Commitment to the Law School**

[I 201-1; S 210 (a) & (c); I 210-1 & 2]

Indicate how the financial relationship with the University serves to enhance the law school's programs. Indicate whether resources generated by the law school are made available for its legal education programs. Describe how the university and the law school determine that the resources generated by a law school that is part of a university be made available to the law school to maintain and enhance its program of legal education. [I 210-2] These resources include 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. Report any explanation provided to the law school by the university regarding the use of

resources generated by the law school to support non-law school activities and central university services. Does the law school benefit on a reasonable basis in the allocation of university resources?

**C. Budget Process** [S 210(d)]

Describe the budget process for the law school. Indicate whether the law school has a realistic opportunity to present recommendations on budgetary matters to the university.

**D. Law School Budget** [S 201(a); I 201-1; S 210(c) & (d)]

Report the law school's operating income and expenditures for the past two fiscal years and the budgeted amounts for the current year. Describe the extent to which the budget is enrollment derived and the consequences of changes in the size of the student body. Describe non-tuition revenue sources and the degree to which the law school benefits from such revenue.

**E. Adequacy of Current and Anticipated Law School Resources**

(to sustain a sound program of legal education and accomplish its mission)  
[S 201(a); I 210-1]

Describe the overall consistency and adequacy of the financial resources available to the law school to support its current and anticipated programs and to accomplish its goals. Indicate any areas of concern regarding the adequacy of funding, and describe, *with specificity*, any ways in which financial resource limitations are affecting the quality of the school's educational program.

**XI. SUMMARY (2-3 pages)**

The summary should be prepared with the understanding that an approved law school must demonstrate that its program is consistent with sound educational policies and that it is being operated in accordance with the *Standards and Rules of Procedure for Approval of Law Schools*. Summarize strengths and weaknesses of the school. Discuss areas of concern raised in the report, emphasizing how concerns relate to the educational programs of the law school. Do not state conclusions as to whether the school complies with specific Standards or the Standards in general.

## Appendix 1

### 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 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 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 2

### CONSULTANT'S MEMO # 1—Revision 1 - August 2009

#### Standard 503

##### 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 school 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 802 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 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 a 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.

### **Variations 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 its 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 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:**

- (2) *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.*
- (3) *The Committee further concludes that the Program is consistent with the general purposes of the Standards, within the meaning of Standard 802.*
- (4) *The Committee further concludes that the Program is 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.*
- (5) *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:*

- (a) *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.*
- (b) *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.*
- (c) *A report on the reliability of the assessment method used in connection*

*with the Program.*

- (d) *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.*
- (e) *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.*
- (f) *A description of the regular admission program of the Law School then in effect and the assessment method used under it.*
- (g) *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.*
- (h) *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.*
- (i) *The information provided to applicants to the Law School under the Program regarding the experimental character of the admissions aspects of the Program.*
- (j) *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.*
- (k) *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 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.



## Appendix 3

### Consultant's Memo # 3 - March 2010

The Section's Special Committee on Transparency, in its report to the Council in 2008, 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 has considered this recommendation and has determined that it will, in appropriate circumstances, authorize the Consultant to issue Consultant's Memos. The purpose of the memos will be to guide schools in their efforts to comply with the Standards and occasionally provide explanations about 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. They hopefully will 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).

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 "*substantial 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/Admitted 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 4

### **REPORTING BAR PASSAGE**

#### *INTRODUCTION*

NOTE: Provide first-time bar passage data for all schools; in addition, provide ultimate bar passage rates if the school is unable to demonstrate compliance with Interpretation 301-6 using first-time passage rates.

To demonstrate compliance using FIRST-TIME data, the school must show that in 3 or more of the 5 most recently completed calendar years, the school's annual first-time weighted average bar passage rates, in the jurisdictions reported by the school, are no more than 15 points below the weighted average first-time passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

To demonstrate compliance using ultimate bar pass data, the school must show that:

(1) for the most recently completed five calendar years, 75% or more of the school's students who graduated during this period and sat for a bar exam, passed a bar exam.

OR

(2) for each of at least 3 of the most recently completed 5 calendar years, that 75% or more of the students who graduated during those same years and sat for a bar exam, passed a bar exam;

-- For first-time bar passage, the school must account for at least 70% of its graduates taking the bar exam for the first time in *each* of the five most recently completed calendar years, starting with the jurisdiction in which the largest number of graduates took the bar exam and proceeding in descending order of frequency until at least 70% of the school's graduates who took the bar for the first time are accounted for.

-- Similarly, for ultimate bar passage rates, the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates for each of the five (5) most recently completed calendar years, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

*For the school's bar passage data, see the school's completed Site Evaluation Questionnaire, Part V. Students.*

**THE FOLLOWING TWO TABLES ARE FOR REPORTING FIRST-TIME BAR PASSAGE DATA UNDER 1-301-6 (A) (2)**

**FIRST-TIME PASSAGE REPORTING -- TABLE 1**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Calendar Year</b>	<b>Total Graduates in Calendar Year</b>	<b># of Graduates from Calendar Year NOT Taking Bar Exam</b>	<b>Graduates from Previous Years Taking Bar for FIRST Time in Calendar Year</b>	<b>Total First Time Takers Calendar Year (B minus C plus D)</b>	<b>70% of Total First Time Takers</b>
<b>2005</b>	397	48	52	401	281
<b>2006</b>					
<b>2007</b>					
<b>2008</b>					
<b>2009</b>					

**C =** E.g., August or December grads 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., Grads 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 year). (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.

**N.B.** All of the above data needed for Table 1 is “back-up” information necessary for the school to have in order to report first-time bar passage results in the Site Evaluation Questionnaire (SEQ). Much of this information should be available in the school’s SEQ, Part V – Students –Bar Passage Data Report.

[BAR PASSAGE, TABLE 2 -- NEXT PAGE]

**FIRST-TIME BAR PASSAGE REPORTING -- TABLE 2**

A	B	C	D	E	F	G
<b>Calendar Year</b>	<b>Graduates Taking Bar FIRST Time in Calendar Year (From E above)</b>	<b>% of School's FIRST Time Takers Reported for Calendar Year **</b>	<b>List Jurisdictions Reported</b>	<b>ABA First Time Weighted Average Pass Rate for Calendar Year</b>	<b>School's Weighted Average Pass Rate for Calendar Year</b>	<b>Difference in Weighted Averages (School minus ABA)</b>
2005	401*	74.4	MA, NY, FL, TX	78.45	73.67	-4.78
2006						
2007						
2008						
2009						

\*From Column E, Table 1.

\*\*Must be at least 70% of Column "B"

**N.B.** Data required for Table 2 should be available in the School's Site Evaluation Questionnaire (SEQ) – Part V. Students – Bar Passage Report. Report data for EACH of the five (5) calendar years.

[BAR PASSAGE (ULTIMATE PASS RATES), NEXT PAGE]

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). Reporting ultimate bar pass rates is required *only* for schools that are unable to demonstrate compliance using first-time bar pass data under I 301-6(A)(2).

**TABLE 3**

**Ultimate Bar Passage – Back-up Data**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Graduation Year</b>	<b># of Students in Graduation Year</b>	<b>Number of Non-Persisters*</b>	<b>Number Never Attempting a Bar Examination</b>	<b>Net Bar Exam Takers (B minus C and D=E)</b>	<b>70% of Net Takers</b>
<b>2005</b>	255	12	4	239	167
<b>2006</b>					
<b>2007</b>					
<b>2008</b>					
<b>2009</b>					
<b>Total</b>					

\* Non-persisters are those 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**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Graduation Year</b>	<b>Number in Calculation for Graduation Year*</b>	<b>Passed Some Bar Examination</b>	<b>Never Passed a Bar Examination or Missing Information</b>
<b>2005</b>	185 (77.4%)	148 (80%)	37 (20%)
<b>2006</b>			
<b>2007</b>			
<b>2008</b>			
<b>2009</b>			
<b>5-Year Total</b>		# (%)	# (%)

\*See column F in Table 3 above. Must equal or exceed column F in Table 3 for each Graduation Year.