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STANDARDS REVIEW COMMITTEE MEETING
held on
JANUARY 9, 2009
SAN DIEGO, CALIFORNIA

By Mary Anne Young, CSR 27999

2	<p>1 STANDARDS REVIEW COMMITTEE MEETING 2 JANUARY 9, 2009 3 SAN DIEGO, CALIFORNIA 4 5 CHAIRMAN POLDEN: Good afternoon. I'm 6 Donald Polden, Dean at Santa Clara University School 7 of Law, and I've had the privilege of serving as the 8 chair of the Standards Review Committee now for 9 about a year, and also with me is -- next to me on 10 my right is Margaret Berry, who is Vice Chair. 11 She's from Catholic University, Professor of Law. 12 And Bucky Askew, the consultant on the alleged 13 patient. I think all of you here certainly know him 14 and maybe Margaret, and I doubt me, but we're 15 excited that you're here. We appreciate you taking 16 time out your schedules to attend this public 17 hearing on three matters that are subject for 18 discussion. 19 I know several of you have provided 20 written submissions. We appreciate those very much. 21 We had an all-day meeting today, the committee, and 22 I learned a number of things at that meeting, not 23 the least of which is that your memos have been 24 extremely helpful. They've been read by the 25 committee, and we look forward to your comments here</p>	4	<p>1 intention to make a presentation on these matters. 2 I would ask those of you who have 3 submitted a letter or memorandum and would like to 4 make a statement, that anything that you could help 5 us understand outside of, or in addition to what you 6 have in the memo, would be most helpful. As I said, 7 we've read your submissions. We found them 8 extremely helpful, and so if you have comments that 9 go beyond that, that would be particularly helpful. 10 For the benefit of our court reporter, I 11 would ask each of you that is making a presentation 12 to, at the very beginning, very clearly state your 13 name and your affiliation, if you will. It could be 14 a law school or it could be an organization or it 15 could be both, so let us know who you are here -- 16 what organization, if any, that you're here 17 representing or if you're simply here as an 18 interested person. 19 So with that, I thought that we would take 20 up, first of all, Standard 104 and see if there are 21 any public comments that anybody here would like to 22 make. You might note that Standard 104 required 23 schools, as an accreditation matter, to seek to 24 exceed the standards. Our decision to eliminate that 25 was not based on the idea that it's not a good thing</p>
3	<p>1 today, those of you that have chosen to make 2 comments with respect to the three matters we are 3 taking up. 4 The three matters concern, first of all, 5 Standard 104, which is -- the recommendation has 6 been to delete that from the standards, and 7 secondly, two interpretations of Standard 402; that 8 is interpretation 402.1 and 402.2. Both of those 9 have been -- the proposal is to delete those from 10 the standards, the statement of standards and 11 interpretations. These have been subject to 12 dissemination to a lot of groups, and certainly your 13 attendance here suggests that we caught your 14 attention and your interest with respect to these 15 topics. 16 In November 2008, memorandum went out from 17 the section on both of these -- all of these 18 matters, and, indeed, I would encourage particular 19 attention to the commentary on Standard -- I'm 20 sorry, interpretations 402.1 and 402.2. 21 We have eight individuals that have signed 22 up to make presentations on the two interpretations. 23 If anyone else would like to make a presentation, we 24 would ask that you sign in in our guest register 25 there, if you will, and let us know of your</p>	5	<p>1 for schools to seek to be better and to exceed the 2 standards, but it's really a poor accreditation 3 standard. It's very vague. It would be difficult 4 for us to figure out how to enforce it if the school 5 failed to seek to exceed the standards, and so for 6 those and some other reasons, we decided that it was 7 a good thing for us not to have in the standards any 8 more. 9 Bucky, do you have any comments before we 10 start? 11 MR. ASKEW: No. I would say that we are 12 making a transcript of the hearing today, and that 13 will be provided to you, the Standards Review 14 Committee, and to the council, because once the 15 Standards Review Committee makes a determination on 16 these matters, they will go to the council for final 17 determination, so a transcript is being made. Most 18 of the members of the Standards Review Committee are 19 here in the audience. We didn't have room for them 20 up here, so there are at least six or seven members 21 of the Standards Review Committee participating or 22 listening in on the hearing. 23 I think that's all I have to add. 24 CHAIRMAN POLDEN: Margaret? 25 MS. BERRY: No. I think we're ready.</p>

<p style="text-align: right;">6</p> <p>1 CHAIRMAN POLDEN: Any public comments for 2 the benefit of Standard 104? 3 Thank you. 4 Let's take up the two interpretations, 5 402.1 and 402.2. These generated about 18 written 6 submissions to the committee. I think the last one 7 was received a few hours ago. And as you might well 8 imagine, in as much as many or all of us are 9 lawyers, they're about evenly split. About half of 10 the commentary thought that this was a good thing to 11 do and the other half thought that it was not a good 12 thing to do, so I expect that today we'll hear more 13 about your ideas as to why the elimination of the 14 standards -- these two interpretations is or is not 15 a good idea. 16 We attempted in our memorandum that's now in 17 the commentary to really take a look at what these 18 interpretations were adding to the accreditation 19 function: How were they helping site teams when 20 they were visiting schools, how were they helping 21 schools understand, really, the student -- the 22 faculty resources sufficient to prevent them to 23 reach their mission. 24 And for a variety of reasons set forth in 25 the commentary, we decided that these</p>	<p style="text-align: right;">8</p> <p>1 Hofstra, H-o-f-s-t-r-a, Law School. 2 CHAIRMAN POLDEN: I hate to put you on the 3 spot, but I'll say this for the benefit of everyone 4 else. If you have a business card with some of this 5 information, if you could give it to the court 6 reporter at some time, that would be very, very 7 helpful. If you don't, that's fine, too. 8 PROFESSOR NEUMANN: Don, I'll first 9 respond to the question about consumer information. 10 This is going to be anecdotal, and I'm not 11 comfortable generally with anecdotal data, but in 12 '71 or '72, when I applied to law school, 13 student/faculty ratio meant a great deal to me. I 14 went to a smaller college, and my concept of 15 education was somebody fulfilling the role of horse 16 being on one end of the log and me on the other. 17 And, you know, that image has been with us for a 18 long time. 19 There were no published student/faculty 20 ratios then. The ABA may have calculated them, but 21 they weren't published. There were no web sites. 22 There was no -- well, U.S. News existed, but it 23 didn't do then what it does now, and I had to do it 24 myself. I looked at each school's catalogue that I 25 was considering, totaled up the number of full-time</p>
<p style="text-align: right;">7</p> <p>1 interpretations did not generate meaningful 2 information; meaningful largely to students, and 3 didn't serve any other significant functions in the 4 accreditation process. 5 I can assure you that we were not 6 influenced at all by the fact that student faculty 7 ratios are a factor in the calculation of the annual 8 U.S. News and World Report annual survey, but 9 really, the significant factor for us was that they 10 really do not provide any meaningful information to 11 prospective law students. 12 So any of the speakers here who might have 13 some evidence or information that would suggest 14 that, indeed, these do provide meaningful 15 information -- that student/faculty ratio provide 16 meaningful information to students or, more 17 importantly, to prospective students, we would love 18 to hear that, as well as any other comments that you 19 have. 20 Enough from me. Let me ask our first 21 speaker here, and I believe that's Professor Richard 22 Neumann. 23 Richard? 24 PROFESSOR NEUMANN: Good afternoon. My 25 name is Richard Neumann, N-e-u-m-a-n-n, from</p>	<p style="text-align: right;">9</p> <p>1 teachers. The catalogues told you approximately how 2 many students they had, and I did the math. And it 3 meant a great deal to me. 4 In fact, I went to a less prestigious 5 school because what I wanted was a lot of personal 6 contact with teachers, and that number, at least, 7 was a threshold number that helped me screen out a 8 lot of schools. I did a little more research to 9 figure out what I -- if whether I would get what I 10 wanted, and I wasn't a dumb applicant. I got -- to 11 this day, I am very happy with the decision that I 12 made, and that was important to me. And my guess is 13 it's important to most people who go to small 14 colleges. It may not be important to a person who 15 goes a 50,000 student state university, but a 16 substantial number of students -- applicants want to 17 know this, which is one reason why it's so often 18 published. 19 Guides that rate colleges, not just U.S. 20 News, calculated -- U.S. News calculates it for the 21 four kinds of professional schools where they 22 actually have hard data, rather than just surveys. 23 And although I hope 24 U.S. News was not part of the decision making, 25 U.S. News really is a fact of life, and people tend</p>

10	<p>1 to have two different fantasies about U.S. News: 2 One is kidnapping those editors and sentencing them 3 to a life of hard labor for the harm they have done; 4 the other is taking over that data and those 5 calculations that might actually reveal something. 6 But here, in fact, in some small way, 7 they've let us do it. We actually do have some 8 control over a small part of that calculation. Why 9 we would want to give it up, I'm not sure, but, you 10 know, there's -- 11 You could think about it as a buzz saw. 12 You could think about it as a third rail. Our third 13 rail is 14 U.S. News, and we can't forget that it's there, 15 and we can't ignore it because people would get 16 hurt. A dean was fired six weeks ago, and the 17 university gave two reasons for firing him: One of 18 which was U.S. News. People are in fear of their 19 jobs in situations like this, and people can be hurt 20 if there is no ratio. 21 I mean, I explained this in detail in my 22 memo and I'm not going to go through it again, but 23 U.S. News has three other ratios that they can use. 24 They're not going to obsess this. They're not going 25 to rework their entire formula. They're just going</p>	12
11	<p>1 to use one of the other mechanisms for calculating 2 the student/faculty ratio. Time is money in a 3 business, and the easiest thing for them to do, 4 which doesn't in any way hurt their business model, 5 is use one of the others. That inevitably is going 6 to produce losers, and those losers are going to 7 blame us in accreditation. There is a certain -- 8 there is only a certain amount of blame that we can 9 accept, that we can be the target of, and still be 10 credible as accreditors. And frankly, we ought to 11 just use it for the things that really matter. 12 I'm still trying to understand why it is 13 valuable to get rid of this ratio, and I can't find 14 it. It's just not there in the justification -- the 15 explanation that the committee has written. The 16 explanation says it's burdensome. It doesn't reveal 17 much. It's empirical. Of course, there are lots of 18 faults with it empirically, but it's not really used 19 for that purpose. It's not expected to be 20 empirically valid. 21 It really has two purposes: One of which is to 22 give applicants something to begin to go on when 23 they make inquiries, when they try to screen out 24 schools. The second purpose is that when a dean and 25 a university and a law school try to figure out pre-</p>	13
10	<p>1 inspection, whether they've got a problem with 2 faculty resources, it gives them a clue. If all of 3 the criteria are subjective, a dean can get 4 blindsided when the accreditation committee, greatly 5 to the dean's surprise, decides that there aren't 6 enough faculty resources. The ratio at least gives 7 a clue; even if it's at this point in the 8 accreditation committee's practices, a small part of 9 the decision. 10 If everything is subjective and there is 11 no number and a dean has to turn around and say to a 12 university president, "We could get hit here," it's 13 really hard to make that argument without something 14 that is objective to go on. It's only a small part 15 of the Accreditation Committee's work, but it may be 16 much more important to other people. 17 And the last thing is that it has some 18 role in establishing the credibility of an 19 Accreditation Committee decisions. The 20 accreditation of individual school decisions are 21 criticized often by schools that are hurt by them. 22 They may go on probation. They may not be able to 23 get a provisional accreditation the first time 24 around. Sometimes they sue us. Sometimes they go 25 to DOE, and the constant refrain is that the</p>	12
11	<p>1 criteria are not transparent. They're not 2 objective. They're not measurable. Whatever they 3 are is in the eye of the beholder. If we have 4 something that is not to those objections -- I'm 5 sorry for -- then there is some risk. 6 Thank you. 7 CHAIRMAN POLDEN: Thank you very much, 8 Professor. Appreciate your comments. And I would 9 appreciate, just as a reminder, if we could keep 10 these comments to about five minutes. The purpose 11 is so everybody has an opportunity to be heard. 12 Our next speaker is David Van Zandt. 13 MR. VAN ZANDT: Boy, I just made it in 14 time. 15 CHAIRMAN POLDEN: Just in time. 16 MR. VAN ZANDT: And I got half a cookie 17 in, too. 18 CHAIRMAN POLDEN: Well, we were going to 19 wait for you. 20 MR. VAN ZANDT: Oh, you were? I don't 21 want to take much time, but I think the position of 22 the Board of Directors of the American Law Deans 23 Association is very well stated in the comment that 24 we submitted to you for this purpose. 25 We see these particular interpretations as</p>	13

<p style="text-align: right;">14</p> <p>1 being part of a larger group of standards that we 2 have been arguing for some time should be removed as 3 requirements. We generally believe the law schools 4 should be allowed to innovate. They should be able 5 to try all sorts of different organizational 6 techniques, in that this particular rule, in 7 speaking of interpretations, is just part of one 8 that we feel is inappropriate; that is, trying to 9 regulate the terms and conditions of employment of 10 people in law schools. 11 Looking at this from a consumer protection 12 standard, we don't see how this particular 13 interpretation and its rules for counting faculty 14 provide any information to an applicant looking to 15 attend a law school. And, you know, if you were 16 going to do something, we feel you should do it at 17 least on an FTE basis to actually try to measure 18 contact hours or contact a student might have. 19 It's a very difficult problem, by the way. 20 I think you're probably right to suggest that we 21 remove it entirely because coming up with a good 22 measure would be very, very difficult to do. 23 I think other than that I'll just stop 24 there, unless there's some questions. 25 CHAIRMAN POLDEN: I do not. Thank you</p>	<p style="text-align: right;">16</p> <p>1 premature to be looking at it right now, that we 2 know that the Standards Review Committee is in the 3 process of a comprehensive review of many of the 4 standards, and that it's unclear how and if these 5 interpretations and this particular issue about 6 student/faculty ratio will be impacted at all by 7 that comprehensive review. 8 So we would commend the committee to fold 9 this into its larger evaluation of outcomes and 10 other things that you're taking up in the 11 comprehensive review, which we'll be commenting on 12 throughout the process. That's our position. 13 Thank you. 14 CHAIRMAN POLDEN: Thank you very much, 15 Professor. 16 Our next speaker is Associate Dean Wendy 17 Perdue. 18 The next speaker -- we have two 19 representatives from CLEA. 20 Oh, good, thank you. 21 MS. CONNOLLY: Thank you. Good afternoon. 22 My name is Kim Diana Connolly, C-o-n-n-o-l-l-y, and 23 I'm a member of the faculty at the University of 24 South Carolina and have the honor of becoming 25 President of the Clinical Legal Education</p>
<p style="text-align: right;">15</p> <p>1 very much. 2 MR. VAN ZANDT: Thank you. 3 CHAIRMAN POLDEN: We have two 4 representatives -- I'm not sure if both are going to 5 come up -- from the LEAP Clinical Skills Committee. 6 PROFESSOR PISTONE: Yes. 7 CHAIRMAN POLDEN: Thank you. 8 PROFESSOR PISTONE: Thank you. Hi. I'm 9 Michelle Pistone, and I'm a Professor of Law at 10 Villanova University, and I'm here on behalf of the 11 ABA Clinical Skills Committee section of the 12 education admission. I'm one of the cochairs of 13 that committee. And I wanted to thank this committee 14 for holding these hearings and for inviting us to 15 testify. I'm going to keep my comments very 16 short. 17 We, as a committee, recognize that -- 18 MR. ASKEW: Can you pull the microphone 19 down? Thank you. 20 PROFESSOR PISTONE: We, as a committee, 21 recognize that these interpretations are, in some 22 cases, difficult to implement, and we think that it 23 might be a good -- you know, that it's a good thing 24 for the committee to look at it. I think -- 25 The position of our committee is that it's</p>	<p style="text-align: right;">17</p> <p>1 Association just this week. Thank you very much for 2 holding this hearing and taking the time to hear the 3 input on this. 4 We did submit a detailed letter, and I'm 5 not going to belabor it, but I do think it's 6 important to talk about this, especially having read 7 all the comments that came in, and I think they were 8 an interesting mix of commentary and good ideas on 9 this very important topic. 10 As we said in our statement, and I think 11 as reflected in the diversity of opinion that was 12 expressed in the comments from various stakeholders, 13 CLEA thinks it's premature to eliminate these 14 interpretations. And, you know, even the history of 15 the committee, when you read the documents starting 16 back in 2006, reflects that there was some concern 17 and there was a split, and there was a recognition 18 of some of the harms that we raised -- the potential 19 harms that we raised in our comments. 20 And so respectfully, we quite frankly 21 think that this committee still needs to do a little 22 more work. You need to think about what eliminating 23 these interpretations will have on the transparency 24 and consistency issues that the accreditation 25 procedures are designed to protect. And we believe</p>

18	<p>1 that you ought not to eliminate these 2 interpretations until you've better developed the 3 types of measures that we might use, the output 4 measures or other measures, that we might use in 5 lieu of this traditional measure. 6 And I had the opportunity to witness most 7 of your work today in your full committee meeting, 8 and I also was out in November, and I know you are 9 hard at work on the challenging task of reassessing 10 the standards and having another charge of looking 11 at outcome measures, and so therefore, in light of 12 all this, we strongly recommend this amendment be 13 tabled for further consideration after you have 14 completed this other process. 15 I think that the unintended consequences 16 that might come from eliminating these 17 interpretations are something that you really need 18 to think about, and it's our view, as we stated in 19 detail in our comments, that Standard 402 would be 20 weakened by removing these interpretations, 21 particularly in the era of the Carnegie Report 22 agreeing to a revision that undermines enforcement 23 of a ratio that helps ensure schools hire, train and 24 retain full-time faculty who teach the important 25 things that the Carnegie Report reminds us the</p>	20	<p>1 of Dean Winecoff (phonetic) of George University Law 2 Center, and we have sent -- Dean Winecoff sent a 3 letter and I won't read that, but let me just 4 briefly summarize our concerns. 5 First, I think in looking at the proposed 6 change, the first issue is the question of whether 7 student/faculty ratio is a useful piece of 8 information. The committee observes, I think 9 correctly, that it's not dispositive and it's not 10 something that alone would be sufficient to assess 11 the quality of an education. That is certainly 12 true, but that's not the question. The question is, 13 does it provide useful information. 14 It seems to me that it's hard to imagine 15 that it doesn't provide some useful information. At 16 the extremes, imagine two schools. Same number of 17 students. One has twice as many faculty as the 18 other, but all the class sizes are the same because 19 that smaller faculty teaches many, many more 20 students and classes. 21 The report suggests that as long as you 22 have class size, students have everything they need 23 to know. I'd respectfully suggest that's not 24 everything they need to know, that the experience of 25 having more faculty with time available for students</p>
19	<p>1 mission of law schools are about, is something that 2 we think you should think about. 3 We did submit some data from the Center 4 for the Study of Applied Legal Education, and I 5 would urge you to look at those ratios and how our 6 analysis of them should play into your further study 7 of this. And that data is recent as of this summer. 8 And so in closing, we urge this committee 9 to get together with all of the organizations who 10 join here today -- I mean, as the hearing today here 11 recognizes, there are many organizations and people 12 concerned about the issues related to the quality of 13 legal education, and there are people who are not 14 able to be here today, and collaborate on ways to 15 rethink the critical issues that you are grappling 16 with and rethink limiting these interpretations and 17 how best to go forward -- and CLEA stands ready to 18 help in that effort. 19 Thank you. 20 CHAIRMAN POLDEN: Thank you, Professor. 21 Associate Dean Wendy Perdue. 22 ASSOCIATE DEAN PERDUE: Thank you. My 23 apologies for having been a tad late. 24 CHAIRMAN POLDEN: That's fine. 25 ASSOCIATE DEAN PERDUE: I speak on behalf</p>	21	<p>1 is different. Now, it's not the only relevant 2 factor. One has to take a variety of things into 3 account, but it seems to me it is a relevant factor 4 that appropriately students -- prospective students 5 and others would want to take into account, so the 6 suggestion of eliminating it completely is 7 inconsistent with the notion that it provides some 8 useful information. 9 If one is going to -- if one accepts that 10 it provides some useful information, then you get to 11 a methodological question. The current rule is 12 quite detailed and, of course because it's detailed, 13 there are always issues at the margins. One way to 14 eliminate issues at the margins is to have no 15 margins. That's right, you can have no rules and 16 then you don't have dispute about whether people are 17 complying with the rules, but, again as to that, I 18 think that raises some serious issues. 19 The current rule provides a known and 20 relatively level playing field that is particularly 21 important when you're dealing with consumer 22 information. I believe regardless of what you do, 23 even if you were to eliminate this rule, that 24 schools or others would continue to talk about 25 student/faculty ratios; it's just that it would be</p>

<p style="text-align: right;">22</p> <p>1 meaningless. There would be no way to compare that 2 to what anybody else said about it. That doesn't 3 improve consumer information, that makes it a good 4 deal worse. 5 So from a consumer information point of 6 view, having a clear methodology and all the other 7 relevant information that should be provided, it 8 provides a much better way of allowing people to 9 assess the law schools on a variety of factors that 10 people would want to assess them on. 11 One final observation about methodology: 12 Embedded in that methodology are important 13 substantive decisions about adjuncts, about full- 14 time faculty on short-term contracts. Those are 15 embedded in there, and reasonable people can differ 16 about those, so I don't want to take on that at all, 17 except to say those are critical substantive 18 decisions, and they should be addressed head on and 19 directly first, and then those decisions should be 20 reflected in the methodology for calculating, not 21 the other way around. 22 You ought not decide those core 23 substantive questions by saying, we'll kind of 24 eliminate the student/faculty ratio and then somehow 25 that makes those substantive questions go away.</p>	<p style="text-align: right;">24</p> <p>1 It's our position that the elimination of these 2 interpretation would negatively impact four 3 important constituencies for legal education: 4 First and foremost is the students. And I 5 was glad to hear that at the beginning of the 6 hearing you asked particularly about prospective 7 students and students that are applying to law 8 school, and it's our position that they most 9 certainly do have an interest in faculty/student 10 ratio, and that the faculty/student ratio 11 information that is provided by these 12 interpretations does give them meaningful 13 information. 14 As you're likely aware, there is a trend 15 among even very large undergraduate universities to 16 provide more mentoring and more opportunities for 17 undergraduate students to be involved with faculty 18 members doing research and having more professional 19 experiences with them. Many of our students that 20 are now applying to law school have benefitted from 21 those close interactions with their undergraduate 22 faculty in a way that former students, earlier 23 students -- our generation of law students, when we 24 were students, never had as undergrads. Many of 25 these students have had that, and it's been an</p>
<p style="text-align: right;">23</p> <p>1 Take them on directly. They'll be -- some of them 2 may be contentious. Again, people may differ on 3 them. Work your way through them as a suggestion. 4 Engage the variety of people who have views on that 5 and then reflect that in the rules and standards 6 that should incorporate that, but don't do it the 7 other way. 8 Thank you. 9 CHAIRMAN POLDEN: Thank you very much. 10 Now, we have a speaker here from the 11 Association of Legal Writing Directors, is it Judy 12 Stinson? 13 MS. GERDY: Actually, we have two 14 speakers. 15 CHAIRMAN POLDEN: Okay. 16 MS. GERDY: Actually, Judy Stinson, who is 17 our president, has ceded it to myself and Mary Beth 18 Beazley to speak on behalf of the association. 19 My name is Kristin Gerdy, G-e-r-d-y. I am 20 from Brigham Young University. I'm a former 21 president of ALWD and the current secretary. 22 Like the other groups and individuals who 23 have spoken, we appreciate the opportunity to speak 24 with you a little bit this afternoon about these 25 important issues.</p>	<p style="text-align: right;">25</p> <p>1 important part of their undergraduate education, and 2 it's something that they value and that they look 3 toward in their graduate education and then their 4 law school education, and so this is meaningful 5 information to them. They want to continue to make 6 and to develop those types of mentoring 7 relationships with the faculty that will be working 8 with them. And so for them to have a 9 faculty/student ratio number is not meaningless 10 information, but something that has been important 11 to them in their past experience, and it will 12 continue to be important to them in their law school 13 experience. 14 This proposal to eliminate that 15 information takes away from those people who know 16 the least and who need to know the most about what 17 they're getting into in their legal education. 18 Faculty/student ratio, rightly or wrongly, 19 is also looked at by prospective students as an 20 indicator of the quality of the education that 21 they're going to receive from the law school. And 22 it is true that it is not a perfect measure. It's 23 maybe not even a good measure, but it's one that 24 they look to as a measure. They rely on 25 accreditation to tell them that their education has</p>

26	<p>1 the stamp of approval of the ABA, and that 2 faculty/student ratio gives them something that is 3 objective and concrete to look at. 4 Then, once they're no longer prospective 5 students and they are enrolled, that faculty/student 6 ratio also benefits them. As you're aware, the 7 Carnegie Report indicates that a committed and long- 8 term faculty leads to better outcomes for these 9 students. It's also critical to the modeling of 10 professionalism that the Carnegie Report criticizes 11 current legal education for underserving our 12 students in the larger class sizes and the lower -- 13 or the higher faculty/student ratio gives our law 14 students less time to interact with faculty members. 15 Faculty members that are having to teach 16 more classes don't have as much time to do service 17 learning, to do other types of community work and 18 other professional mentoring with our students. 19 Interactions with our faculty are very important, 20 and looking at a full-time equivalent is not enough. 21 We really do need to look at faculty that have a 22 long-term commitment to legal education and to the 23 law school, as opposed to those that do not. 24 An analogy that resonates with me, and I 25 hope will resonate with you, is the difference</p>	28
27	<p>1 between a contract lawyer or a partner or an 2 associate in the firm. The contract lawyer can do 3 what needs to be done in the case, but any of us, as 4 clients, would not really want a contract lawyer 5 working on our case. We want the partner, we want 6 the associate, because they have the experience, 7 they have the commitment, the loyalty, the 8 continuity to do the job that we want them to do for 9 us, and our students look at it the same way. 10 The second key constituency is the public, 11 our students' future clients. If the quality of 12 legal education suffers without a committed faculty 13 that is fostered by the faculty/student ratio 14 requirement, then the quality of lawyering will 15 suffer and the quality -- and that underserves the 16 public. 17 The third is the law schools themselves. 18 As flawed as it may be, the faculty/student ratio 19 interpretation gives these schools something 20 objective and concrete to work with as they begin 21 judging themselves in preparation for site visits. 22 Law schools have to meet the accreditation 23 standards, and they need to know what the 24 expectations are, even if those measures are 25 imperfect. Eliminating these standards removes</p>	29
26	<p>1 predictability from the process that the schools 2 rely on in the preparation for site visits. 3 And the fourth constituency is the site 4 evaluators themselves. The site evaluators need to 5 have some guidance as to what they're looking for 6 when they judge whether a faculty has sufficient 7 resources. Again, while it is not a perfect measure, 8 it gives them something objective to look at. 9 If we think back to first year law school and 10 think about the purpose of having legal rules, 11 there's really three major purposes: To allow 12 people to conform their behavior and predict the 13 consequences; to give decision-makers clear 14 guidance; and to give bystanders the opportunity to 15 know what is happening and why, that transparency 16 element. We believe that the faculty/student ratio 17 interpretation does those three things. It allows 18 schools to conform and to predict the outcomes of 19 their behavior; it gives the site teams, the 20 decision-makers the clear guidance that they need in 21 making decisions; and it gives students and the 22 public the information that they need to know what's 23 happening in legal education. 24 We appreciate the hearing that's being 25 held today, and we appreciate the opportunity to</p>	28
27	<p>1 continue to work with the Standards Review Committee 2 on these important issues, and Mary Beth Beazley 3 from the Ohio State University has just a few more 4 points. 5 PROFESSOR BEAZLEY: Who wants my card? 6 Good afternoon. As Kristin said, I'm Mary 7 Beth Beazley. I am here from Ohio State. I am here 8 representing the Association of Legal Writing 9 Directors. I am currently the President-Elect of 10 that organization. I am also currently the Chair of 11 the ABA Communication Skills Committee. 12 I will point out that we had a meeting 13 earlier this week. Thanks to a few ice storms, we 14 did not have a quorum, so I cannot say that we have 15 an official vote, but those who were there did say 16 that they also were consistent with the concerns 17 about this rather rapid elimination of this rule. 18 I have just three points to make: 19 First, when I hear about deregulation, I 20 think what is going to take the place of that 21 regulation, and something that pops into mind is 22 market forces. And I think I have a little concern, 23 especially brought on in recent months, about 24 letting the market take care of things. 25 One thing in particular when we think</p>	29

<p style="text-align: right;">30</p> <p>1 about market forces is for the marketplace to 2 operate efficiently, all the participants have to 3 have complete information. When we think about the 4 participants in the transaction of choosing a law 5 school, who's the least powerful participant? The 6 prospective student. This takes away a really 7 important piece of information from that least 8 powerful participant, and really makes that person 9 have to make that decision without complete 10 information. 11 A second point I want to make is just that 12 I think that this change would -- and I don't know 13 if you're familiar with the concept of behavioral 14 economics. All of us tend to think in terms of 15 short-term, rather than long-term, goals in the 16 absence of regulation, and I worry about schools 17 being incentivized to go more toward adjuncts, more 18 toward untenured positions. 19 And I've been in both of those positions. 20 I'm now in a tenured position. I've been in an 21 untenured. I've been an adjunct. My contact hours 22 have been the same. I think I've been a 23 conscientious teacher. I have prepared for my 24 classes. I've corrected my papers. 25 What I have not been able to do always,</p>	<p style="text-align: right;">32</p> <p>1 And so what I think the ABA's formula has 2 done and what others have talked about is how much 3 considerations have been brought in when this 4 formula has been crafted. This formula doesn't just 5 say no adjuncts can ever be considered, no non- 6 tenured people can ever be considered, but really 7 tries to thoughtfully in a sophisticated way balance 8 these things. So I think rather than this formula 9 inhibits innovation, I think it allows innovation, 10 because it allows it to be considered. 11 And if I can circle back to the point of 12 the student trying to get information on that, when 13 Richard was looking, he was probably just looking at 14 full-time tenure track people, and there might have 15 been a school that had a lot of fabulous adjuncts, 16 which under the ABA's formula, would have figured 17 into that. So I think the ABA right now has a 18 formula that allows it. It's sort of a good balance 19 between saying nothing at all and everything. It's 20 a nice balance, and I hate to see this proposition 21 being adopted and creating a vacuum there. 22 So in case you haven't gotten our drift, 23 we are against the proposal. We look forward to 24 working with you on this, and obviously we've got a 25 lot of experience at various levels of being members</p>
<p style="text-align: right;">31</p> <p>1 especially as an adjunct, is to widen my knowledge. 2 I brought my own expertise when I had been an 3 adjunct, but I have not been able to bring the wide, 4 you know, study that a full-time academic can bring 5 so that they can convey to their students multiple 6 perspectives, not just the way I've done it, but the 7 way many people do that task or take that 8 professional step. And I think that's a crucial 9 difference, and I hate to see the ABA rules 10 incentivizing away from further study, deep study, 11 which is what people are going to law school for. 12 The third thing I'm going to talk about is 13 U.S. News. And I know it seems at times U.S. News 14 is competing with the ABA for the accreditation 15 mantle because some students seem to think of U.S. 16 News as an accrediting body, which, of course, I 17 strongly disagree with, but I will say that U.S. 18 News has uncharacteristically deferred to the ABA in 19 this important area, and it has looked to the ABA's 20 expertise in saying -- and many other times when 21 U.S. News calculates the student/teacher ratio, it 22 only looks at full-time. It doesn't look at -- 23 excuse me. It only looks at tenure level. It 24 doesn't look at full-time, non-tenure. It doesn't 25 look at adjuncts in any way.</p>	<p style="text-align: right;">33</p> <p>1 of the faculty and so we're always glad to work with 2 the Standards Review Committee on this. 3 Thank you. 4 CHAIRMAN POLDEN: Thank you, Professor. 5 Susan Hanley Duncan. 6 MS. DUNCAN: Good afternoon. My name is 7 Susan Duncan, and I represent the Legal Writing 8 Institute, an organization of over 2,000 members, 9 including law professors, attorneys and judges. 10 We previously submitted a letter to the council 11 on this issue, and so I'd like to make just two 12 quick points why the interpretation should not be 13 eliminated: 14 First, I want to join the chorus that we 15 think it's premature; and second, it will undercut 16 transparency and predictability. 17 First, let me address what's premature. 18 It's just too much too soon. We think it's an 19 extreme action without considering the alternatives, 20 such as modifying the formula or looking at what 21 unintended consequences may happen if the 22 interpretation is eliminated. 23 In addition, we don't think there is any 24 real support for the arguments offered by the 25 proponents. We believe that student/faculty ratios</p>

<p style="text-align: right;">34</p> <p>1 relate directly to the quality of education, and 2 little has been offered for how these ratios don't 3 affect the quality, or how legal education will be 4 significantly improved without them. 5 Finally, we know you're about ready to 6 embark on an undertaking to take up output measures, 7 and we believe that these interpretations should 8 remain in effect until you've had an opportunity to 9 look at the output measures and identify what those 10 will be to see how they're implemented and to see if 11 they will be effective, and then talk about 12 eliminating the output measure. 13 The second point that the Legal Writing 14 Institute would like to make is that eliminating the 15 interpretations will cause there to be less 16 predictability. Too much discretion will exist if 17 schools, on their own, can just decide how to report 18 student/faculty ratios. One of the council's stated 19 goals is to increase the transparency, and so 20 eliminating a measurable criteria makes it much more 21 difficult for schools to know if they will be in 22 compliance with 402. 23 And of course, the ratio is not 24 dispositive or the only way to measure compliance, 25 and I don't think anybody is arguing that it is, but</p>	<p style="text-align: right;">36</p> <p>1 deleting these two interpretations in the 2 committee's comment is that the benefits of the 3 interpretation -- of the interpretations are 4 negligible while the costs are considerable. At the 5 very least, the comments filed with the committee 6 and the comments made today indicate emphatically 7 that the benefits are not negligible. At the very 8 least, interpretation 402.1 provides a common 9 methodology of counting. Without it, there will be 10 no consistency across schools, as one of the 11 Standards Review Committee members said in the 12 discussions earlier today in the committee meeting. 13 Without this standard, they can count any way they 14 want. 15 There was also a comment made during the 16 meeting about the fact that schools will sometimes 17 try to argue who can count as full-time, and there's 18 a back and forth with accreditation -- with the site 19 visit team about that, but that's because there is a 20 standard, and without a standard, there will be 21 nothing against which to measure what schools choose 22 in terms of who will count as full-time. 23 Interpretation 402.2 then provides 24 guidance to schools about what is expected, and a 25 measure against which they can compare their own</p>
<p style="text-align: right;">35</p> <p>1 we do think it's an excellent starting point as 2 inquiry, as acknowledged by the Standards Review 3 Committee. 4 So for these reasons and the many others 5 in our letter, we are just asking the Standards 6 Review Committee not to eliminate the 7 interpretations at this time without further study. 8 Thank you. 9 CHAIRMAN POLDEN: Thank you. 10 Professor Carol Chomsky. Is Carol here? 11 PROFESSOR CHOMSKY: Thank you. My name is 12 Carol Chomsky. I'm on the faculty of the University 13 of Minnesota Law School, and I'm here representing 14 the Society of American Law Teachers. 15 Like the others, I want to thank you for 16 the opportunity to comment on the the proposed 17 deletion of interpretations for 401.1 and 401.2. 18 I'm not going to repeat our written 19 comments. I want to focus on just a couple of points 20 necessarily at this stage in the afternoon of 21 comments. It's going to repeat some of what others 22 have said this afternoon, but I hope you will take 23 at as re-enforcing and re-emphasizing, rather than 24 simple repetition. 25 The rationale that's been offered for</p>	<p style="text-align: right;">37</p> <p>1 performance. It was repeated in some of the -- in 2 the committee's comments and again this afternoon at 3 the committee meeting that in recent years schools 4 have not really been in danger of meeting the 5 standard, but that may be precisely because there is 6 a standard, and the idea of removing it now it was 7 instituted, because there were problems with 8 student/faculty ratios, and it seems unwise to 9 remove the standard and presume that everything will 10 remain the same. 11 The comments also demonstrate that the cost of 12 implementing the interpretations will not be 13 alleviated by deleting them. The costs described by 14 the committee are the result of the difficulty of 15 categorizing faculty: Are they full-time or part- 16 time? Do they have substantial duties aside from 17 the traditional faculty responsibilities of 18 teaching, research and service? Are they visitors 19 who are not fully engaged with the life of the law 20 school? 21 But those are costs that will have to be 22 borne anyway because the site visit teams and the 23 self-studies will still have to grapple with those 24 issues in order for the accreditation committee to 25 apply, and the site visit team to apply the overall</p>

<p style="text-align: right;">38</p> <p>1 standard of ensuring that there are sufficient full- 2 time faculty to fulfill the standards and meet the 3 goals of its educational program. 4 Without a mandated counting methodology 5 and presumptive compliance and noncompliance ratios, 6 the job of documenting whether there are sufficient 7 faculty will not be any less burdensome, will not be 8 any less complex, but there will not be a measure 9 against which to start the analysis and the 10 conversation. 11 I want to make a couple of points about 12 additional consequences that would arise from 13 removing the interpretations: The comment from the 14 American Law Deans Association suggests that 15 removing the calculated ratio and the presumptive 16 range for compliance will invite law schools to 17 increase the number of faculty and teaching staff 18 who do not fit the category of full-time faculty on 19 tenured track or its equivalent, including short- 20 term visitors, adjuncts, and clinicians and legal 21 writing teachers who do not fit that category. We 22 see that as a problem. 23 Faculty who are not on tenure track or its 24 equivalent do not -- and I think we all know this 25 from our own experience in our law schools -- often</p>	<p style="text-align: right;">40</p> <p>1 own academies, in our own institutions. Broadly 2 speaking, we don't want to see those consequences 3 play out in our law schools. 4 As Dean Perdue said, if the committee 5 wants to address those issues of security of 6 position and status of faculty and what that means 7 for the quality of legal education, then it should 8 be addressed directly, rather than indirectly by 9 simply removing the interpretation which has such a 10 strong impact on that. 11 If the student/faculty ratio and the 12 presumptive compliance figures are removed as 13 proposed, the result would be to return to a 14 standard that says only that a law school must have 15 sufficient numbers of full-time faculty to satisfy 16 the standards and meet the goals. That removes the 17 one bright line test. It may not be a perfect 18 bright line test. We all know it's not a perfect 19 bright line test, but the Department of Education 20 has been criticizing the accreditation process for 21 failing to have standards that can be consistently 22 applied across law schools, and it seems 23 counterintuitive to remove one of the bright line 24 aspects of the process as it currently stands. 25 The evaluation of whether a school has</p>
<p style="text-align: right;">39</p> <p>1 do not have the status that allows them to 2 participate fully in the governance of the law 3 school and its curriculum. Sometimes they do, but 4 many time, they do not. 5 At this moment in time when the Carnegie 6 Report, the Best Practices Report, the Outcome 7 Measures Committee are promoting a rethinking of our 8 teaching programs and the entire set of 9 accreditation standards and when the Standards 10 Review Committee itself is embarking on an ambitious 11 program to do just that, we need to ensure that law 12 schools have the leadership and the dedication of 13 full-time faculty, who have the long-term commitment 14 to their institutions and the status and security to 15 do the creative work that's necessary to implement 16 that new vision. 17 And we would submit that now is not the 18 time to make a change that threatens to undermine 19 that effort. Many of us see in our own law schools, 20 but particularly in the universities in which many 21 of us teach, the consequences of a movement towards 22 a dependence on more adjuncts, whether full or part- 23 time, more teachers without the long-term 24 connections to their institutions accorded by tenure 25 track status or its equivalent. We see that in our</p>	<p style="text-align: right;">41</p> <p>1 sufficient full-time faculty will then depend to a 2 greater degree on potentially varying attitudes of 3 site visit teams and the skill of law schools in 4 articulating their programs through their self- 5 studies, and there will be a decreased ability to 6 compare schools to each other on that aspect. 7 It will, as another speaker earlier 8 suggested, sacrifice consistency and transparency in 9 favor of flexibility, but a flexibility that may 10 change perhaps drastically the composition of 11 faculties at a time when we need that long-term 12 commitment in order to promote the changes that are 13 being suggested in legal education. 14 The ratio, as articulated in 15 interpretation 402.1, has been criticized as an 16 artificial construct. It is, of course, a construct, 17 as any effort to quantify the contributions of 18 faculty will be in this area. Is the number a 19 perfect representation of the number of faculty it 20 takes to support a law school program? No, but the 21 comments made clear, I think, that it does represent 22 useful information, and removing it entirely is 23 likely to have considerable consequences, both 24 intended and unintended. 25 As part of the comprehensive review of the</p>

<p style="text-align: right;">42</p> <p>1 standards now being undertaken, it makes sense to 2 consider how the ratio will fit into a changed 3 universe of standards. Even absent such about 4 comprehensive review, it is worth further discussion 5 about how the ratio might be changed to reflect -- 6 better reflect the goals of the standards, but we 7 would submit it doesn't make sense to simply remove 8 these interpretations now, given the very real 9 problems that may ensue both for law schools and for 10 the accreditation process. 11 Thank you. 12 CHAIRMAN POLDEN: Thank you. 13 John Sebert. 14 MR. SEBERT: Thank you. I'm John Sebert. 15 I'm currently on leave from the University of 16 Baltimore School of Law to serve as the Executive 17 Director for the Uniform Law Commission, but my 18 comments are my comments alone and do not represent 19 the views of either of those bodies. 20 My comments, though, are based on seven years 21 of up close and personal with the student/faculty 22 ratio: One year as a member of the Accreditation 23 Committee, in 2000 to 2006 as consultant on legal 24 education. 25 The current student/faculty ratio is</p>	<p style="text-align: right;">44</p> <p>1 bases upon which having inadequate faculty size was 2 likely to lead to a school being cited for non- 3 compliance with the standards. 4 It's also, I think, not useful consumer 5 information because of the reasons that I previously 6 said, it's artificial to begin with; what other 7 major reason? It can't reflect -- doesn't reflect 8 the variant teaching loads in law schools. What 9 does the school have, a two and a half course 10 teaching load, a three course teaching load, a four 11 course teaching load? I actually submit that many 12 of the schools that have relatively low 13 student/faculty ratios are schools that have two and 14 a half to two to three course teaching loads over 15 the year. 16 The result is those student/faculty ratios 17 probably overrepresent the teaching resources that 18 are actually available in any year to the students 19 at that school, so I think the student/faculty ratio 20 is broken, and I don't think it's capable of being 21 fixed. I don't think anything that you come up will 22 be artificial, will be unduly susceptible to 23 manipulation, and will essentially be a tool of 24 misinformation. I don't think you can come up with 25 one number that can be usefully used by prospective</p>
<p style="text-align: right;">43</p> <p>1 artificial. It doesn't even come close accurately 2 to reflect the student -- the teaching resources 3 that are available at any particular law school, and 4 particularly not for comparative purposes. It is 5 artificial, because we count some faculty as less 6 than one. It's artificial because we have a low 7 limit on the extent to which other teaching 8 resources may be included in the student/ faculty 9 ratio. 10 Some of those who have spoken before have 11 talked about the student/faculty ratio as being a 12 useful regulatory tool. Not once in the seven years 13 that I was working closely with the Accreditation 14 Committee was the student/faculty ratio in itself a 15 basis for the committee's citing a school for non- 16 compliance with the standards. 17 Instead, what the committee did, and in my 18 view, should do, it looked to see whether there were 19 serious consequences of having what appeared to them 20 to be in an inadequately sized faculty; i.e., 21 inadequate breadth in your upper class curriculum, 22 inadequate skills training and small classroom 23 experiences, all of which are independently required 24 by the standards; excessive reliance on adjuncts for 25 -- particularly for core courses. Those are the</p>	<p style="text-align: right;">45</p> <p>1 students to compare the teaching resources, if 2 that's really what they're looking for, at X school 3 as opposed to Y school. It's not going to happen. 4 So I urge you to continue what you have 5 recommended, to eliminate the interpretations, but 6 also remember, the Questionnaire Committee and the 7 questionnaire require separate reporting of faculty 8 in various categories that are sort of similar to 9 the components of the interpretation. I assume the 10 Questionnaire Committee is not going to change that 11 as long as other parts of the standards don't 12 change, and I would hope that you would not suggest 13 the Questionnaire Committee would change that, 14 because the grid that comes up that's available to 15 the site teams, the Accreditation Committee and that 16 essentially gets published in the official guide 17 showing different compositions of the faculty, full- 18 time, part-time, non- what's it 405(c), all of that 19 is useful information to give a decent picture of 20 the actual composition of the faculty at a 21 particular school. But you're looking for Gideau, 22 if you're going to look for one number that is going 23 to be at all useful comparing teaching resources at 24 the various schools. 25 Good luck in your venture, folks.</p>

<p style="text-align: right;">46</p> <p>1 CHAIRMAN POLDEN: Doug Sylvester. 2 ASSOCIATE DEAN SYLVESTER: Thank you for 3 letting me speak. I apologize for walking in late. 4 My cab driver thought the Hilton Bayside was in 5 Mission Bay, so -- and then he dropped me off at the 6 Hilton Gas Lamp, so it was a bit of a run over here, 7 so thank you for letting me still speak despite 8 walking in so late. 9 One of the good things about going quite 10 late in the queue is you can listen to all of the 11 other comments and incorporate them. One of the bad 12 things is you begin to feel like you're just piling 13 on, and so I get a sense here that many of the 14 things that prior speakers have brought forward are 15 going to be reflected in what I have to say here 16 today. 17 I represent Dean Paul Burman of Arizona 18 State University, the Sandra Day O'Connor College of 19 Law, who wanted to give these comments, but, alas, 20 could not be here in the end, and so on short 21 notice, I've agreed, as the Associate Dean for 22 Faculty Research at ASU, to speak in his place. 23 Dean Burman sent in a letter in the 24 beginning of December outlining most of the reasons 25 why we object or oppose, I guess, the elimination of</p>	<p style="text-align: right;">48</p> <p>1 prospective students, and see how many drop 2 dramatically from the prior interpretation to this 3 new open-ended market oriented way of thinking of 4 student faculty ratios in the future. I think it 5 will be an interesting thing, and I hope the 6 committee does that -- the council does that if it 7 decides to remove these interpretations. 8 So the question is not -- I guess one 9 question that we find a little puzzling as the 10 administration at ASU is the rationale behind not 11 fixing the current rule, for which there may be many 12 objections and there may be many modifications that 13 are worth doing, but, rather, the elimination 14 entirely and the removal of any guidelines or 15 consistency in how schools do report these 16 student/faculty ratios to these prospective 17 students. 18 That's the rationale that I haven't heard 19 much spoken about, how no rule is better than some 20 kind of rule, unless what we do is eliminate 21 Standard 402 entirely and we forbid schools from 22 letting students know what they claim their 23 student/faculty ratio would be. I think that's 24 something the ABA probably would not be allowed to 25 do.</p>
<p style="text-align: right;">47</p> <p>1 these interpretations, and I won't go through those 2 again today. I think, again, they're reflected in 3 most of the comments we've already heard, but I just 4 want to make a few very small points then in support 5 of why we think this is an inappropriate decision to 6 be made to eliminate these interpretations at this 7 time. 8 The first is -- and with all due respect 9 to the prior speaker, it may be absolutely true that 10 student/faculty ratio is an imperfect single number 11 that maybe gives some level of misinformation, but 12 the consequence of eliminating these 13 interpretations, I think we can all agree, is not 14 going to be that suddenly next year schools stop 15 telling students what they think their 16 student/faculty ratio will be, nor do I think grant 17 a lot of credence to those who suggested that the 18 idea of a small student/faculty ratio is preferable 19 but that schools can have a very, very large 20 student/faculty ratio and in no way impact their 21 educational mission. 22 I think it will be a very interesting 23 endeavor that if this interpretation is removed, to 24 take a look at the student/faculty ratios, which I 25 think schools will still be reporting to their</p>	<p style="text-align: right;">49</p> <p>1 So that becomes the problem: Since schools are 2 going to continue to report these numbers, do we owe 3 prospective students some level of consistency, some 4 methodology by which we know one school's 20 to one 5 is similar to another school's 20 to one, flawed as 6 it may be in a sort of nirvana fallacy perfection 7 over the good? 8 So the question then is not whether or not 9 student/faculty ratio is a perfect number, the 10 question then turns in a number of the comments to 11 whether or not the current interpretation is a 12 perfect interpretation, and we, of course, think 13 that can't be right. And I think, again, with 14 respect to all the other speakers, the council has a 15 very difficult job in coming up with the perfect 16 methodology for determining student/faculty ratios. 17 But one of the questions that's been 18 raised is whether this current methodology is 19 somehow a stealth rule to force deans to give 20 clinical faculty and research and writing faculty 21 tenure or its equivalent status. This is an attempt 22 to punish those schools that don't do that, and it 23 seems to me that the burden is on those seeking to 24 remove the interpretation to prove their case that 25 there is no other value in trying to differentiate</p>

50	<p>1 between full-time faculty with long-term job 2 security, and those faculty who do not have that. 3 And I think there are many reasons, and 4 again many that have already been said here today, 5 for believing very strongly that individuals who are 6 fully committed to an institution, whose careers are 7 long-term, part of this institution, may be 8 reasonably expected to bring more to the table, to 9 be thinking more of the educational mission of the 10 institution, rather than is my contract going to be 11 renewed next year, where am I going to be working in 12 two years? 13 I think that there is a good reason for 14 believing that individuals who have long-term job 15 security may be worth more in terms of the 16 educational mission than those individuals who are 17 on short-term contracts. 18 And so in the end to repeat what Dean 19 Burman has suggested in his letter, that adopting 20 the current recommendation without any substitute 21 would render the ratio a meaningless, standardless 22 mechanism subject to the vagaries that each school 23 takes for self-promotion and will leave students 24 without any meaningful way of knowing whether a 25 school's self-reported numbers represent anything</p>	52
51	<p>1 relating to students and faculty. 2 And for all these reasons, we at the 3 Arizona State University urge the council to keep 4 the current interpretation, maybe try and fix it, 5 but at the very lease, don't remove it entirely. 6 Thank you very much. 7 CHAIRMAN POLDEN: Thank you very much, 8 Dean Sylvester. 9 Professor Ralph Brill. 10 PROFESSOR BRILL: I'll waive. 11 CHAIRMAN POLDEN: Pardon me? 12 PROFESSOR BRILL: I'll waive my comment. 13 It's been stated very well by Professor Chomsky. 14 CHAIRMAN POLDEN: Well, that concludes our 15 remarks here today. On behalf of the committee 16 members, most of whom are in the audience with you, 17 I want to thank you all of you that are here, 18 certainly here expressing an interest in this 19 subject, and for those who participated through 20 their public comments, I assure you that they're 21 important to us, and we've listened carefully, we've 22 read the materials you've submitted carefully, and 23 we'll take these matters up quickly. 24 Thank you. We're adjourned. 25 (Whereupon, at 4:20 p.m., the proceedings were</p>	53

1 adjourned.)
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