

**AMERICAN BAR ASSOCIATION  
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**PROPOSED SECTION BYLAWS**

**(Approved by Section Council  
August 7, 2010)**

**ARTICLE I**

**NAME, PURPOSES**

**Section 1. Name.**

This section shall be known as the Section of Legal Education and Admissions to the Bar and herein referred to as the "Section."

**Section 2. Purposes.**

The purposes of this Section as stated in its Mission Statement are:

to be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions,

to provide a fair, effective, and efficient accrediting system for American law schools,

to serve, through its Council, as the nationally recognized accrediting body for American law schools.

In particular the Section through its Council shall:

(a) establish standards and procedures to be met and observed by law schools in obtaining and retaining the approval of the Council, which standards and procedures shall be publicly available;

(b) receive and process applications of law schools for provisional or full approval, grant or deny such applications, and withdraw, suspend or terminate approval of law schools;

(c) consider policies and resolutions referred to it by the Board of Governors or the House of Delegates;

(d) study and make recommendations in cooperation with the National Conference of Bar Examiners, the Conference of Chief Justices and bar admissions authorities for the improvement of the bar admission process; and

(e) foster close cooperation among legal educators, practitioners, judges and law students through workshops, conferences and publications.

## **ARTICLE II**

### **MEMBERSHIP**

#### **Section 1. Members.**

(a) Any member of the Association in good standing shall be a member of the Section upon request to the Secretary of the Association and the payment of the annual Section dues.

(b) Any member of the Law Student Division of the Association in good standing shall be enrolled as a Law Student Division member of the Section upon request to the Secretary of the Association and the payment of the annual Section dues applicable to members of the Law Student Division. Law Student Division members shall not be eligible to vote or serve as officers, but shall have the privilege of the floor at Section meetings, including the privilege to make motions and present resolutions, and shall receive Section publications on the same basis as lawyer members of the Section.

(c) Any individual who is an associate of the Association, upon payment of the dues as provided for Associates of the Section, shall be enrolled as an Associate of the Section. The privileges of Associates shall be prescribed by the Bylaws of the Association and by guidelines adopted by the Board of Governors.

#### **Section 2. Dues.**

Upon recommendation of the Council, and, where necessary, approval of the Board of Governors, the Section may establish the amount of the annual dues to the Section for continued membership in the Section.

#### **Section 3. Termination of Membership.**

Any member of the Section whose annual Section dues are more than six months past due shall cease to be a member of the Section. Any person who ceases to be a member of the Association shall also cease to be a member of the Section.

## **ARTICLE III**

### **SECTION MEETINGS**

#### **Section 1. Annual Meeting.**

The Section shall meet immediately before or during the Annual Meeting of the Association, in the same city or place as the Annual Meeting of the Association, with such agenda, program and order of business as the Council or the Chairperson with the approval of the Council may arrange.

#### **Section 2. Special Meetings.**

The Section may hold other meetings of its membership during the year, provided that the Board of Governors approves the times and places of other meetings.

### **Section 3. Quorum.**

The members of the Section present at a meeting of the membership shall constitute a quorum for the transaction of business.

### **Section 4. Agenda.**

The agenda of the annual meeting of the membership shall consist of the election of officers and members of the Council, the annual report of the Consultant, and such other matters as the Chairperson of the Section or the Council deems appropriate. The agenda shall be published on the Section's website by July 15. The agenda of a special meeting of the membership shall consist of those matters that the Chairperson of the Section or the Council deems appropriate and of which notice has been given by publication on the Section's website at least ten (10) business days before the date of the special meeting.

### **Section 5. Voting.**

Voting and privilege of the floor at any meeting of the Section is limited to Section members recorded 45 days prior to the meeting. The Secretary shall make this official membership roster open for inspection at any meeting to which it is applicable. All substantive action of the Section shall be by a majority vote of the members present and voting at a duly called meeting, except in those cases in which a referendum by mail ballot may be authorized by the Council pursuant to Article IV, Section (1)(e).

### **Section 6. Parliamentary Authority.**

The Chairperson shall preside at all meetings of the Section. The conduct of the meetings shall in general conform to these Bylaws and to Robert's Rules of Order.

### **Section 7. Notice**

Unless otherwise specified in these Bylaws, all notices required or permitted in the Bylaws may be by written notice, e-mail, or other manner of electronic communication and/or publication on the Section website, as the Council may direct.

## **ARTICLE IV**

### **COUNCIL**

#### **Section 1. Powers and Functions.**

(a) The Council shall be vested with the powers and duties necessary for the administration of the business of the Section. It shall authorize all commitments for expenditures of Section monies.

(b) The Council shall develop separate budgets for the Accreditation of Law Schools Project and for other activities of the Section. The Accreditation Project budget will not be subject to review of, approval by, or consultation with the Board of Governors of the Association or any other entity outside the Section. The budget for the activities of the Section other than the Accreditation Project will be subject to the Association's regular budget process. With respect to those activities other than the Accreditation Project, the Council shall not authorize commitments for expenditures in a fiscal year

that would exceed the income and reserves of the Section for that fiscal year without approval of the Board of Governors.

(c) The Council is authorized to establish and organize committees and other entities. The Council shall establish an appropriate chain of responsibility for any committee or entity that it creates. No Section committee or other entity shall have authority to speak for the Section unless specifically authorized by these Bylaws or by the Council.

(d) Between meetings of the membership, the Council shall have authority to conduct the business of the Section. The Council shall report to the membership of the Section at each annual meeting any actions taken pursuant to this subsection since the last meeting of the membership of the Section.

(e) The Council may direct a referendum by mail or electronic ballot of Section members as defined in Article III, Section 5. A majority of the votes cast in the referendum shall determine the policy of the Section with respect to the question submitted. Such referendum shall be conducted according to rules established by the Council and the results shall be certified by the Secretary.

(f) At appropriate times, as determined by the Section Officers Conference, the Council is authorized to submit a nomination for a Section member-at-large of the Board of Governors. Notice of an opening for this position and the procedure to be followed for submitting nominations shall be published on the Section website at least sixty (60) days before the Council decides on the nominee. The selection of the nominee shall be made by the Council with due regard for the eligibility requirements for election to the Board of Governors.

### **Section 2. Qualifications of Members of the Council.**

Members of the Council of the Section shall be chosen without reference to their race, color, creed, gender, age, disability, sexual orientation or national origin. Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education or admission to the bar and whose participation is likely to be guided by the interests of the public and by the high standards of the legal profession, rather than any personal interest. Members of the Council (with the exception of public members) shall be members of the Section.

### **Section 3. Composition.**

The Council shall be composed of the following voting members: the Officers of the Section; fifteen members-at-large, who shall include public members whose qualifications and election are consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools; and a representative of the Law Student Division to be selected for nomination by the Nominating Committee from a slate of three nominees recommended to the Section by the Law Student Division no later than May 1 of each year. The Council shall include legal educators, practitioners, members of the judiciary, and representatives of the public. No more than fifty percent of the voting members of the Council may be persons

whose current primary professional employment is as a law school dean, faculty or staff member.

#### **Section 4. Terms.**

The term of a member-at-large is three Association years beginning with the adjournment of the Annual Meeting during which the member is elected. The terms of at least one-third of the members-at-large shall expire each year. No member-at-large may serve more than two successive three-year terms in that capacity or more than a total of six years as a member-at-large. Members may, however, be elected to serve additional terms as Officers.

#### **Section 5. Meetings.**

(a) The Council shall hold at least one regular meeting each year at the time and place of the Annual Meeting of the Association. The Chairperson may call other regular meetings of the Council at times and places determined by the Chairperson. The Chairperson shall, upon request of five members of the Council, call special meetings of the Council between annual meetings. Meetings of the Council other than the meeting at the Annual Meeting of the Association may be held by means of telecommunications which permit direct communication among all members participating. Subject to consent of the Chairperson, and when good cause prevents in-person participation, individual members of the Council may participate in meetings of the Council by means of telecommunications.

(b) There shall be neither absentee nor proxy voting.

(c) If a meeting of the Council is not feasible, the Chairperson of the Section shall, upon the written request of five members of the Council, submit in writing to each of the members of the Council any item upon which the Council may be authorized to act. The members of the Council may vote upon the proposition either by written or electronic ballot or by telephone vote, confirmed in writing, to the Secretary of the Section who shall record the proposition and votes on the matter.

#### **Section 6. Compensation.**

No salary or compensation for services shall be paid to any Officer, member of the Council, or member of any committee, except as may be specifically authorized by the Board of Governors.

#### **Section 7. Vacancies.**

If any member of the Council shall fail to attend two successive meetings of the Council, the member's seat on the Council shall be automatically vacated unless he or she is excused for good cause by action of the Executive Committee. If there is a vacancy in the position of a member-at-large the vacancy shall be filled by the Council from one or more nominations received from the Nominating Committee (See Article VIII). Members so elected shall serve the remainder of the term for which their predecessors were elected. In the case of a vacancy in the position of the Law Student Division representative, the Council may request the Law Student Division to propose another representative.

**Section 8. Liaisons from Other Association Entities.**

The Council shall permit a duly designated representative from the Young Lawyers Division and the Board of Governors to attend meetings of the Council in open and closed session and to have the privileges of the floor at such meetings. Such liaison representatives are not entitled to vote. Attendance at a closed session dealing with accreditation matters is limited to Council members and Section Delegates and those determined by the Council to be necessary for the conduct of its business. Attendance at other closed sessions may include the duly designated representative from the Young Lawyers Division and the Board of Governors. No liaisons appointed by other ABA entities may attend closed sessions of the Council.

**ARTICLE V**

**OFFICERS**

**Section 1. Officers.**

The Officers of the Section shall be the Chairperson, the Chairperson-Elect, the Vice-Chairperson, the Secretary, and the Immediate Past Chairperson of the Section.

**Section 2. Chairperson.**

The Chairperson shall:

- (a) preside at all meetings of the members of the Section and of the Council;
- (b) appoint the chairperson and members of all committees of the Section who are to be appointed during his or her term as Chairperson;
- (c) plan the program of the Section during his or her term, subject to the directions and approval of the Council;
- (d) oversee the performance of all activities of the Section;
- (e) keep the Council informed of the activities of the Section and oversee the implementation of its decisions;
- (f) communicate on a regular basis with the Consultant and serve as the Consultant's immediate supervisor; and
- (g) perform such other duties and acts as usually pertain to the office of Chairperson or as may be designated by the Council.

**Section 3. Chairperson-Elect.**

The Chairperson-Elect shall:

- (a) aid the Chairperson in the performance of the Chairperson's responsibilities in the manner and to the extent as the Chairperson may request;
- (b) preside at meetings of the Section and the Council in the absence of the Chairperson; and
- (c) perform the duties and have the powers that usually pertain to the office or as may be designated by the Council or the Chairperson.
- (d) In case of the death, resignation, or disability of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or disability.

**Section 4. Vice-Chairperson.**

The Vice-Chairperson shall:

- (a) aid the Chairperson in the performance of the responsibilities of the office of Chairperson in the manner and to the extent the Chairperson may request; and
- (b) preside at meetings of the Section and the Council in the absence of the Chairperson and Chairperson-Elect.

**Section 5. Secretary.**

The Secretary shall:

- (a) consult with and assist the other Officers of the Section in the work of the Section in the manner and to the extent requested;
- (b) be the liaison between the Section and the Association staff with respect to the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section; and
- (c) supervise the keeping of a true record of the proceedings of all meetings of the Section and of the Council.
- (d) confirm the eligibility of those nominated by petition.

**Section 6. Terms.**

- (a) The term of the Chairperson, Chairperson-Elect and the Vice-Chairperson is one Association year, beginning with the adjournment of the Annual Meeting of the Association during which he or she is elected.
- (b) The Secretary shall serve a two-year term beginning with the adjournment of the Annual Meeting of the Association during which he or she is elected. A Secretary may serve no more than two terms as Secretary.
- (c) The Chairperson shall not be eligible for re-election as Chairperson or Chairperson-Elect. The Chairperson-Elect becomes the Chairperson upon the

adjournment of the next Annual Meeting of the Association after he or she was elected Chairperson-Elect and is not again eligible for either office.

(d) The Immediate Past Chairperson shall serve a term of one year after expiration of his or her term as Chairperson.

**Section 7. Vacancies.**

The office of an Officer who fails to attend two successive meetings of the Council shall be automatically vacated unless the officer is excused for good cause by action of the Executive Committee. The Council, between annual meetings of the Section, may fill vacancies in the office of Chairperson-Elect, Vice-Chairperson or Secretary. Officers so elected shall serve until the adjournment of the next Annual Meeting of the Association, except a person elected as secretary who shall serve the remainder of the term of his or her predecessor. In the event of a vacancy in the position of Immediate Past Chairperson, that position shall not be filled.

**Section 8. Consultant.**

The Council of the Section shall employ a Consultant on Legal Education to the American Bar Association, who shall be responsible to the Council, and shall perform such duties relating to the business of the Council as shall be prescribed by the Chairperson and the Council and shall assist the Officers and Council in furthering the work of the Section and of the Association. The Consultant shall supervise all staff employees of the Section.

**ARTICLE VI**

**EXECUTIVE COMMITTEE**

**Section 1. Membership.**

There shall be an Executive Committee of the Council comprised of the Officers and two members-at-large. The Chairperson of the Section shall appoint the members-at-large to serve on the Executive Committee for a one-year term beginning at the adjournment of the annual meeting at which the Chairperson is elected. The membership of the Executive Committee should include practitioners, members of the judiciary, and at least two legal educators.

**Section 2. Duties.**

The Executive Committee shall act on behalf of the Council concerning any matters that require action before the next meeting of the Council and shall have such duties as prescribed by the Council. The Executive Committee may not:

- (1) elect, appoint, or remove members of the Council or fill vacancies on the Council or any of its committees;
- (2) adopt, amend, or repeal the Bylaws; or
- (3) approve any action with respect to an accreditation matter, including variances or waivers of accreditation standards or rules.

**Section 3. Notice and Actions.**

Each member of the Executive Committee shall receive notice of the meetings of the Committee. A vote of a majority of the total members of the Executive Committee shall be necessary for Executive Committee action. The Chairperson of the Section shall timely report the actions of the Executive Committee to the Council.

**ARTICLE VII**

**SECTION DELEGATES**

**Section 1. General.**

The Section Delegates shall represent the Section in the House of Delegates. At appropriate times, as determined by the Section Officers Conference, the Section Delegate so designated by the Council shall serve on the Nominating Committee of the House of Delegates.

**Section 2. Eligibility.**

To be eligible for the position of Section Delegate, a person must have served as a member-at-large on the Council. The term of a Section Delegate is three Association years beginning with the adjournment of the Annual Meeting of the Association during which the Delegate is elected. A Section Delegate may serve no more than two consecutive terms or more than a total of six years in this capacity for the Section. The terms of the Section Delegates shall be staggered.

**Section 3. Vacancies.**

If a Section Delegate fails to attend two successive regular meetings of the Council and/or two successive meetings of the House of Delegates, the position shall be automatically vacated unless the Delegate is excused for good cause by action of the Executive Committee. In the event of the absence or inability of a Section Delegate to serve, the Council shall appoint an individual to serve the remainder of the vacated term.

**Section 4. Voting.**

Section Delegates are entitled to attend meetings of the Council in open and closed session and to have the privileges of the floor at such meetings. Section Delegates are not entitled to vote at meetings of the Council.

**ARTICLE VIII**

**NOMINATING COMMITTEE**

**Section 1. Membership, Terms, and Qualifications.**

The Nominating Committee shall consist of eight members. Six members of the Committee shall be appointed by the Chairperson of the Section from the Section membership and shall serve one three-year term. The terms of one-third of the

appointed members shall expire every year. Each Immediate Past Chairperson of the Section shall serve a two-year term on the Nominating Committee and shall act as Chairperson of the Nominating Committee in the second year of his or her term on the Committee. Membership on the Committee should include legal educators, practitioners and members of the judiciary. Terms commence at the adjournment of the Annual Meeting of the Association.

### **Section 2. Nominations for General Elections.**

The Consultant shall solicit nominations from the membership of the Section to fill vacancies on the Council. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election as provided in these Bylaws. The Nominating Committee shall report the identity of each nominee and shall include a brief statement of his or her activities in the Section, in legal education, and in the legal profession. The Nominating Committee shall submit its report to Section members no later than May 1. The report may be submitted to Section members by written notice, by e-mail or other digital communication, and/or publication on the Section website, as the Council may direct.

### **Section 3. Nominations for Filling Vacancies.**

If there is a vacancy in a member-at-large position on the Council, the Nominating Committee shall provide the Council with one or more names of persons to serve the remainder of the unexpired term (see Article IV, Section 7).

## **ARTICLE IX**

### **ELECTION OF OFFICERS, COUNCIL MEMBERS, LAW STUDENT DIVISION REPRESENTATIVE, AND SECTION DELEGATES**

#### **Section 1. Election.**

Elections shall be held at the Annual Meeting of the Association. The seats of members-at-large shall be designated as legal educators, other legal professionals or public seats so as to cause the composition of the Council to comply with the provisions of Article IV, Section 3, and nominees must be qualified for the seat as so designated. Elections for positions for which there is more than one nominee shall be by written ballot, and each such position shall be voted upon separately. Election shall be by majority of the votes cast. If there are more than two candidates for a single office and no one of them receives a majority of the votes cast then there shall be a second ballot between the two candidates having the greatest number of votes on the first ballot. In the case of nominees of the Nominating Committee who are unopposed, election to fill such positions may be by voice vote.

#### **Section 2. Petition.**

One or more additional nominations may be made for any designated seat on the Council, including officers of the Council (except Chairperson, Immediate Past Chairperson, and representative of the Young Lawyers Division), by petition signed by not less than 50 members of the Section in good standing, not more than 10 of whom are residents of any one state. A person so nominated shall be called the "petitioner".

The petition shall specify which nominee the petitioner is challenging and shall state that the petitioner has agreed to the nomination and meets the criteria for the position being sought. The petition shall be delivered in person or by mail to the Section Office at the Association headquarters and must be received no later than June 1. The Secretary shall thereupon confirm that such individual is eligible to serve if elected.

**Section 3. Notice.**

The Chairperson shall announce the nominees for the offices of Chairperson-Elect, Vice-Chairperson, Secretary, Section Delegate, Law Student Division representative, and members-at-large of the Council. If additional nominations are made pursuant to Article X, Section 2, the Chairperson shall distribute to the membership a final notice of nominations as soon as practical but no later than July 15.

**ARTICLE X**

**COMMITTEES**

**Section 1. Standing Committees.**

The Section shall have the following standing committees:

**(a) Accreditation Committee.**

The Accreditation Committee shall act on matters relating to the accreditation of law schools. The Accreditation Committee shall include legal educators, practitioners, members of the judiciary, and public members. No more than fifty percent of the voting members of the Committee may be persons whose current primary professional employment is as a law school dean, faculty or staff member. A person may not serve simultaneously as a member of the Accreditation Committee and as a member of the Council. Accreditation Committee members must be guided by the interest of the public and by the standards of the legal profession.

The Chairperson of the Section shall appoint the members and chairperson of the Committee. Members shall serve two-year staggered terms. The chairperson shall serve a one-year term, renewable for a second year. Members shall not serve more than three terms, except that a person serving as chairperson of the Committee may serve up to eight years on the Committee. If five or more members of the Committee would otherwise be required to leave in a single year, the Chairperson of the Section may extend for an additional year the terms of up to three members whose terms are expiring.

Public members of the Committee shall include such number of representatives of the public as to bring the Committee into compliance with applicable regulations of the United States Department of Education with respect to recognition of the Council (see Article IV, Section 3).

**(b) Standards Review Committee.**

The Standards Review Committee shall conduct an ongoing review of the Standards for Approval of Law Schools, the Interpretations of the Standards and Rules

of Procedures for Approval of Law Schools, propose amendments and revisions thereto, solicit comments and conduct public hearings on proposed Standards, Interpretations and Rules, and make recommendations to the Council.

The Chairperson of the Section shall appoint the members and the chairperson of the Committee. Members shall serve two-year staggered terms. The chairperson shall serve a one-year term, renewable for a second year. In extraordinary circumstances, the Council may authorize a third one-year term for the chairperson of the Committee. Members shall not serve more than three terms except that a person serving as chairperson of the Committee may serve up to eight years on the Committee. The Standards Review Committee shall include legal educators, practitioners and members of the judiciary and may include public members. A person may not serve simultaneously as a member of the Council and as a member of the Standards Review Committee. The Standards Review Committee is an “accreditation-related” committee

**(c) Governance Committee.**

The Governance Committee shall be responsible for interpretation of and compliance with these Bylaws and shall serve as the Section’s grievance committee. The Council shall prescribe the duties of the Governance Committee.

The Chairperson of the Section shall appoint the members of the Governance Committee, who shall serve two-year staggered terms. The chairperson of the Governance Committee shall serve a one-year term, renewable for a second year. Members shall not serve more than three terms except that a person serving as chairperson of the Committee may serve up to eight years on the Committee.

**(d) Finance Committee.**

The Finance Committee shall have responsibility for overseeing the financial affairs of the Section, including the preparation of budgets and reporting to the Council on budget and Section financial matters. The Chairperson of the Section shall appoint its members, who shall serve two-year staggered terms. The chairperson of the Committee shall serve a one-year term, renewable for a second year. Members of the Finance Committee shall not serve more than three terms except that a person serving as chairperson of the Committee may serve up to eight years on the Committee. The development of the Section’s accreditation budget is an “accreditation-related” activity.

**Section 2. Regular Committees.**

In addition to Standing Committees, the Section may have such regular committees as created from time to time by the Council. The Chairperson of the Section shall appoint the members of the regular committees for two-year terms. Members may serve up to three terms on any regular committee. The Chairperson of the Section shall appoint the chairpersons of regular committees for one-year terms. The chairperson may serve a second term as chair of any regular committee.

**Section 3. Special Committees.**

The Chairperson of the Section may create such special committees and task forces to serve the purposes of the Section. The term of members of a Special Committee shall be one year unless reappointed.

## **ARTICLE XI**

### **REPRESENTATION OF ASSOCIATION POSITION**

To be deemed an action by the American Bar Association, action by the Section must be approved by the House of Delegates or by the Board of Governors before the action can be effective. On request of the Council or the Section, the Chairperson or Section Delegate shall report any resolution or recommendation adopted or action taken by the Council or the members of the Section to the House of Delegates or to the Board of Governors for action by the Association. This Article shall not apply to the adoption and revision of Standards, Interpretations of the Standards and the Rules of Procedure for Approval of Law Schools or to any actions or decisions related to the Accreditation Project.

## **ARTICLE XII**

### **AMENDMENTS**

#### **Section 1. Method of Proposing an Amendment.**

The Council may propose amendments to these Bylaws. Any member of the Section may propose an amendment to these Bylaws by submitting the proposed amendment and a statement of its purposes to the Secretary, who shall transmit the proposed amendment and the statement of purposes to the Governance Committee. The Governance Committee shall report its recommendation on the proposed amendment to the Council which shall consider the recommendation at the next Council meeting held 30 or more days thereafter. By majority vote the Council shall submit to the Section at the annual meeting such proposed amendments of the Bylaws, as it deems appropriate. Notice of proposed amendments shall be given to Section members by written notice, by e-mail or other means of electronic communication and/or publication on the Section website, as the Council may direct. If any amendment proposed by a member as described above is not reported favorably by the Council of the Section, the amendment shall be submitted to the Section membership at the following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary no later than June 1 following the unfavorable report by the Council.

#### **Section 2. Adoption of an Amendment.**

The Section may consider only those amendments to the Bylaws that are submitted to it by the procedures described in Article XII, Section 1. Such proposed amendments shall be submitted to a vote of the members of the Section present at the annual meeting of the Section and may be adopted by majority affirmative vote of the members of the Section present and voting. Amendments so adopted shall become effective upon approval of the Board of Governors.