

OFFICE OF THE CONSULTANT ON LEGAL EDUCATION



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

Conduct Memo:

Overview of the ABA Accreditation and Site Visit Process

Fall 2010

THE CONDUCT OF A SITE VISIT BY AN ABA SITE EVALUATION TEAM

The Site Evaluation Process

Overview

The purpose of the ABA accreditation process. Law schools approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association provide a legal education that meets a minimum set of standards as promulgated by the Council. Every jurisdiction in the United States has determined that graduates of ABA-approved law schools are able to sit for the bar in their respective jurisdictions. The role that the Council plays as the national accrediting body for legal education has enabled accreditation to become unified and national in scope rather than fragmented, with the potential for inconsistency, among the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and other territories. Law schools benefit by not having to qualify their programs in every state where their graduates might seek admission. States benefit by relying on the ABA's standards and a process to assure the quality of legal education programs, rather than having to establish their own sets of rules and review processes.

The Council, the Standards, and the Accreditation Committee. The Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar are the United States Department of Education recognized accrediting agency for programs that lead to the first professional degree in law. 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 for Approval of Law Schools*. A current copy of the Standards is available on the Section's website at www.abanet.org/legaled. Those Standards are reviewed frequently to ensure that they focus on matters that are central to providing a quality legal education.

The Council of the Section of Legal Education and Admissions to the Bar ultimately makes decisions concerning the approval of a law school and its compliance with the Standards. The Council has 21 voting members, no more than ten 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 who are neither lawyers nor employees of a law school. The Accreditation Committee, which exercises oversight of schools that have been approved by the Council and makes recommendations to the Council concerning a school's application for approval, is similarly constituted.

The Council and the Accreditation Committee are assisted by the staff of the Office of the Consultant on Legal Education and Admissions to the Bar. Hulett H. Askew has

served as Consultant since September 2006.

Approval and review. Law schools may be provisionally or fully approved. Provisionally approved schools are those determined to be operating in substantial compliance with each of the Standards and with a reliable plan for coming into full compliance within three years. These schools are reviewed annually during the period of provisional approval. They have five years from the time they receive provisional status to come into full compliance. Fully approved schools are those that have been determined to be operating in full compliance with the Standards. Under the *Rules of Procedure for Approval of Law Schools*, all fully approved law schools are to be evaluated at least every seven years. Upon receiving full approval, a law school is reviewed in the third year following the granting of full approval and every seventh year thereafter. The Council or Accreditation Committee may order additional site evaluations of a school when special circumstances warrant.

The purposes of the accreditation process are:

- (1) to determine whether a fully approved law school fully complies with the Standards for Approval of Law Schools by the American Bar Association (Standards) or whether a provisionally approved law school or law school seeking provisional approval substantially complies with each of the Standards and has a reliable plan for coming into full compliance;
- (2) to assist the law school in attaining its full potential; and
- (3) to identify and report on the developments in curriculum, teaching, research, public service and the like. Innovative approaches to legal education are to be encouraged and the accreditation process can foster growth and development by providing a clearinghouse for fresh ideas.

The site visit and the site visit report are key parts of the accreditation process. The site evaluation report should be thorough, frank, and cover the matters addressed in the Standards. It is important that the report be completed promptly upon the conclusion of the visit.

The site evaluation team for the sabbatical visit of a fully approved law school typically has 7 members. In addition to the chairperson, who will be an experienced site evaluator, the team will normally include a lawyer, judge or public member; a university administrator; and several persons who are members of the faculty or staff at other law schools. The team chair coordinates the work of this group. Each team member will be assigned primary responsibility for certain sections of the site evaluation report that the team must write. All members of the team participate in reviewing the teaching program at the law school and in talking with faculty, staff and students. Site teams for regular visits to provisionally approved schools and teams for visits to schools seeking provisional approval will typically have 5-7 members. Teams for a limited site visit to a

provisionally approved school and for special site visits requested by the Accreditation Committee will typically have 2-4 members.

Self Study and Strategic Planning; Reliable Plan

An important component of the ABA accreditation process is the requirement that the dean and the faculty engage in a study and planning process that results in a self study (Standard 202) for the law school. This self study is part of the materials that a school submits to the site visit team and the Consultant's Office in advance of the visit. It may be part of a school's ongoing strategic planning process (Standard 203). A good self study process may well begin with the appointment of a self study committee in the spring of year one for a visit that will take place sometime in year three. The committee may work over the summer to establish the framework for the self study. Most of the work will take place in year two with the goal of circulating a draft for comment and discussion toward the end of that year. The committee may then finalize the self study over the summer and present a final draft for review and approval in the fall of year three, the year of the visit. The schedule will vary depending on whether the school expects a fall or spring site visit, the status of the school's strategic planning process, or has had to do other planning projects as part of a university accreditation review or strategic planning exercise. It is important to emphasize that for a self study to be meaningful for the school and to satisfy the requirements of the Standards the process must begin well in advance of the year of the site visit. For provisionally approved schools or schools seeking provisional approval, an appropriate self study is a significant part of the school's reliable plan for coming into full compliance with the Standards within three years.

The self study should involve appropriate constituencies of the school, including students and alumni. To the extent possible, the views of various constituencies of the law school, the bench, the bar and alumni should be solicited, evaluated and made a part of the self study.

The self study must set out the school's mission, describe the program of legal education, evaluate the strengths of and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify means to accomplish the school's unrealized goals.

Schools should take particular note of the requirements to set goals and to identify the means to accomplish the school's unrealized goals. If these portions of the self study are not well developed, the Accreditation Committee will not find the school in compliance with this Standard. We add this special note in light of the fact that in a number of recent self study reports schools have failed in developing fully these portions of the report.

Schools seeking provisional approval often have undertaken a feasibility study in preparation for the opening of the law school and/or the decision to seek ABA approval. The feasibility study will consider the mission of the school; the demand or need for the law school in the local area, region, or nation; and possible sources of funding to support

the operations of the school. A reliable plan develops the information, ideas, plans, and data of a feasibility study to demonstrate that the law school has the capacity to operate in compliance with the Standards. The reliable plan must clearly state the specific steps that the law school plans to take to bring itself into full compliance and must show that there is a reasonable probability that the steps will be successful. In this context, the self study complements the planning document with more detailed information on the academic program and services of the law school.

ABA Site evaluations and the AALS membership review process

Most ABA-approved law schools are also members of the Association of American Law Schools (AALS). The AALS conducts its membership review process in parallel with the ABA sabbatical review process. This minimizes the burden on law schools. If the site visit is to a school that is an AALS member school, then one member of the ABA site visit team is appointed by the AALS. This person is a full member of the ABA site visit team and will participate in all of the team's work, including drafting portions of the report.

The AALS representative prepares a separate report for the AALS that addresses that organization's specific concerns. The Consultant's Office provides a copy of the ABA site evaluation report to the AALS. The AALS Membership Review Committee uses these two reports in determining whether a law school is operating in compliance with the AALS membership requirements. The AALS representative's separate report is not provided to members of the site evaluation team, including the team chairperson, or to the Consultant's Office.

As a learned society, AALS is particularly concerned about faculty, scholarship and teaching, and equal opportunity/diversity.

The Site Visit

Preparing for the visit

For the Law School. The law school preparation for the site visit should begin long before the visit is actually scheduled (see the section above on Self Study). The preparation for the actual visit involves making arrangements for the site team, agreeing with the site team chairperson on a schedule for the visit, and preparing the materials (e.g., the Site Evaluation Questionnaire and the self study) for submission to the ABA and for mailing to members of the site visit team. These matters are discussed in the sections that follow. With respect to materials, the school should make 10 copies of the site evaluation questionnaire and attachments to that questionnaire for the ABA portion of this process. Two copies are sent to the Consultant's Office (one set to be used by the Accreditation Committee and one for the archives as required by U.S. Department of Education rules), one set to be mailed to each team member, and one set for the use of the visiting team on-site during the visit.

Student Complaints In addition to the site evaluation questionnaire with attachments, the school must provide the team, while on-site, with access to any written student complaints submitted to the Dean (or any person authorized by the Dean to receive such complaints on behalf of the school) regarding matters that may implicate the school's compliance with the Standards. For this purpose, a "complaint" is a communication in writing with an identified author that seeks to bring a significant problem regarding the school's program of legal education to the attention of the law school. The site team will review these complaints, particularly those from current students or recent graduates (if any), while on site to determine if there are any trends or patterns indicating potential violations of the Standards that warrant further review by the team.

Interpretation 301-6 Law schools should be aware of Interpretation 301-6 dealing with bar passage. This Interpretation, adopted by the Council in February 2008, requires schools to "track" and report on a larger cohort of their graduates than they may have done in the past. The Interpretation requires a school to account for at least 70% of its graduates who sat for the bar the first time over the past five years (e.g., 2005-2009). In some cases, the school will only have to report on a single jurisdiction for each year (i.e., where at least 70% of their graduates take the bar exam in a single jurisdiction) but many schools will have to report on multiple jurisdictions. The Interpretation permits a school to demonstrate compliance through first-time bar passage rates and through ultimate bar passage rates. (The vast majority of schools will be able to demonstrate compliance by providing appropriate information with respect to first-time pass rates only.) Law schools being visited will be expected to have gathered the appropriate data in order to demonstrate compliance with 301-6. The Interpretation and accompanying guidance can be found in Chapter 3 and Appendix 3 of the *2010-2011 Standards and Rules of Procedure for Approval of Law Schools* on the Section's website at: <http://www.abanet.org/legaled/standards/standards.html>

Schools are urged to read the Commentary carefully for explanation and examples of the application of 301-6.

Schedule. Site visits are typically scheduled for a three-day period. These visits most often begin on Sunday afternoon and conclude by noon on Wednesday. Some visits may begin on Wednesday and conclude on Saturday morning. Each member of the site visit team should be present during the entire site visit without competing business or personal appointments. This includes evenings when the team will meet to review the information gathered during the day and to plan the next day's business. The full attention and engagement of the site visitor in the visit is essential to ensure the integrity of the law school approval process and fairness to the institution.

The Chair of the site team may schedule one or more conference calls with members of the site evaluation team before the site visit. The materials supplied by the law school

may suggest matters requiring special attention or special preparation prior to the team's arrival at the school. The cost of these telephone calls should be considered as part of the costs incurred in making the visit. The law school will reimburse members of the team for all legitimate expenses reasonably incurred as part of the visit.

The Chair of the team also will send a memorandum to the dean of the school and to members of the site team setting forth certain information, including assignments of specific sections of the report and a suggested schedule for the site evaluation. Sample memoranda are attached as Appendices 1 and 2.

Pre-visits. Some team chairpersons like to arrange a pre-visit to the law school several weeks in advance of the formal visit during which the chairperson spends a day or so confirming the arrangements, discussing with the dean and others certain key issues for the law school. Sometimes, the pre-visit will focus on particular matters the chair and the dean expect to be central to the review (e.g., admissions, bar passage or finances). These visits can help ensure a smooth visit and a good site visit report and many schools and team chairs have found them to be very beneficial. Other chairpersons like to arrange a substantial personal meeting prior to the visit with the dean at a mutually convenient time and place (e.g., the AALS meeting).

Arrangements. Team members usually make their own airline reservations, and the law school makes the hotel arrangements. Team members should plan their travel far enough in advance to minimize the expense of the visit to the law school. The ABA Guidelines for the Reimbursement of Site Evaluators are attached as Appendix 3.

The law school will provide office or conference room space for the team to use during the visit. Telephones, power, and Internet connections should be available in this room as well as a complete hard-copy set of materials the school submitted in preparation for the visit. Many site visitors bring their own laptop computers. They may have material for the visit on their computers rather than in paper and may begin to assemble or draft their assigned sections of the report while still on site. With the increasing prevalence of wireless connection, the law school should anticipate that some team members will need wireless connection for full utility of their laptops. The law school should provide the administrative support required by the team during the visit.

Materials. The law school will provide each team member with a completed Site Evaluation Questionnaire and all exhibits to that questionnaire. The exhibits include the school's self study and copies of the school's ABA Annual Questionnaires for the current and prior two years. These materials should be provided in both hard copy and to the extent practical in electronic or CD form. The school should reach agreement with the chair of the site visit team regarding the format (hard copy or electronic) for distribution of the school's materials. These materials should be sent 6 weeks in advance of the visit. Site evaluators will also receive from the Consultant's Office a package of materials that includes the prior site evaluation report, report letter, and any follow-up correspondence between the law school and the ABA.

This material should supply evaluators with the basic quantitative and descriptive information needed for the visit and the drafting of the site visit report. The self study report should provide the school's perception of its strengths, prospects and weaknesses. Evaluators should focus particularly on materials relevant to the sections of the site report for which they have primary responsibility. Several hours' study of these documents and their enclosures prior to the visit is necessary to insure effective use of time on site.

Initial team meeting

At the start of the site evaluation, the team will meet to discuss the site evaluation process and team members' preliminary impressions of the school. It is the Chair's responsibility to ensure that each team member understands the role of the site visit and the team report in the review of the law school's program. During this time, the Chair should make clear the direction of the site evaluation visit and should confirm individual tasks of team members. A special briefing should be held for members of the site team who are serving on their first evaluation visit.

Schedule on site

The chair and the dean will agree on the basic schedule for the visit prior to the team's arrival. Upon arrival, several hours of conversation with the dean (usually at dinner the first evening) will give the team an opportunity to get an overview of the school's program, including strengths and possible weaknesses. This conversation with the dean, the school's self study assessment of its opportunities and needs, and the data supplied through the completed site evaluation questionnaire should permit the team to decide what matters need special attention.

The schedule will include the initial team meeting, an opening dinner with the dean and school representatives, entrance and exit interviews with the President, meetings with faculty, and an open meeting with students and other scheduled meetings with student leaders.

Some visits include a meeting or reception to give the team an opportunity to meet graduates of the school and/or members of the local legal community. For many years, these gathering were part of the usual schedule of a site visit. In recent years, some team chairpersons have opted not to schedule it in order to provide more time for the team members to do the other work that needs to be done on site. For a variety of reasons, some deans wish to have this event during the site visit. This is a matter to be discussed and decided by the team chairperson and the dean during the discussion of the schedule prior to the visit.

The balance of the time on site is left open for team members to do the work that must be done to have the facts and observations needed to write a thorough and accurate site visit report. Team members will make every effort to meet individually with each member of

the faculty and professional staff. Team members will visit as many classes as possible and will spend time with students in a variety of formal and informal ways. Time will be spent understanding a school's clinical programs, including field placement programs. Team members will also evaluate the library, physical facilities, technology, student services, financial resources, and administrative services at the law school.

Team members will confer with each other throughout the day and, particularly, at the end of each day to compare impressions and to plan the next day's activities. Something that one of you learned during the day may dictate a modification in the plans initially made for the next day's schedule, which is why it is important that you do not attempt a tight schedule, but respond flexibly to events as they emerge. Finally, it is important to reserve adequate time in which to prepare for the exit meetings with the dean and the President. The preparation often takes place at the team's dinner on the prior evening.

Key Elements of the Visit

Conference with the President. Two conferences with the president or chief executive officer of the institution typically are scheduled -- one at the beginning of the visit and one at the end. The dean may or may not attend the first conference, but typically does not attend the second conference. The team usually meets with the dean before this exit interview to discuss the report that the team will give to the president. The president sometimes wants to include the provost/academic vice president in these meetings and most chairpersons are agreeable to so doing.

The first meeting gives the team an opportunity to ask those questions that study of the school's materials has suggested, such as issues concerning the relationship between the university and law school. The purpose of the second conference with the president is to summarize your findings, calling attention to the areas of strength in the law school program and the areas needing attention and suggesting the areas of opportunity for the law school's development.

It may help the president to see the law school in perspective if you relate present and future developments at the law school to national trends in legal education and in the profession. As with all parts of the site review process, in this interview the team should emphasize that the purpose of their report is to report facts and observations and not to determine whether the school complies with the Standards. Accreditation decisions are the responsibility of the Accreditation Committee. In making its findings and conclusions with respect to compliance with the Standards, the Committee will consider the site evaluation report and other relevant information submitted by the school.

While the president will receive a copy of the team's written report and of the Accreditation Committee's action, this conference may present the best opportunity to the president and the ABA for the exchange of views concerning the law school and its program. The site evaluation team should decide upon what topics should be treated and who should lead the discussion of which topics. Also, it is important to review with the

dean, at a formal or informal exit interview, what you intend to report to the president. The dean's comments may be quite helpful and surprises may be avoided as a result.

These conferences with the president do not preclude other conferences with the president or administrators outside the law school. It is common for a team member to meet with the vice president for academic affairs about appointment and promotion practices and with the vice president for finance about budgeting.

It is best if you are candid in your comments to the president and dean if problems were discovered during the visit so that neither will be surprised if those problems are noted in the site evaluation report. Please make sure that you make clear to the president and dean that your report will contain facts and not state conclusions as to whether the school is or is not in compliance with the Standards.

Class and Program Visits. The site team should visit a substantial number of the classes conducted during the time of the site visit. This is particularly important if review of the school materials or impressions from the early portion of the site visit lead the team to believe that there may be concerns with the quality of classroom instruction at the law school. Site visitors should discuss course content and objectives with faculty members. Reviewing copies of student evaluations also may provide some insights into general patterns or practices. There is perhaps no better place than the classroom to obtain an understanding of the attitude and approach of the faculty and students. Further, class visitation is part of the general assessment of the quality of the educational program of the institution. It can reveal important things concerning whether the classroom work is sufficiently rigorous, demanding, and of high quality. All members of the team share the responsibility for class visits. Appendix 4 is a sample form to report on a visit. These forms should be collected and reviewed by the person responsible for drafting the course of study section of the site report.

The site team should do its best to observe the conduct of professional skills programs, live client clinics, and externship programs. As necessary or otherwise appropriate in conducting a full review of a school's program, members of the site team should visit external placements or contact them by telephone. These contacts should be selected by the team and not by the school. It is often instructive to compare the reports of the organization with the points of view and assessment of the law school and the field placement office. If the law school has a formal program for instruction in legal research and writing with a staff that focuses on this instruction, similar attention should be paid to that program.

Faculty Conferences. The site visit team should make its best efforts to meet with each member of the faculty and full-time teaching staff. The dean should provide faculty and staff with the names and addresses of the site team members and the name of the hotel at which they will be staying. Faculty wishing to confer with members of the site evaluation team may communicate directly with the chairperson or other members of the team.

While this invitation is a formality, it is not likely to produce many appointments. Thus, an effort should be made to visit with each member of the full-time faculty, either singly or in small groups. All members of the team will participate in faculty and staff office visits. Appendix 5 is a sample form for reporting on visits with faculty members. It suggests some of the topics that might be discussed. The team member writing the faculty section of the report should collect and review these forms.

Student Conferences. The schedule will include an open meeting, at a convenient time, with students. The team should also find other ways to meet and interact with students during the visit. Often the schedule will include an arranged lunch with a group of student leaders. In the meetings with students, the team should specifically inquire into the school's strengths and possible weaknesses as well as any complaints and praise the students may have regarding the school's program of legal education.

Dual Division Schools. Teams that visit schools that have substantial programs or scheduling options other than a traditional full-time daytime program should make particular efforts to observe a reasonable number of classes in each program and to talk with students in each program or scheduling option. This may require, for example, scheduling more than one open meeting with students.

Conferences with Members of the Professional Staff. Members of the site evaluation team should confer with members of the law school's professional staff. Inquiries should be made regarding such matters as law school admissions and financial aid, law school retention practices, law school placement policies, and law school grievance procedures. A review of the school's policies and records in each of these areas should be undertaken to ensure compliance with the Standards and whether the school's actual practices comport with its stated policies. Meetings also should be held with the law school's development staff to discuss their efforts and goals, their plans for reaching them, and the relationship between development efforts and the school's general financial future.

Meeting with Board of Visitors, Alumni, and Other Members of the Bar. A meeting with leaders of the school's support groups, such as the law alumni association, the board of visitors, local and state bar associations, the board of bar examiners, and/or members of the state supreme court may help the team understand how the school is viewed by those groups and it also may help the school explain its position to those outside constituencies. The chair will confer with the dean about whether to have such a meeting. This should not be a purely social occasion, nor should it be scheduled for an extended period of time.

Review of Records, Exams, Papers, Student Complaints. Members of the site team will need to review school records (e.g., financial records, admissions files and reports, written student complaints submitted to the dean or his/her designee (if any) from an identified author regarding matters of a serious nature and that may implicate the school's compliance with the Standards), a sampling of examinations and student written work, faculty scholarship, and the like. With respect to student complaints, the team's

attention should be directed primarily to complaints filed within the last three years as many of these students may still be at the school and the matters involved potentially the most relevant to the current site visit. The law school should provide access to this material as needed by the site team to gather the facts necessary to write a complete site evaluation report. Material might be provided in the conference room set aside for use by the team though administrative and confidentiality concerns may require alternative ways to make the material available to the team.

The Site Evaluation Report

The Accreditation Committee and Council rely on the site visit report to learn about the law school. Providing these groups with the factual foundation that they need to review the school's compliance with the Standards is the report's primary purpose. In addition, the report will be read and used by others. The dean and the president will receive the report of the team's evaluation. While the report is not intended for publication, the president and the dean are authorized to make it available to members of the university and law school administrations (including the board of trustees), the law faculty, and the law school's board of visitors or trustees. In addition, in those instances in which a school undergoing a site evaluation is a member of the AALS, the ABA will provide a copy of the site evaluation report to the AALS for use in its membership review process.

The team's report should be candid in its evaluation of the school and its program and in reporting facts bearing on the school's compliance with the Standards. However, the site team's role is not to determine compliance with the Standards, but rather to report facts and observations to enable the Accreditation Committee to make this determination. There are occasions on which the team may appropriately disclose a difference of opinion on a finding or observation. The report of the site evaluators should be written to give as much pertinent information as possible to the Accreditation Committee and the Council so that they may take appropriate action, based upon the team's report.

Report Procedures. When the visiting team has agreed upon the report, it should be transmitted only to the Consultant's office. The chairperson of the site team shall not distribute the report to the school or other accrediting agencies or member organizations. Members of the team shall consider the report to be a confidential document and shall not share it with others. Team members should be extraordinarily careful in discussing the site visit with colleagues or others. In particular, no team member should convey to anyone any criticisms that the individual or team has of the school that was visited.

The Consultant's Office will review the report. The chair may be asked to amplify or modify certain portions so that the report will provide the Accreditation Committee and the Council with the information needed to determine the school's compliance with the Standards. The report may also be reviewed by the ABA General Counsel's office to ensure its compliance with anti-trust restrictions and other legal matters. Following these

reviews, the Consultant will forward the report to the school and, if the school is an AALS member, to the AALS.

The law school dean and university president will review the report and are offered an opportunity to respond to it. This response may correct factual mistakes in the report or include new information occurring after the site visit that may be germane to one or more of the team's observations.

The dean and president will send any response to the site evaluation report to the Consultant, who will distribute it to members of the site evaluation team. The comments from the school and any additional comments from the team will be attached to and made a part of the site evaluation report that will be submitted to the Accreditation Committee. Rules with regard to access to the site evaluation report are found in Appendix 6.

The report should be completed as soon as possible. Delays in preparation of the report are unfair to the law school, create problems for the Accreditation Committee, and make the report writing more difficult. We ask the team to submit the completed report to the Consultant's Office no later than eight weeks after the conclusion of the site visit. Once the office receives the report, we conduct an internal review and may be in communication with the team if additional information is needed. There is no need to delay publication of the report in order to include information on latest developments. These will be included in the dean's response to the report.

The report should be submitted electronically by e-mail attachment. The Consultant's Office uses Microsoft Word word processing software, and it promotes efficiency in the process if reports are submitted in that format. It is not necessary to submit a copy of the report in hard copy. It is helpful if the report does not rely on attachments and appendices. When that is necessary, it is helpful if those materials can be included in the electronic copy of the report or sent as separate e-mail attachments. If that is not feasible, then the team chairperson should send those items in hard copy to the Consultant's Office.

Post-visit and post-report matters. Team members should feel free to contact faculty and administrators at the law school following the visit to gather any additional facts or material needed to complete the drafting of the report. As a courtesy, a team member should notify the team chairperson of these contacts. It is not appropriate, however, to share drafts of the report with school representatives.

When the team report is submitted, the team's work is done. Team members will get a copy of the report, the school's response, and the Accreditation Committee's decision letter so that they can be informed of the outcome of the process that included their visit. Team members should not discuss with the school matters relating to the content of the final team report or the action of the Accreditation Committee. Schools should refrain from asking team members for their reaction or response to parts of the report or the Accreditation Committee's decision letter. An accurate and comprehensive report gives

the Accreditation Committee as good a basis as is possible for its review of a school.

As a general rule team members should retain site visit materials and notes until the Accreditation Committee conducts its review of the site report. Receipt of the Committee's decision letter will signal that the review has taken place.

Accreditation Committee and Council Consideration of the Site Evaluation Report

The Accreditation Committee does most of the work of the accreditation process. This committee of 19 volunteers usually meets five times each year for consideration of site evaluation reports. Those meetings take place in late September/early October, November, late January, April and June. The Council of the Section of Legal Education and Admissions to the Bar is the governing authority and, under the Rules of Procedure, must act on certain matters (e.g., the provisional and full approval of a law school). The Council meets in early December, March, June, and August (at the ABA Annual Meeting).

It takes time to organize the agenda materials for each meeting, and members need time to prepare. Consequently, materials for each meeting must be in hand and ready for printing approximately five weeks before a meeting. Given the number of meetings and the time that must be allowed to prepare for each meeting, there is typically a several month lag between the completion of a report and its review by the appropriate body.

The Accreditation Committee includes legal educators, judges, practicing lawyers, bar examiners, and public non-lawyer members. All members read each report, but one Committee member is assigned special responsibility for each school. That person receives a copy of the completed site evaluation questionnaire and self-study and, prior to the meeting, provides the Committee with a draft report for discussion by the full Committee.

The Accreditation Committee's action upon review of a site report on a fully approved school is 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 – a majority – 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 decision letter will indicate with specificity the Standard or Standards with which the school does not comply, or as to which the Committee lacks sufficient information to determine compliance, and will ask the school by a specified time to provide the information necessary to enable the Committee to determine compliance or to indicate what steps the school has taken to bring itself into compliance.

Report letters following site visits to provisionally approved schools (or a school seeking provisional approval), while tailored to the provisional process, are similar in character. Each report letter is sent to the school's president and dean, and a copy is sent to each member of the site visit team.

If the Accreditation Committee directs a follow-up visit, one or two members of the original site evaluation team may be invited to participate.

Confidentiality. The Rules of Procedure for the Approval of Law Schools make clear that, in general, all matters relating to the accreditation of a law school are confidential. The Consultant's Office staff follows this policy, as do members of the Council and the Accreditation Committee. Site visitors are expected to follow these rules as well. The fact that a school is undergoing a regular sabbatical inspection, a provisional inspection, an inspection as part of the process to earn provisional accreditation, or regular visits to foreign program sites is a matter of public record. Special visits ordered by the Accreditation Committee and fact-finding visits are not a matter of public record. While site inspectors may report to colleagues that they were part of a site visit team to a particular school or program, they should refrain from offering any but the most general report or comment on the law school.

The law school, on the other hand, may choose to release information about the visit, the site report, and the Decision Letter. The ABA policy is spelled out in Rule 25 of the Rules of Procedure, which is attached as Appendix 6.

Evaluation of the site visit process

The deans of visited law schools and the members of the site evaluation teams are regularly asked for their assessment and comments on the site evaluation and for suggestions as to how the accreditation process might be improved.

Appendix 1

Sample Site Visit Scheduling Memorandum

TO: Dean

FROM: Team Chairperson

SUBJECT: Site Visit Schedule and Arrangements

This memo will confirm the schedule and other arrangements that we have discussed.

A copy of the schedule for the visit is enclosed. Please review it and call if you have any questions, further suggestions, or concerns. Unscheduled time will be devoted to class visits, meetings with administrators and faculty members, examination of records, and other tasks related to the site evaluation.

Please send each team member a copy of the school's completed Site Evaluation Questionnaire and all exhibits (including the self study and the current and prior two years completed Annual ABA Questionnaires) at least six weeks prior to your school's site visit. Consult with the team chair on their preference for electronic or hard copy. Finally, please have a complete set of this material available for the team's use during the visit. Two copies – one hard copy, one electronic – are to be sent to the Consultant's office.

If anyone on your staff has been given significant responsibility for site evaluation planning and arrangements, please let me know. Should you identify such an individual, I will plan to deal directly with that person on matters not requiring your immediate attention.

At your convenience, please send me a copy of your current class schedule. A review of it may prompt additional scheduling suggestions.

Please send me the name, address, and telephone number of the hotel where the team will be staying. In my case, it would be helpful if I could have both a bedroom and an adjoining sitting room or parlor. The additional space will be used for team meetings.

The team will need a conference room or other suitable space at the law school for use during the visit.

SAMPLE SCHEDULE

Law School Site Evaluation

Sunday

-----	Team members arrive at hotel
2:00-4:30 p.m.	Initial team meeting
5:00-6:00 p.m.	Tour of the law school
6:30 p.m.	Dinner Meeting: Team, Dean, Senior Law School Administrators. (Because this will be a working dinner, it should be held in a private room at a location selected by the dean.)

Monday

9:00-10:00 a.m.	Entrance meeting with University President and Provost (optional to include Dean)
10:00-12:00 p.m.	*
Noon-1:30	Luncheon meeting: Team Members and Law School Faculty
1:30-3:00 p.m.	*
3:00-4:00 p.m.	Open meeting with students
4:00-6:00 p.m.	*
7:00 p.m.	Team Dinner

* During these periods team members may meet with faculty, visit classes, meet with various law school and university administrative officers, appropriate committees and visit field placement sites.

[Note: If the school has an evening division, the schedule should include an opportunity to visit evening classes and to meet with evening students. This necessarily will require a later team dinner on Monday and Tuesday nights.]

Tuesday

8:00a.m. - Noon

*

Noon-1:30 p.m.

Luncheon Meeting: The team may use this time to meet with students, graduates, visiting committee members, members of the bench and bar, or other appropriate persons. [Note: Some chairs may schedule other meetings with these groups at breakfast or in the early evening.]

1:30-6:00 p.m.

*

6:00-7:00 p.m.

Reception for members of Alumni, Judiciary and Representatives of Legal Community [optional]

7:30 p.m.

Team Dinner -- The team should use this opportunity to prepare for the following day's exit meetings.

* During these periods team members may meet with faculty, visit classes, meet with various law school and university administrative officers, appropriate committees and visit field placement sites.

Wednesday

7:30-9:15 a.m.

Team breakfast meeting with dean

9:30-11:00 a.m.

Meeting with University President

11:00-11:30 a.m.

Team meeting, follow-up with any remaining questions or issues, and initial consideration of site report

Noon

Team departs.

Appendix 2

Sample Team Organizational Memorandum

TO: Team Members

FROM: Team Chairperson

My thanks to each of you for agreeing to serve on the site evaluation team for _____ Law School. I look forward to working with you.

A. Roster

A roster listing the names, addresses, telephone numbers, e-mail addresses, and FAX numbers of team members and key Law School officials is enclosed.

B. Schedule and Related Matters

Our visit will begin Sunday, _____(date), at 2:00 p.m. and end at approximately noon on Wednesday, _____(date). Please plan your travel schedule to be present during this time period.

Enclosed are copies of a letter and other materials, including a proposed schedule, which I sent to the dean. Also enclosed is the dean's response. Please review the proposed schedule. If you believe that we need to modify the schedule, please let me know as quickly as possible. You should feel free to begin scheduling appointments with particular individuals that you need to see, keeping this schedule in mind.

We will be staying at the _____ Hotel, The address, telephone and fax information for the hotel is: _____. You should make your own travel arrangements. Please do so well in advance of the visit. Remember to plan to arrive in time for our initial meeting on Sunday at 2:00 p.m. and to schedule your departure no earlier than ____ on Wednesday afternoon. If it is significantly less expensive for the school if you arrive on Saturday and you can do so without substantial inconvenience, please consider organizing your schedule to help minimize the travel expense that the law school will incur in connection with the site visit.

C. School's Site Evaluation Materials

You should receive the School's site evaluation materials about 6 weeks in advance of the visit. Prior to your arrival it is important that you review all of these materials. Please study carefully the materials related to the sections of the report for which you will have primary responsibility (see D. below). If you find that you need additional information,

please contact the dean, or _____, in the Dean's Office, who was involved in preparing the Site Evaluation Questionnaire and the Self-study.

D. Section Assignments for Report

I have made the following section assignments for the post-visit written report:

- I. Introduction
- II. Self Study
- 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

If you have questions or concerns about these assignments, please let me know. If more than one of you is responsible for a particular section, please collaborate on the draft of that section.

E. ABA Materials

Site evaluation materials from the ABA will be sent to you 4-5 weeks in advance of the visit. You also need to carefully review these materials in advance of arriving on site.

These materials include a memorandum describing the format and discussing the content of our written report. It sets forth, section-by-section, the various matters the ABA wishes us to consider, discuss, and report in our written report. In preparing for the visit and subsequently drafting your sections of the report, you will find this memorandum extremely helpful.

Unless you are visiting a school that is applying for provisional approval, the materials will also include the site visit report from the prior visit to the law school and the correspondence between the law school and the ABA following that visit. This material, together with the school's materials (particularly the self-study) will give you a good start on understanding the law school and its program of legal education.

Lastly, the ABA materials will include a copy of the *Standards for the Approval of Law Schools*. To do your job well, you must familiarize yourself with these Standards and Interpretations. It is against them that a school's program is measured. As chairperson of the team, I have made it my responsibility to know these rules well, but our report will be

much improved if every team member has a good understanding of the Standards, particularly those that apply to the sections of the report that he or she will draft.

F. Sunday Team Meeting

As my comments above and the enclosed schedule indicate, our initial official meeting will commence at 2:00 p.m. We will meet in my hotel room. At this meeting we will deal with three matters:

(1) A preliminary assessment of the strengths and weaknesses of the School based upon our review of the materials submitted by the School. (I will ask each of you to discuss the areas assigned to you. We probably should devote five to ten minutes to each of the section assignments.)

(2) A final consideration of the schedule for the visit. In light of our review of the School's materials, are any changes in the schedule necessary or desirable? What do we wish to accomplish in each of the scheduled meetings? What should be the format for each of the meetings? Which members of the faculty and administration, and which classes, should each of us plan to visit?

(3) A brief discussion of the post-visit written report.

G. Submission of Final Report

We will plan to complete our report and to submit it to the Consultant's Office no later than _____, eight weeks after our visit. To do this, each of you should plan to have your sections of the report to me by _____.

Please understand that one of my responsibilities as team chairperson is to ensure that our report is complete, accurate, concise, and consistent. I may well need to edit various sections of the report to achieve these objectives. On occasion I may need to ask a team member to include additional material or otherwise revise a portion of the report that team member drafted.

If you have any questions, suggestions, or comments regarding our visit, please let me know. I'm looking forward to seeing you.

Enclosures

Appendix 3

AMERICAN BAR ASSOCIATION **GUIDELINES FOR REIMBURSEMENT OF SITE EVALUATORS**

The adopted Council policy on reimbursement of site team members' expenses is as follows:

The visited institution shall reimburse all reasonable and necessary expenses of members of site evaluation teams and fact finders as follows:

- (a) Transportation - All necessary transportation on the basis of coach class airfares and ground transportation expenses. Site evaluators and fact finders are urged to secure the most reasonably priced air ticket. If the visited institution wishes to avail site evaluators of special airfares, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.
- (b) Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a parlor when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team at a hotel/motel of the school's choice.
- (c) Incidentals - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

Appendix 4

CLASSROOM VISITATION – SAMPLE REPORT FORM

1. Course Name:
2. Instructor:
3. Evaluator:
4. Date of Visit: Arrived: Departed:
5. a. Approximate number of students attending:
b. Number registered:
6. a. Room number:
b. Was the room adequate (seating, sightlines, acoustics, lighting, technology)?
7. If you were present at the start of the class, was attendance taken and, if so, by what method?
8. If you were present at the start of the class, did it begin on time? Did students arrive on time?
9. The general subject matter considered in the class:
10. The method or methods of instruction:
11. Was the class intellectually stimulating and rigorous?

12. Did the instructor appear prepared?

13. Did the students appear prepared and interested in the class?

14. Did the instructor interact with the students and did the class actively participate in the discussion?

15. Did the instructor follow up weak answers by students and press students for more complete answers?

16. To what degree did the class go beyond a superficial consideration of legal questions?

17. Additional strong or weak points concerning the class:

18. Other comments on the class or the classroom:

19. Overall impression of the class on a scale of 1-10 (10 being highest):

Appendix 5

FACULTY OFFICE VISIT – SAMPLE FORM

Faculty member visited:

Site evaluator:

Date, day, approximate time of visit:

Faculty member's comments on teaching responsibilities (course assignments, teaching load, scheduling, classrooms, quality of students, students' preparation for class, faculty programs regarding teaching and the improvement of teaching):

Faculty member's comments on research responsibilities (support for scholarship, intellectual environment, collegial support for research and scholarship, information resources, technology, communications of expectations by administration):

Faculty member's comments on service responsibilities (encouragement of service; committee structure; committee assignments; work with university, legal profession, or community groups; pro bono work; etc.):

Faculty member's comments on collegiality, governance, faculty/administration relations (including faculty role in self study and strategic planning, rank and tenure process, annual reviews or post-tenure reviews, etc.):

Other comments and concerns about the law school, its mission, its operation, facilities, etc.:

Appendix 6

ACCESS TO SITE EVALUATION REPORTS AND COMMITTEE AND COUNCIL ACTION CONCERNING APPROVAL OF LAW SCHOOLS BY THE AMERICAN BAR ASSOCIATION

Rule 25. Confidentiality of Accreditation Information and Documents.

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

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

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

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

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