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Accreditation Revisited: ABA Reexamination of Approved Law Schools

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ACCREDITATION REVISITED: ABA REEXAMINATION OF APPROVED LAW SCHOOLS

STEVEN R. SMITH†

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I. THE PROBLEMS OF ACCREDITATION

The admission of applicants to the practice of law is a socially important process. It should ensure that qualified attorneys are available to the public and that unqualified applicants are not admitted to practice. In most states, the bar examination and the character and fitness investigation are designed to prevent the licensing of unqualified applicants. The primary screening mechanism in the bar admissions process, however, is graduation from law school. Virtually all states require that applicants for admission to the bar graduate from a law school. Generally, the applicant must have graduated from a law school accredited by the American Bar Association.¹

The accreditation process of the ABA is meant to compel law schools to maintain minimal academic quality. After a law school is initially approved, it is periodically reviewed to ensure that the level of quality that justified accreditation is maintained.

To justify the reliance which is placed on accredited legal education in determining who should be admitted to the bar, the ABA must be able to reasonably ensure that accredited law schools are following the accreditation Standards. The current system of reinspection of approved law schools does not, however, appear to ensure continued compliance with the Standards. The process should be modified if reliance on ABA accreditation is to continue to be justified.

II. FUNCTIONS OF ACCREDITATION

The American Bar Association accreditation process serves a number of functions. The primary purpose identified by the ABA is to increase the quality of legal services available to the public by improving the legal education of applicants for admission to the bar.² The quality of legal education is established by requiring adherence to the ABA Standards, by requiring approved law schools to exceed these standards, and by requiring law schools to periodically engage in self-studies. The accreditation process also serves several other functions: protecting law students and prospective law students, assuring governmental agencies and others providing financial support to law schools that they are not financing grossly inadequate legal education, pro-

1. The ABA uses the term "approval" rather than "accreditation." The terms are used here interchangeably.

2. BYLAWS OF THE SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR OF THE AMERICAN BAR ASSOCIATION, art. 1, § 3 (approved by the House of Delegates of the ABA in Feb. 1961); AMERICAN BAR ASSOCIATION, APPROVAL OF LAW SCHOOLS: AMERICAN BAR ASSOCIATION STANDARDS AND RULES OF PROCEDURE v (1979) (citations omitted). See generally W. SELDEN & H. PORTER, ACCREDITATION AND THE PUBLIC INTEREST 6-8 (1977). The ABA Standards for the Approval of Law Schools will herein be referred to as Standard or Standards, and the ABA Rules of Procedure for the Approval of Law Schools will herein be referred to as Rule or Rules.

moting the legal profession's interest in sound legal education and legal scholarship, protecting current and prospective law school faculty members, and informing universities and other academic institutions of the quality of their law schools.

A. *Licensing and Admission to the Bar*

The limitations a bar examination has for fully testing many of the skills a lawyer must possess were recognized by the American Bar Association in 1921, when it suggested that every applicant for the bar should be required to graduate from a law school as well as pass a bar examination.³ The ABA's recommendation that only graduates of law schools be permitted to take the bar exam has been generally adopted so that now the vast majority of states require law school graduation for admission to the bar.⁴

Requiring a law school education prior to a bar exam implies that there will be some standards and procedures for determining what constitutes a law school and proper legal education. Without formal standards and procedures, anyone willing to pay for a "certificate" from a law school could claim the right to take the bar examination. Allowing the graduates from such "diploma mills," individuals who have not had proper legal training, to take the bar examination or be admitted to the bar would not serve to enhance the legal services

3. 46 ABA REPORTS 37-47, 657-88 (1921). The history of the efforts to involve the organized bar in the struggle to improve legal education is analyzed in L. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 525-66 (1973). See generally A. HARNO, *LEGAL EDUCATION IN THE UNITED STATES* (1953); W. JOHNSON, *SCHOOLED LAWYERS: A STUDY IN THE CLASH OF PROFESSIONAL CULTURES* (1978). See also Auerbach, *Enmity and Amity: Law Teachers and Practitioners, 1900-1922*, in *LAW IN AMERICAN HISTORY* 549, 588-601 (D. Fleming & B. Bailyn eds. 1971); Stevens, *Two Cheers for 1870: The American Law School*, in *LAW IN AMERICAN HISTORY*, *supra*, at 449-64; Fossum, *Law School Accreditation Standards and the Structure of American Legal Education*, 1978 AM. B. FOUNDATION RESEARCH J. 515, 517-22; Parsons, *Accreditation in Legal Education and in Education for Librarianship, 1878-1961*, 68 L. LIB. J. 137, 138-45 (1975).

There have been some suggestions that the adoption of the legal education requirement was not solely a result of an altruistic desire to improve the quality of the bar. The following have been identified as reasons for the support for accredited legal education as a prerequisite for admission to the bar: (1) The desire to limit the number of ethnic minorities admitted to the bar. See W. JOHNSON, *supra*, at 155; Auerbach, *supra*, at 588-601; Stevens, *supra*, at 463. (2) The campaign to eliminate part-time and proprietary law schools. See Fossum, *supra*, at 518-21. (3) The effort by the elite law schools of the Association of American Law Schools (AALS) to drive out less intellectually oriented schools. See Stevens, *supra*, at 457-62, 481-504. (4) The economic incentive to limit competition by reducing the number of attorneys. See W. JOHNSON, *supra*, at 155; Fossum, *supra*, at 517.

4. See AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES—FALL 1978* 69-81 (1979) [hereinafter *REVIEW OF LEGAL EDUCATION*]; F. KLEIN, S. LELEIKO & J. MAVITY, *BAR ADMISSION RULES AND STUDENT PRACTICE RULES* 12-21 (1978); Fossum, *supra* note 3, at 521-22.

available to the public. The law school education prerequisite for practicing law, therefore, requires some system of accreditation which will ensure that students receive a satisfactory education. Generally, an applicant for admission to the bar must have graduated from an ABA approved school.⁵ Thus, the ABA system of accreditation is used to assure bar examiners, and ultimately the public, that the legal education of applicants is adequate.

A number of the accreditation Standards deal directly with the education of law students: the curriculum of a law school must be

5. See REVIEW OF LEGAL EDUCATION, *supra* note 4, at 69-81.

A number of states require graduation from an ABA approved law school, but will permit admission of graduates from some unaccredited law schools if the graduate can demonstrate receipt of an adequate legal education. *Id.*

Courts which require graduation from ABA approved schools have been reluctant to approve exceptions. The Florida court allowed a minor exception, based on the proximity of law school graduation to the school receiving accreditation. See *In re Eisensohn*, 272 So. 2d 486 (Fla. 1973). The Nevada court has allowed several exceptions to the ABA approved school rule. The exceptions are described in detail in *In re Nort*, 96 Nev. 26, 605 P.2d 627 (1980).

The potential difficulties which a court may create by permitting exceptions to an ABA approved law school graduation requirement are illustrated by *Brown v. Supreme Court of Nevada*, 476 F. Supp. 86 (D. Nev. 1979) ("arbitrarily and capriciously" exercised discretionary waiver of Rule violative of due process). The Nevada court, since *Brown*, has tried to explain the basis of the exceptions it has granted, apparently in an effort to avoid constitutional problems in the future. See *In re Nort*, 96 Nev. 26, 605 P.2d 627 (1980). In *Hickey v. District of Columbia Court of Appeals*, 457 F. Supp. 584 (D.D.C. 1978), the court suggested that disparity of treatment of graduates from unaccredited law schools may be a denial of equal protection. *Id.* 588.

A number of courts have refused to grant exceptions to the ABA approved law school rule. See, e.g., *In re Klein*, 259 So. 2d 144 (Fla. 1972); *In re Hansen*, 275 N.W.2d 790 (Minn. 1978); *In re Schelz*, 80 Wash. 2d 604, 497 P.2d 153 (1972). The Pennsylvania court recently issued one of the most ringing endorsements of the ABA approved law school rule:

No rule, principle, or doctrine is more firmly established in this Court's jurisprudence than the requirement of graduation from an A.B.A. approved law school as a prerequisite for admission to the Pennsylvania Bar. . . . It has long been the practice of this Court to rely on the professional judgment and expertise of the American Bar Association in judging the quality of the legal education provided by America's legal institutions.

In re Kartorie, 486 Pa. 500, 502, 406 A.2d 746, 747 (1979).

Applicants for admission have also made constitutional attacks, usually based on fourteenth amendment grounds. See, e.g., *Santos v. Alaska Bar Ass'n*, 618 F.2d 575 (9th Cir. 1980); *Donnelly v. Boston College*, 558 F.2d 634 (1st Cir.) (per curiam), *cert. denied*, 434 U.S. 987 (1977); *Lombardi v. Tauro*, 470 F.2d 798 (1st Cir. 1972), *cert. denied*, 412 U.S. 919 (1973); *Hackin v. Lockwood*, 361 F.2d 499 (9th Cir. 1966); *Murphy v. State Board of Law Examiners*, 429 F. Supp. 16 (E.D. Pa. 1977); *Ostroff v. New Jersey Supreme Court*, 415 F. Supp. 326 (D.N.J. 1975), *aff'd mem.*, 546 F.2d 418 (3d Cir. 1976). In at least one instance, a federal court, in a decision vacated for lack of jurisdiction, did find a denial of due process in the delegation to the ABA of the power to approve law schools without providing applicants from non-ABA schools an opportunity to show that their law schools complied with the accreditation criteria. See *Rossiter v. State Board of Examiners*, No. C-4767 (D. Colo. June 12, 1973), *vacated for lack of juris. & removed*, No. 73-1649 (10th Cir. Jan. 10, 1974), *rehearing*, No. 6-4767 (D. Colo. Aug. 26, 1975).

designed to qualify graduates for admission to the bar and to prepare them to deal with the legal problems of the present and the anticipated problems of the future;⁶ a law school must also offer instruction in the basic legal courses, training in professional skills (such as legal drafting, counseling, and trial and appellate advocacy) and professional responsibility;⁷ students are required to spend the equivalent of three academic years in law school and must attend class or be under the supervision of the faculty throughout that time.⁸ In addition, schools are prohibited from giving law school credit for bar review courses or study by correspondence.⁹ Several Standards require

6. Standard 301 provides:

- (a) The law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar.
- (b) A law school may offer an educational program designed to emphasize some aspects of the law or the legal profession and give less attention to others. If a school offers such a program, that program and its objectives shall be clearly stated in its publications, where appropriate.
- (c) The educational program of the school shall be designed to prepare the students to deal with recognized problems of the present and anticipated problems of the future.

7. Standard 302 provides:

- (a) The law school shall offer:
 - (i) instruction in those subjects generally regarded as the core of the law school curriculum,
 - (ii) training in professional skills, such as counseling, the drafting of legal documents and materials, and trial and appellate advocacy,
 - (iii) and shall provide and require for all student candidates for a professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Code of Professional Responsibility, are all covered. Each law school is encouraged to involve members of the bench and bar in such instruction.
- (b) The law school may not offer to its students, for academic credit or as a condition to graduation, instruction that is designed as a bar examination review course.

8. Standard 305(a), which provides:

Subject to the qualifications and exceptions contained in this Chapter the law school shall require, as a condition for graduation, the completion of a course of study in residence of not less than 1200 class hours, extending over a period of not less than ninety weeks for full-time students, or not less than one hundred and twenty weeks for part-time students.

See also Standard 306, which provides in pertinent part:

If the law school has a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

- (c) Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty. . . .

9. Standards 302(b), 303(b).

A proposed questionnaire is presented in the appendix to this article. The questionnaire is designed to permit ABA monitoring of law school compliance with the

that law schools prevent the unqualified student from graduating from law school.¹⁰

The majority of the accreditation Standards deal indirectly with ensuring that those seeking admission to the bar have received an adequate legal education. It is impossible for bar examiners or the ABA to review the educational quality of every student in every class in law school. Instead, the ABA determines whether a school has a general educational system which is conducive to solid legal education. It is assumed that if a faculty of reasonable quality and size is present at a law school and the dean and faculty of the school are in charge of the academic program, and if adequate library and physical facilities are available to the school, students will receive appropriate instruction in most classes. The ABA, therefore, seeks to determine whether conditions at the school are appropriate to attract and retain an adequate faculty and whether the faculty is able to do its job without substantial outside interference. A school must provide reasonable compensation and working conditions to attract a faculty of relatively high competence.¹¹ The academic program of the school must be placed in the

Standards. When the relevance of the Standards to the functions of ABA accreditation is noted, a reference will also be given to the parts of the questionnaire which deal with those Standards.

Questions concerning the course of study in law school are contained in section VI of the questionnaire. See appendix at questions 43a-70b *infra*.

10. Law schools are prohibited from admitting applicants who are not capable of satisfactorily completing the program. Standard 501. See appendix at questions 71-72 *infra*.

Students who have been academically disqualified at a law school may be readmitted or admitted at another law school only if their records demonstrate an ability to successfully complete law school. Standard 505. See appendix at questions 73, 77 *infra*.

Law schools must also adhere to sound standards of legal scholarship, periodically evaluate the scholastic achievement of students through written examination, and dismiss students who lack the ability to do satisfactory work. Standard 304. See appendix at questions 56-58, 80 *infra*.

11. Standards 401, 404, 405(a).

Standard 401 provides that: "The members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing."

Standard 404 provides:

(a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member shall teach not more than

(i) an average of eight scheduled class hours per week, counting repetitions during the same academic period as one-half for this purpose, or

(ii) an average of ten scheduled class hours per week, counting repetitions during the same academic period at full value.

(b) To the extent that a faculty member's teaching assignment is not limited to regularly scheduled class sessions over fixed periods of time, the total teaching responsibilities may not exceed a maximum comparable to that set forth in subsection (a).

(c) If the institutional responsibilities of a full-time faculty member include extensive participation in activities of the academic community, research, or public service, the maximum assignments permitted by this section shall be

control of the full-time faculty and the dean of the school.¹² A library to meet the needs of the academic program is also required.¹³ The Standards also require a physical plant with adequate classrooms, seminar rooms, faculty offices, library space and student study space.¹⁴

Perhaps the most important function of the ABA accreditation system is that, through the approval of law schools, it acts as a means of qualifying applicants for admission to the bar. Both the public and the ABA benefit as a result of this. By aiming at preventing unqualified applicants from being admitted to the practice of law, the system provides a major service to the public. Accreditation also serves as the major source of power for enforcing the ABA Standards. States generally require graduation from an ABA approved law school for applicants to take the bar examination; law schools whose graduates are unable to take the examination will have difficulty attracting qualified students.¹⁵

correspondingly adjusted.

Standard 405(a) provides:

The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid faculty members at a school seeking approval should be comparable with that paid faculty members at similar law schools in the same general geographical area.

For questions in the proposed questionnaire which deal with working conditions and faculty compensation, see appendix at questions 17-28 *infra*.

12. Standards 205, 402(a), 403.

Standard 205 provides:

Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

Standard 402(a) provides in pertinent part:

The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a full-time law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs of its educational program

Standard 403 provides in pertinent part: "The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members."

The faculty control of the academic programs of the school is examined in the proposed questionnaire. See appendix at questions 6, 10, 13, 19, 51, 78 *infra*.

13. Standard 601. See Standard 605. See appendix at questions 29-42b *infra*.

14. Standards 701, 705. See appendix at questions 90-92c *infra*.

15. In a 1978 study, it was reported that 121,106 students, out of 121,937 counted, were attending accredited law schools. See REVIEW OF LEGAL EDUCATION, *supra* note 4, at 59 (several unaccredited schools did not provide statistics for this study).

California is the only state where a significant number of unapproved law schools survive. See *id.* 54-58. California accredits a number of law schools not approved by the ABA. See CAL. BUS. & PROF. CODE § 6060 (West 1974 & Supp. 1980).

B. *Protection of Students*

ABA accreditation serves to protect students from being defrauded by unscrupulous law schools. An ABA accreditation should tell students that a law school has met the minimum accreditation requirements for educational programs, physical facilities, faculty, and library and placement services. For the most part, the factors in which bar examiners are interested, in terms of the academic quality of the school, also assure students of minimally adequate services. The ABA also examines the availability of placement services, a factor which undoubtedly has greater importance for students of a law school than it has for bar examiners in considering the academic quality of the school.¹⁶

The accreditation system, however, is of little value in helping students to compare the quality of law schools. The inspection reports and most of the actions by the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar are confidential, and are not available to the public or to prospective students.¹⁷ The accreditation Standards, moreover, do not specifically require complete accuracy in the written descriptions of law schools,

16. Standard 212, which provides that: "The law school should provide adequate staff, space and resources, in view of the size and program of the school, to maintain an active placement service to assist its graduates to make sound career choices." See appendix at question 87 *infra*.

17. Rule II(15), which provides:

The reports of inspections and reinspections are received in confidence by the inspectors, the Consultant, and the member of the Accreditation Committee and the Council and may be disclosed only with the approval of the Council. It is permissible to discuss the contents of the report with the faculty, the university administration and the governing board, but it is not consistent with American Bar Association policy to have the inspection report copied or otherwise publicly distributed. After notification of the Accreditation Committee's action, or the Council's action, as the case may be, to the school, the nature of the action on applications for provisional approval and for approval may be disclosed to others than the dean of the law school and the chief executive officer of the parent institution. The staff may release the nature of the action to the public, with an explanation of the procedural steps for consideration of an application.

There has been considerable debate concerning the desirability of releasing inspection reports to the public. Those who favor release of the report note the importance of the information to prospective students. Those opposed to releasing reports note that the language in the reports varies considerably from one inspection team to another, and that they would serve more to confuse the public than to enlighten it. It is also noted that the public release of inspection reports might well discourage inspection teams from being completely open and frank in discussing the weaknesses of the school.

See Memorandum 7980-21 to Deans of ABA Approved Schools from James P. White, Consultant on Legal Education to the ABA 30-36 (Aug. 25, 1979), describing the proposal of the Law Student Division of the ABA to make aspects of inspection reports available to the public and the debate within the Section of Legal Education and Admissions to the Bar concerning the proposal.

such as catalogs and other materials, which the schools provide to prospective students.

C. *Protecting the Federal Government*

The federal government relies on nationally recognized accrediting associations to determine which schools are eligible to receive certain kinds of federal assistance.¹⁸ The American Bar Association generally serves as the federally approved accrediting agency for law schools. In this role, its function is to assure the federal government that its educational dollars are not being wasted on fraudulent or fly-by-night law schools when funds are allocated to ABA approved schools. The same factors which are important to bar examiners in judging the adequacy of a law school are also important to the federal government. It is possible, of course, that standards less rigid than those required for bar examiners might be required to guarantee that a law school is not simply taking student money without providing substantial educational benefit.

The federal government has had an impact on the standards used in ABA accreditation. It was primarily responsible for suspending Standard 202 which prohibited the accreditation of proprietary law schools.¹⁹ The federal government has had a somewhat greater impact on the procedural rules of the ABA. Students and faculty at approved schools may file written complaints against the school with the ABA, and the ABA is required to investigate these complaints.²⁰ There are also "public members" on the Accreditation Committee as requested by the federal government.

D. *Protecting the Interests of the Legal Profession*

The American Bar Association accreditation process permits the legal profession to maintain some influence over legal education.

18. The federal reliance on specialized accrediting agencies is described in Finkin, *Reforming the Federal Relationship to Educational Accreditation*, 57 N.C. L. REV. 379 (1979). See generally *Accreditation of Postsecondary Educational Institutions: Hearings Before the Subcomm. on Education of the Senate Comm. on Labor and Public Welfare*, 93d Cong., 2d Sess. (1974) [hereinafter 1974 Hearings]; Finkin, *Federal Reliance on Voluntary Accreditation: The Power to Recognize as the Power to Regulate*, 2 J.L. & EDUC. 339 (1973).

The dependence of governmental bodies on accrediting agencies to perform public functions raises a variety of legal issues. These issues are considered in Kaplin & Hunter, *The Legal Status of the Educational Accrediting Agency: Problems in Judicial Supervision and Governmental Regulation*, 52 CORNELL L.Q. 104 (1966); Oulahan, *The Legal Implications of Evaluation and Accreditation*, 7 J.L. & EDUC. 193 (1978).

19. Standard 202 provides that: "The law school shall be organized as a non-profit educational institution and may not be operated for private profit." A proprietary law school is, therefore, one which operates for private profit.

20. Rule III(4).

Traditionally, legal education was carried on by the legal profession outside of universities. When legal training was turned over to universities, however, the profession lost most of its control of the educational process.²¹

The primary interest of the legal profession is to ensure the adequate training of those who seek admission to the practice of law. It has other interests which also find some expression in the accreditation Standards. There is, for example, a professional interest in promoting solid legal scholarship, since that scholarship should advance the state of the law. A law school must have a faculty which possesses a high degree of competence as demonstrated by its "scholarly research and writing."²² A law school must also afford its faculty members reasonable opportunity for scholarly research by providing them with secretarial and clerical assistance.²³ These requirements, theoretically, should help guarantee that an adequate faculty will be attracted to the school.

There is some danger that the interests of the profession will be contrary to the public interest. Practitioners, for example, may have an interest in reducing competition among lawyers by limiting the number of students who may enter the profession. There is no evidence, however, that the accreditation process has been successfully used in recent years for that purpose. In fact, the number of students in approved law schools has increased from approximately 40,000 in 1960 to nearly 122,000 in 1978.²⁴ The legal profession has also avoided using the accreditation process to force law schools to provide education beyond the first law degree. For example, law schools are not required to provide continuing legal education to the bar.²⁵

21. See note 3 & accompanying text *supra*. See also Seavey, *The Association of American Law Schools in Retrospect*, 3 J. LEGAL EDUC. 153, 154-63 (1950).

22. Standard 401. The proposed questionnaire requests general information about faculty qualifications. See appendix at question 27 *infra*.

23. Standard 405(b), (c). See appendix at questions 20, 24-26 *infra*.

24. REVIEW OF LEGAL EDUCATION, *supra* note 4, at 63. There has been some suggestion, however, that the requirement that applicants for admission to the bar attend approved law schools was, at least in part, motivated by a desire to reduce the number of people admitted to the practice of law. See note 3 *supra*.

Because accreditation restricts entry to a profession and may be used to prevent the establishment of new law schools, there are potential antitrust problems associated with the accreditation process. See generally *Marjorie Webster Junior College v. Middle States Ass'n of Colleges & Secondary Schools*, 302 F. Supp. 459 (D.D.C. 1969), *rev'd*, 432 F.2d 650 (D.C. Cir.), *cert. denied*, 400 U.S. 965 (1970).

25. Standard 307 permits the approval of graduate programs in law schools, but seems to be primarily aimed at prohibiting graduate programs if they will substantially detract from the resources available to the basic Juris Doctor program at a school. See appendix at question 62 *infra*.

Standard 212, recently adopted by the ABA, requiring law schools to expand opportunities for the study of law by groups which have been "victims of discrimination in various forms," is arguably an effort by the bar to exercise its traditional influence over legal education in a way which does not affect the quality of legal education. See Memorandum 8081-2 to Deans of ABA Approved Law Schools from James

E. *Protecting the Law Schools and Their Faculties*

The American Bar Association accreditation system serves in many ways to promote the interests of law school faculty members.²⁶ It promotes reasonable working conditions by limiting the number of credit hours that a faculty member can teach and by requiring reasonable secretarial assistance, the opportunity for research, and adequate physical facilities;²⁷ it promotes reasonable compensation for law faculty members;²⁸ it helps ensure substantial faculty control of law school academic and library policies;²⁹ it provides for a system of academic freedom and tenure;³⁰ and it promotes adequate library resources for the faculty.³¹ The ABA also allows the faculty to play a major role in setting the goals and objectives of the school through a self-study process.³²

Presumably, the ABA places this emphasis upon the faculty because it recognizes that an adequate teaching staff is essential for a good legal education. The ABA has served as a force to promote faculty interest and, as a result, it has been accused from time to time of interfering with the internal operations of universities in favor of law school faculty members.

P. White, Consultant on Legal Education to the ABA (Aug. 12, 1980) (regarding adoption of the Standard). The new Standard is intended to encourage certain groups to enter the legal profession, rather than to improve the practice of law through academic qualifications. See *Minority Access Plan Deferred by ABA House*, 66 A.B.A. J. 282 (1980). See appendix at question 71g.

26. For this purpose, law school deans are considered to be law school faculty members. Law school faculties were actively involved, especially through the AALS, in the process which led to the adoption of the accreditation standards and the legal education requirement for admission to the bar. W. JOHNSON, *supra* note 3, at 83-164; Stevens, *supra* note 3, at 453-504.

27. Standards 405(b), (c), 703.

Standard 405 provides in pertinent part: "(b) The law school shall afford faculty members reasonable opportunity for leaves of absence and for scholarly research. (c) The law school shall afford faculty members reasonable secretarial and clerical assistance." Standard 703 provides: "Each full-time member of the faculty shall have a private office. In addition, suitable office space shall be provided for the use of part-time faculty members." See also appendix at questions 43a-70b, 90-92c *infra*.

28. Standards 205, 604(a)-(c). For the text of Standard 205, see note 12 *supra*. Standard 604(a)-(c) provides:

(a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangement of materials and provision of reader services.

(b) The budget for the law library shall be determined as a part of, and administered in the same manner as, the law school budget.

(c) The selection and retention of the law librarian shall be by the dean and faculty of the law school.

30. See Standard 405(d). See also appendix at question 18 *infra*.

31. Standards 601-605.

32. Rule III(2); Standards 205, 403, 604. See also Memorandum 7879-11 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA, at 9 (Sept. 25, 1978).

The ABA accreditation should also serve to alert faculty members of law schools whose programs are inadequate; the absence of accreditation should indicate to prospective faculty members that part of the law school program may be extremely weak or inadequate. As with information provided to students, however, the ABA accreditation process does not attempt to inform law school faculty members of the relative strengths of a program, but only to indicate whether it fails to meet the ABA Standards. Faculty members, unlike students, generally have access to the ABA inspection reports, and may use them to make judgments concerning the quality of their school. Prospective faculty members, however, usually do not have access to the reports.

The Association of American Law Schools (AALS) also has a "membership" system which is similar to an accreditation system. Theoretically, it might be in a better position than the ABA to promote the interests of law schools and law school faculty members. The criteria for membership in the AALS are similar to the ABA Standards, however, and in recent years the AALS accreditation process has closely paralleled the ABA process.³³

F. Universities

ABA accreditation serves as a general academic credentialing agent for universities.³⁴ This facilitates transfer of academic credits and provides a basic claim of legitimacy for a program which can be helpful to a university in seeking private funding.³⁵

Accreditation also serves to inform universities of the quality of their law schools. It can help identify areas of strength and areas which need improvement. Through the accreditation process, universities and law schools can obtain what amounts to informal consulting advice from experts in legal education.

III. THE ACCREDITATION AND REINSPECTION PROCESS

A. The Accreditation Process

The ABA seeks to attain the goals of the accreditation process by approving only those schools which meet standards essential to quality

33. See ASSOCIATION OF AMERICAN LAW SCHOOLS, ASSOCIATION INFORMATION (1979) [hereinafter ASSOCIATION INFORMATION].

34. See generally 1974 Hearings, *supra* note 18, at 225-28 (statement of Kirkwood); Cardozo, *Innovation and Accreditation in Legal Education: Compatible or Polar?* 50 DEN. L. REV. 505 (1974); Miller & Boswell, *Accreditation, Assessment and the Credentialing of Educational Accomplishment*, 50 J. HIGHER EDUC. 219 (1979). For a review of the purposes of accreditation, see also Parsons, *supra* note 3, at 137-38.

35. W. SELDEN & H. PARKER, ACCREDITATION AND THE PUBLIC INTEREST 6 (1977).

legal education,³⁶ and by encouraging those approved law schools to improve their existing programs.

Schools seeking recognition by the ABA may apply by completing a detailed inspection questionnaire, a self-study report and a feasibility study report.³⁷ An inspection team of four to six people conducts an

36. Although the criteria expressed in the Standards generally appear to promote quality legal education, it has been periodically suggested that several of the Standards are unnecessary for the accomplishment of that goal. See, e.g., Fossum, *supra* note 3, at 529-40 (suggesting that Standard 202, preventing the approval of proprietary schools, is unnecessary). (Standard 202 has been suspended by the ABA since 1977. *Id.*); Note, *The Requirements of ABA Approval of Law Schools: An Antitrust Analysis of the Means of Accreditation*, 83 DICKINSON L. REV. 147, 153-57 (1979) (challenging Standard 402, which establishes the minimum number of full-time faculty necessary for approval, for the failure to count certain administrative officers as full-time faculty; and criticizing Standard 405 regarding faculty salaries).

37. Rule II(4)-(5), (7), which provides:

(4) A university, college, or other institution contemplating the creation or acquisition of a law school should complete a comprehensive feasibility study, prior to a commencement of a program of instruction. An existing institution making application for provisional approval should complete a comprehensive feasibility study prior to seeking provisional approval. This study should be submitted to the Council when the law school requests provisional approval. The study should include the consideration of such matters as the character and goals for the proposed law school, the distance from other law schools in the area from which the proposed school might attract students, the number, characteristics, and interests of the students who might apply, the resources necessary to create and sustain the proposed law school (particularly if this relates to the resources of a parent institution), and the demand for legal education and the need for lawyers in the area in which the graduates of the proposed school might be expected to pursue their careers. (5) The dean and faculty of a law school seeking provisional approval should also undertake a self-study of the institution prior to applying for provisional approval. This study should be submitted to the Council when the law school requests provisional approval.

.....
(7) A school applying for provisional approval shall return the completed questionnaire and a copy of the feasibility study, a copy of the self-study, and request an inspection. A school seeking provisional approval shall also submit separate financial operating statements for the last three fiscal years (if the institution has been in existence for that period of time). If the applicant is a private institution, the statements shall be certified. The school shall also submit appropriate supporting documents detailing the cost of all facilities used solely for the support of the school. If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for the support of the law school. The covering letter shall state that the chief executive officer of the parent institution and the dean of the law school have read and carefully considered the Standards and Council interpretations, have answered in detail the questions asked in the questionnaire, and by this letter give assurance to the Council that in their opinion the law school meets the requirements of these Standards for provisional approval. The Council and the Consultant welcome the opportunity to render assistance.

The chief executive officer of the university and the dean of the law school must also certify that they have read and "carefully considered" the Standards and the Interpretations, and that they are of the opinion that the law school meets the requirements for provisional approval established therein. Rule II(7).

on-site inspection generally lasting three to four days. An inspection report is prepared by the team and submitted to the Accreditation Committee and to the school.³⁸ The school may respond to matters in the inspection report and appear before the Accreditation Committee. If the Committee finds that the school is in substantial compliance with the Standards and can be in full compliance within three years, it recommends provisional approval to the Council of the Section which makes a final recommendation to the House of Delegates. When the school establishes that it has fully complied with the Standards and has been provisionally approved for at least two years, it may be fully approved.³⁹

B. *The Reinspection Process*

If the ABA is to accomplish the functions of accreditation, it must also periodically reexamine approved law schools so that any institutions that do not maintain accreditation requirements are not listed as accredited schools.⁴⁰ The purpose of this continuing observation of an approved law school is to ensure that the school maintains the level of quality which justified its approval, and to determine whether it is making a "genuine and continuous effort to improve the quality of its educational efforts."⁴¹

The method which the ABA has traditionally used to ensure continued compliance with the Standards by accredited law schools is the general reinspection.⁴² The reinspection process is in many ways similar to the inspection for initial approval. The school prepares a self-study report and completes an inspection questionnaire. An in-

38. Rule II(13). Inspection teams usually include a law school dean, a law librarian, and a law school faculty member. In addition, these teams often include a judge, a practicing attorney, or a university official.

39. Standard 104(6). If the Accreditation Committee recommends against approval, the school may appeal to the Council of the Section. The Council may recommend approval to the House of Delegates, even in the face of a negative recommendation from the Committee. Rule I(3)(a). If the application for provisional approval is denied, the school may make another application after a ten month wait. Rule II(10).

40. The Bylaws of the Section of Legal Education and Admissions to the Bar recognize the necessity of reviewing the performance of law schools. The Section is empowered to "observe and determine the adherence of the approved law schools to the Standards . . . and upon a finding of nonadherence in a given school, to recommend to the House of Delegates a change in the approval status of said law school." BYLAWS OF THE SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR OF AMERICAN BAR ASSOCIATION, art. 1, § 4(f) (approved by the House of Delegates of the ABA in Feb. 1961).

41. Rule III(3).

42. Provisionally approved schools are inspected annually. Rule II(11). The Association of American Law Schools conducts a reinspection program similar to the ABA's program. Reinspection teams are often jointly appointed by the ABA and the AALS. The AALS criteria for accreditation are similar to the ABA Standards. See ASSOCIATION INFORMATION, *supra* note 33.

spection team conducts an on-site visit and issues a report to the Accreditation Committee. If the school is in compliance with the Standards, it is so informed. If it appears that the school is not in compliance, the Accreditation Committee is required to inform the school of the deficiencies and indicate that if the matter is not resolved by a specified date, a hearing will be held to determine whether the school should remain accredited. If necessary, a hearing is held by the commissioners appointed by the Chairperson of the Committee to determine whether the school is in compliance with the Standards. A report is made to the Committee, and, if both the Committee and the Council determine that a school is not in compliance, the House of Delegates may act to remove accreditation.⁴³ These procedures are cumbersome, and have not led to the removal of accreditation from any law school since World War II.⁴⁴

Normal reinspections occur only once every seven years. A special reinspection may be ordered at any time by the Council of the Section, but, as a practical matter, this usually occurs only if there are unresolved matters from a previous reinspection, or upon complaint from the law school, the faculty, or students at the school.⁴⁵ If a school is in compliance with the Standards, it will probably not be closely examined by the American Bar Association for another seven years.

This current seven-year reinspection system, particularly when coupled with the cumbersome system of appeals and hearings, makes it

43. See Rule IV(11)-(12).

44. The cumbersome nature of the procedure is demonstrated by the fact that a school has at least twelve opportunities to present its position. They are (1) to the inspection team; (2) to the Committee in response to the team's report; (3) to the Committee in response to the notice of deficiencies, Rule IV(2); (4) to the Hearing Commission, Rule IV(7); (5) to the Committee in response to the Hearing Commission's report, Rule IV(11); (6) to the Council in response to the Committee's report, *id.*; (7) to the Council—claiming that the deficiency has been corrected, Rule IV(b); and (8) to the House of Delegates, Rule VI. In addition, the school may also petition the Committee, through the Chair, to reconsider its action, and may present new material as part of the petition (9) at the determination that there are apparent deficiencies in the law school, Rule I(2); (10) at the appointment of a Hearing Commission, Rule IV(6); (11) at a determination that the school is not in compliance with the Standards before the matter goes to the Council, Rule I(2); and finally, (12) a school may also be able to appeal to the Council as a matter of right any other determination which *relates* to the removal of approval (*e.g.*, the initial determination of noncompliance), Rule I(3)(b). In practice, moreover, schools generally have additional opportunities to respond to the Accreditation Committee before a Hearing Commission is appointed.

The process can be very time consuming, as well as cumbersome. After an inspection, it may take years for a school to be taken before the House of Delegates. If a school exercises all of its rights to appeal and petition for reconsideration (including consideration of the inspection team's report), it could probably demand that it be brought before the Accreditation Committee three times. In addition, it could petition the Committee for reconsideration through the Chair three times, and then appear before the Council three times before going to the House of Delegates.

45. Rule III(4).

difficult to ensure that a school is maintaining the level of quality which justified its approval, and makes it virtually impossible to determine whether a school is making a "genuine and continuous effort" to improve its program.⁴⁶

IV. BENEFITS AND COSTS OF THE SEVEN-YEAR REINSPECTION SYSTEM

A. Benefits

Reinspections are costly to the school both in terms of money for the actual expenses of the inspection team and the inspection fee charged by the ABA,⁴⁷ and in terms of the time and effort expended by the administration and faculty of the school in the preparation of materials for the inspection.⁴⁸ This time and effort, although considerable, provides benefits that extend beyond the costs of reinspection. The self-study, for example, should produce significant benefits to the school, independent of the accreditation process.⁴⁹ Since the school may be able to use the accreditation inspectors as informal, unpaid consultants in some matters, the money spent for an inspection may produce benefits which outweigh the costs of the evaluation.⁵⁰

46. Rule III(3) provides that: "A provisionally approved or fully approved school is expected to maintain the qualitative level which justified its approval, and to demonstrate a *genuine* and *continuous* effort to improve the quality of its educational efforts." (Emphasis added.)

Provisionally approved schools are inspected by the ABA each year. The annual reinspection of provisionally accredited schools follows essentially the same procedures as the seven-year reinspection program for fully approved schools. See Rule II(11).

47. Rule III(2). The current uniform inspection fee for approved schools is \$900. See Memorandum D8081-8 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA (Aug. 12, 1980).

48. The time to complete a self-study alone can be significant. A recent study in another discipline indicated that self-studies took, on the average, 500 hours to complete, exclusive of secretarial time. Schools in the study spent up to 3,000 hours on the self-study. See MacPherson, *Validity and Cost of Self-Study in Accreditation of Medical Laboratory Science Educational Programs*, 50 J. HIGHER EDUC. 211, 215 (1979).

49. A self-study is required of the school prior to an inspection. Standard 201(a) (approved at 1980 Annual Meeting of the House of Delegates of the ABA, see Memorandum 8081-3 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA (Aug. 12, 1980)); Rule III(2). Although the dean and faculty of the school are responsible for the self-study, the study often involves students, members of the bench and bar, and alumni. The general purpose of the self-study is to give the school a chance to examine itself and identify its goals and objectives. *Id.* The school is also expected to consider its strengths and weaknesses. The statement of goals and objectives is important because even though a law school may meet the minimum Standards, its failure to "satisfy its own stated goals and objectives may place the school in violation of the Standards." Memorandum 7879-11 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA, at 5 (Sept. 25, 1978).

50. See Cardozo, *Accreditation in Legal Education*, 49 CHI.-KENT L. REV. 1, 6-7 (1972); Thomson, *The On-Site Visit: Professional Responsibility and Ethical Conduct of Evaluators*, 49 N. CENT. A.Q. 376, 378 (1975).

Even the infrequency of reinspection visits provides benefits, because it helps the law school and the university with which it is associated to operate without significant interference from the American Bar Association. One complaint from provisionally accredited schools is that the frequent ABA visits may keep the American Bar Association involved in the operation of schools and generally "meddling" with their affairs.

Infrequent inspection visits also permit the Accreditation Committee and the Council to limit their work load. A substantial amount of Committee and Council time is spent reviewing the reinspection reports and dealing with the deficiencies noted during the reinspection process. More frequent reinspections might impose a significant burden on the already hard-pressed Accreditation Committee.⁵¹

B. Costs

Due to infrequent reinspections, it appears that the American Bar Association pays little attention to an accredited law school for nearly seven years.⁵² As a result, a school may operate in violation of the Standards for a substantial time without the Accreditation Committee or the Council of the Section realizing that the Standards are being violated. If, for example, the year after an ABA inspection a university starts extracting extraordinarily large "overhead charges" from a law school, thereby seriously affecting the educational program of the school,⁵³ or if a law school starts admitting a large number of unqualified students,⁵⁴ the problem may continue for six or seven years before it is discovered by the ABA. Thus, six or seven classes of law students will have been adversely affected by serious violations of the Standards. These students will have spent their *entire* law school careers at a law school which did not meet the minimum standards for accreditation.

The extended time between inspections, furthermore, may exacerbate minor problems and allow a problem in one area of the law school to adversely affect the entire law school program. If, for example, a university demands extraordinary overhead charges from a law

51. There are, of course, a limited number of inspectors and a substantial increase in the number of reinspections would undoubtedly make it difficult to staff inspection teams. Since it is essential that a law librarian be on every inspection team, and there are a limited number of law librarians, there particularly might be problems recruiting sufficient law librarian inspectors.

52. The problem of long intervals between higher education accreditation reinspections in general has been noted. See Arnstein, *Two Cheers for Accreditation*, 60 PHI DELTA KAPPAN 357, 358 (1979); Kells, *The People of Institutional Accreditation: A Study of the Characteristics of Evaluation Teams and Related Aspects of the Accrediting Process*, 50 J. HIGHER EDUC. 178, 184-85 (1979).

53. This would be a violation of Standards 210 and 105. See also Memorandum 7879-11 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA (Sept. 25, 1978).

54. This would violate Standards 304 and 501-505.

school, the resolution of the problem during the first year of the charges would be simple and direct. After the university has received such excessive overhead charges for six or seven years, however, resolution of the problem would be considerably more difficult; the university is likely to have believed it was entitled to the overhead as a matter of right and, after several years of large overhead fees, the law school's academic program—in terms of faculty size, faculty support, and library funding—may have deteriorated below several accreditation Standards.

The Consultant on Legal Education to the American Bar Association has reported that accreditation teams and the Accreditation Committee have discovered a large number of deficiencies in ABA approved law schools.⁵⁵ The activities of the Accreditation Committee

55. See Memorandum 7778-45 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA (Sept. 11, 1978). The Memorandum notes the following trouble areas:

Problems of particular concern in the case of reinspection of approved law schools include the following:

- (1) Sufficient number of faculty.
- (2) Experience and quality of faculty.
- (3) Appointment or reappointment of a dean who has failed to acquire or has lost the confidence of a substantial majority of the faculty.
- (4) Adequate compensation of faculty.
- (5) Adequate faculty support (research funds, secretaries, travel) to meet faculty research and publication goals.
- (6) Improvement of the overly high student/faculty ratio.
- (7) Excessive university overhead charge.
- (8) Need for adequate law school administrative support.
- (9) Problems in the physical setting of the law school and its library.
- (10) Inadequacy of library support.
- (11) Lack of administrative control of the library by the law school.
- (12) Inadequate number of library staff.
- (13) Problem of autonomy of the law school within the university.
- (14) Problem of faculty selection and advancement.
- (15) University independent review of law faculty promotion and tenure decisions.
- (16) Problem of law school curriculum.
- (17) Appointment and retention policies of the law school.
- (18) Student body size in light of anticipated funding.
- (19) Full-time students engaged in excessive outside employment.
- (20) Problems in communications between students and administration.
- (21) The development of clinical programs.
- (22) The lack of effective management of the law school.
- (23) The lack of adequate goals and objectives for the law school.
- (24) Whether the major burden of the educational program was directed by the full-time faculty.
- (25) Failure to achieve stated goals and objectives.
- (26) Inadequate faculty participation in setting the goals and objectives for the law school.
- (27) Quality of the instruction.

and Council of the Section also suggest that a large number of deficiencies exist in law schools.⁵⁶ These data, which are consistent with the experience of many inspectors, suggest that during the seven years between ABA inspections, many schools are operating in violation of the Standards, and that minor violations are allowed to fester into major problems at accredited law schools.

In addition, unscrupulous universities or unethical law school deans and faculties may be content to run a law school in violation of the Standards for several years, and then appear to correct the problem just before, or in response to, a reinspection, only to return to their evil ways as soon as the ABA has reapproved their schools. In any event, such schools know that, absent a "Rule III" complaint⁵⁷ or a request for a special reinspection by the dean, faculty or students of the law school, they may operate as they please for the next six years without regard to the Standards. Although inspection teams often review at least limited data for previous years, particularly in the financial area where three years of financial statements are examined, the unscrupulous school can point with pride to the tremendous gains it has made in the last year, and thereby turn its operation outside the Standards for six years to its advantage.

In schools where major problems have developed since the last reinspection, the inspection team may be so overwhelmed by the obvious problems that it may never have an opportunity to examine the less obvious, but critically important problem areas, such as the supervision of the school's curriculum,⁵⁸ the competence of the faculty,⁵⁹ and the level and quality of legal scholarship and teaching.⁶⁰ As a consequence, these important areas may go for many years without receiving careful examination by an accreditation body.

Because of the rapid changes which can be expected in the next

56. During the 1976-77 academic year, 20 schools were reinspected, and 98 progress reports were requested from schools. Presumably, most of these progress reports were requested from approved schools to demonstrate that they were making progress toward full compliance with the Standards. Some schools were requested to submit more than one progress report during the year. Fourteen schools were requested to show their compliance with the Standards. Show cause orders were issued to five schools. Hearings on continued approval were conducted at three schools. *Id.* 3-4.

57. Rule III(4) provides in pertinent part:

Written complaints from faculty or students at ABA approved schools are received by the Council. . . . Upon receipt of a complaint the Consultant . . . acknowledges receipt of the complaint and makes a request for any additional information which is deemed necessary.

If evidence indicates conditions, practices, or actions in possible violation of the Standards . . . , the Chairperson of the Council . . . may appoint a Hearing Commissioner or members of a Hearing Commission to visit the institution to obtain additional information and to report to the Council and its Accreditation Committee. . . .

58. Standards 205, 306.

59. Standard 401.

60. Standard 304.

decade in legal education and in universities, it may become increasingly difficult for some law schools to maintain full compliance with the ABA Accreditation Standards. Many law schools, for example, are presently making significant changes in their curricula. These changes include: the addition of non-law school or non-classroom courses which require significant law school supervision (*i. e.*, courses in non-legal disciplines or external placement clinical programs), the establishment of study programs outside the United States, and the initiation of programs which offer specialization or emphasis in some aspect of the law. The pool of qualified law students appears to be shrinking—some law schools, particularly those which are heavily dependent on tuition, may therefore consider the admission or retention of unqualified students. Many universities are suffering declining enrollments and revenues. Given the propensity of some universities to view law schools as a good place to make up operating deficits, significant pressure may be expected from the university on some law schools to provide profits by increasing enrollment or streamlining expenses. Because of the large number of law school faculty members who have received or are about to receive tenure in the last few years, some law schools may establish, in violation of the Standards, tenure quotas or “de facto quotas” by freezing promotions and tenure decisions.⁶¹

It will, therefore, become increasingly important that the ABA maintain a system to closely monitor the compliance of law schools with the Standards. Virtually all aspects of a law school can change in less than seven years. The goals of the accreditation system will more likely be achieved if some method to more closely monitor the adherence of law schools to the accreditation Standards is developed.

V. ALTERNATIVES

Several alternatives can be suggested to deal with the problems associated with the current practice of reinspecting law schools every seven years. Streamlining the cumbersome procedures for the removal of accreditation might improve the current system of ensuring that approved schools maintain their compliance with the Standards.⁶² It may

61. See Memorandum 7879-11 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA, at 31-32 (Sept. 25, 1978).

62. Eliminating the Hearing Commission process and the right of appeal to the Council prior to a recommendation of removal of accreditation might reduce the complexity of the accreditation procedures, while providing ample opportunity for the school to be heard. The Accreditation Committee might also be authorized to enter into “consent decrees” or agreements with schools, whereby the school would agree to correct all deficiencies with a specified, limited time. If the school fails to keep its commitments, the Committee might be authorized to go directly to the House of Delegates for removal of accreditation.

be even more important, however, for the ABA to have the capacity to quickly determine that a law school is not operating within the Standards.

A. More Frequent Reinspections

The most direct way of reducing the problems associated with infrequent reinspections is to shorten the time between reinspections. Although annual reinspections would probably provide the greatest assurance of compliance with the Standards, such reinspections would be impractical. Even three-year reinspections, which would ensure that a school would be examined at least once during each law student's career, would significantly increase the burden on the law school, the Accreditation Committee and the Council of the Section.⁶³

The increased burden on the ABA, however, might not be as significant as it initially appears. With less time between inspections, small problems might be discovered before they have time to become major problems. The Accreditation Committee and the Council of the Section could therefore save time by resolving the small problems before they became large ones. More frequent reinspections would reduce the incentive that some schools have to ignore the Standards until a reinspection is scheduled.

Even with the increase in efficiency that a more frequent reinspection program would provide, there would still be an increase in work for the Accreditation Committee. This increase, of course, would require the selection and appointment of a larger number of inspection teams. Such a system would probably also require additional personnel in the office of the Consultant on Legal Education. Any reduction in the current seven-year period between reinspections would, however, undoubtedly reduce the difficulties so apparent in the present system.

The current seven-year reinspection program of the ABA apparently relates to an interpretation of the Rules of Procedure by the American Bar Association. Rule III(2) provides in part that: "All fully approved law schools are subject to periodic reinspections." The period of reinspection is not stated in the Rule and is apparently subject to Council interpretation.

B. Flexible Reinspection Schedule

Once the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar are satisfied that a law school is in compliance with the Standards, the school is routinely given seven years until the next reinspection. If the Committee or

63. See note 90 *infra*.

Council is not satisfied that the school is in full compliance, it may request additional information, conduct another reinspection in less than seven years, or, ultimately, provide for the examination of the school by a hearing commission.⁶⁴

It is apparent from the history, financial stability, leadership, and overall quality of law schools, that some schools are more likely than others to adhere to the accreditation Standards and to sound principles of good legal education. The Accreditation Committee or the Council might, based on these factors, determine the time that should elapse before the next reinspection. A school in compliance with the accreditation Standards might be scheduled for reinspection in four or five years, while a school marginally meeting the Standards might be set for reinspection in three years or less. Several accrediting agencies in other professions provide for a similarly flexible reinspection system.⁶⁵

A longer period between inspections, perhaps seven years, might be provided for schools which have a long history of quality legal education and which substantially exceed the Standards. Such an extended inspection schedule would allow recognition of truly fine law schools and would reduce the costs of inspecting schools which are undoubtedly operating within the Standards. The difficulty with such an approach would be determining which schools deserve an extended schedule. This determination, unfortunately, could easily cost more in terms of time and effort than it would save.

Schools which are denied an extended schedule might well claim a right to appeal the decision, thus requiring the Committee to closely examine the programs of schools which clearly comply with the Standards. Perhaps the only practical way to institute such a program would be to establish objective criteria to identify schools which substantially exceed the Standards.⁶⁶ The application of strict, objective criteria

64. See Rules III(2), IV.

65. See generally Peterson, *Accrediting Standards and Guidelines: A Profile*, 59 EDUC. REC. 305 (1978).

66. Defining the objective criteria by which a school might be permitted an extended inspection schedule would not be a simple matter. In addition to requiring that the school exceed all of the Standards, it would be reasonable to expect that there be extraordinary support for the academic program of the school: at least in terms of student/faculty ratio, library collection, library staff, research support, and a physical plant with current unused capacity to permit the expansion of the program.

In the most simplistic way, for example, "extended schedule" schools might be required to have a 20 to 1 student/faculty ratio. See Memorandum 7879-11 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA, at 28-30 (Sept. 25, 1978) (defining the 20 to 1 ratio). In addition, the following might also be required: a library collection of at least 200,000 volumes, a library acquisitions budget of at least \$250,000 per year, a professional library staff of at least seven persons, a clerical staff of at least seven persons, a research assistant for each faculty member, a sabbatical research leave program, median faculty compensation at the national 75th percentile, and a median LSAT score of at least 650.

would inevitably exclude some fine, even elite, law schools, but would surely identify those schools with unquestionable and comprehensive support for their educational programs.⁶⁷

This method of scheduling inspections, then, would permit the ABA to conserve resources by shortening the reinspection time for those schools operating in clear compliance with the Standards. It would, however, require that the Accreditation Committee or Council determine for each inspected law school not only whether it is generally in compliance, but also whether the school's degree of compliance with the Standards requires an unusually long or short reinspection schedule. The Council could apparently institute such a flexible reinspection program under Rule III(2), either as a regular periodic reinspection or as an additional reinspection which may be ordered by the Council when special circumstances exist.⁶⁸

C. *Reinspection on Short Notice*

The Accreditation Committee and Council might, rather than conducting scheduled reinspections, reinspect a law school after giving a short notice to allow the school time to complete the Inspection Questionnaire. Such inspections would be a "surprise," in that they would not occur at any predictable interval, and would be conducted at any time during the seven-year accreditation period.

This program would have the advantage of making it difficult for an unscrupulous university or law school to "put its house in order" in preparation for an inspection, but would seem to have little other benefit. Although the Accreditation Committee and Council might have the authority to order such an inspection, there are a number of disadvantages in doing so. Short notice inspections might not give the law school sufficient time to complete a thorough self-study. Such a procedure would surely increase the antagonism between the ABA and the university officials. In addition, the Accreditation Committee and Council would have the responsibility of determining which law schools to reinspect at what times.

Such an approach is, of course, too simplistic. It does not take into account the variation in the size of the student body in establishing library support, or the difference between single division (full-time) schools and dual division schools (presumably the dual division schools would require greater resources as a result of the inefficiencies of running two programs), or differences between schools with graduate programs and those without. For an analysis of the resources of legal education, and the difficulty in comparing the resources of diverse schools, see P. SWORDS & F. WALWER, *THE COSTS AND RESOURCES OF LEGAL EDUCATION* (1974).

67. It is entirely possible that an outstanding school, such as Harvard, would not be able to meet the standards established for the extended schedule, as it would not have a student/faculty ratio of less than 20 to 1.

68. Rule III(2) provides in pertinent part: "All fully approved schools are subject to periodic reinspections. . . . Additional reinspections at the school's expense may be ordered by the Council when special circumstances warrant."

D. *Obligation to Report Deficiencies*

The dean and faculty of a law school should be in the best position to know how the law school is operating and the first to recognize that the law school is not complying with the Standards. The Rules *permit* written complaints from faculty or students and require that the Consultant on Legal Education and the Council investigate these complaints.⁶⁹ The Rules do not, however, *obligate* the dean or faculty to make a written report to the Consultant when the school is not in compliance.

As an alternative to this permissive rule, a school might be required to periodically analyze its program or conduct a self-inspection to determine whether it is still in compliance with the Standards. Periodic self-studies should be conducted by the school, since self-study is meant to be a continuing process;⁷⁰ this process would be promoted by requiring periodic self-inspections. Rather than being a full self-study, however, the self-inspection report would concentrate more on reviewing the school's compliance with the accreditation Standards than on setting goals for changes or improvements. The process of reviewing the school's compliance and the efforts being made to improve the quality of the school would also encourage the dean and the faculty to maintain the school within the Standards and to strive continuously for improvement.

The dean and faculty of a school are often in somewhat different positions in their perception of the strengths and weaknesses of the school and in their ability to report possible violations of the Standards. The dean and a self-inspection committee elected by the faculty might each independently complete a short report concerning the school's level of compliance with the Standards. The self-inspection committee's report might reasonably be subject to review by the faculty, but to ensure the independence of this report, it should not be subject to veto or approval by university officials or by the dean.⁷¹ The makeup of a self-inspection committee would vary, but the committee

69. See Rule III(4). See note 57 *supra*.

70. See Standard 201(a). See also Memorandum to Members of an Inspection Team to a School Seeking Provisional Approval from James P. White, Consultant on Legal Education to the ABA, Appendix A (Mar. 1978), which provides that: "The self-study itself should never be a completely finalized document The school is urged to continue the self-analysis as an on-going function of the school to continue after the period of inspection." *Id.* app. at 3.

71. Independent self-inspections may point out areas of substantial disagreement between the dean and faculty. This may initially appear to cause conflicts between the dean and faculty. The independent self-inspection process would not, however, *cause* the conflicts; it would only identify conflicts which already exist. The process of identifying the conflicts could be most valuable for a school, as it would permit the dean and faculty to confront and deal with their differences.

should either have the law librarian as a member or include in its report a statement from the librarian regarding the law library.⁷²

These self-inspection reports would most profitably be made in the fall of each year when the budget for the law school, the number of students, the size and composition of the faculty, the law library budget and staff, and faculty research support have, for the most part, been established for the academic year.⁷³ The self-inspection report should be a short statement describing those areas of the school which may not be, or clearly are not, in conformity with the Standards and a brief description of what the school has done during the preceding year to "demonstrate a genuine and continuous effort to improve the quality of its educational efforts."⁷⁴ The faculty or dean may wish to divide the first part of the report into three segments: Standards with which the school is clearly in compliance, Standards with which the school's compliance is unclear, and Standards with which the school appears not to be in compliance.⁷⁵

A self-inspection program would help the Accreditation Committee and the Council to accomplish a limited annual review of fully approved schools without providing for annual full reinspections. It might, however, take a considerable amount of time and effort to review the statements of the schools and to determine what action

72. The dean or faculty might reasonably consult with other groups interested in the law school, such as students or alumni, but these groups would presumably be less actively involved than they would be in a full self-study which involves goal-setting.

73. Deans and law faculty members involved in the self-inspection process would need information concerning the purpose, nature, and methods of self-inspection. Printed material from the Consultant and the Accreditation Committee would be helpful. In addition, workshops at the ABA and AALS annual meetings and the ABA midwinter deans' meeting would be important in providing this training.

74. Rule III(3).

75. A summary might be a table as follows:

School X			
Summary — Self-Inspection Report			
Standard	In Full Compliance	Compliance Uncertain	Not in Compliance; Compliance Doubtful
105			x
201		x	
202	x		
.	.	.	.
.	.	.	.
.	.	.	.
209(a)		x	
209(b)	x		
.	.	.	.
.	.	.	.
.	.	.	.

An explanation of those areas in which the school's compliance is uncertain or doubtful would be required in the self-inspection report.

would be appropriate to investigate areas in which a school reported that its compliance with the Standards was not clear. Much of the review of the self-inspection reports could be done by experienced inspectors who would advise the Committee of apparent problems.

One difficulty with this self-reporting system is that some deans and faculties might consider it in their best interest to indicate compliance with the Standards, even when they are not in compliance. Some schools, perhaps those schools most needing the attention of accrediting bodies, might fail to report existing difficulties.⁷⁶ Whether the failure results from a lack of understanding of the Standards, from dishonest reporting, or from the tendency of schools to overestimate their compliance with the accreditation Standards, a total dependence on self-analysis is likely to fail to alert the Accreditation Committee and Council to schools that need attention. Part of this problem would be avoided by having the dean and faculty make independent analyses and statements concerning the school's accreditation, but the problem could not be avoided altogether. Periodic on-site inspection would still be essential.

The school should be able to complete self-inspection reports with a minimum amount of time and effort, as the reports would not be comprehensive self-studies, but would instead concentrate on those areas in which the school does not comply with the Standards and on the efforts of the school to improve its educational program. Schools should be engaging in continuous self-study and should monitor their compliance with the Standards. Requiring self-inspection reports, therefore, should not impose serious additional burdens on schools.⁷⁷ By requiring periodic reviews of compliance and efforts to improve quality, self-inspection reports may substantially reduce the time schools must spend completing comprehensive self-study reports prior to full reinspections. The Council's authority to order law schools to make self-inspection reports and to inform the Council of possible accreditation violations is based on Rule III(1).⁷⁸

76. To help ensure honest reporting, the dean and the faculty committee should both provide statements which are similar to the statements signed by deans of schools seeking provisional approval. The statements would provide that the dean (or committee) had carefully reviewed the Standards, and that the self-inspection report honestly reflects the compliance of the school with the Standards and Interpretations. See Rule II(6).

Failure to honestly report information about a school is a serious matter, and appropriate action should be taken when it is discovered. See note 86 *infra*.

77. See note 70 *supra*.

78. Rule III(1) provides:

To the end that the American Bar Association Standards shall be maintained, to ensure compliance and to advance the continued improvement of legal education, provisionally approved and fully approved schools will be expected to furnish to the Council such information as is requested by the Council and Accreditation Committee.

E. *The Questionnaire Process*

It is not practical to require full annual reinspections of all law schools. Much of the information that could be gathered from full reinspection, however, might be obtained from a completed Inspection Questionnaire.⁷⁹ In most areas of the law school, a completed Inspection Questionnaire would provide sufficient information to reasonably judge the compliance of a school with the Standards. There are obvious exceptions, such as the adequacy of classroom teaching which can, at best, only be examined during an on-site inspection. By using such a system, the Accreditation Committee and Council would have a significant amount of information about the compliance of each law school with the Standards, and would, therefore, be in a position to respond quickly to violations of the Standards.

There appear to be problems associated with requiring law schools to complete an annual Inspection Questionnaire. If schools were required to complete the questionnaire annually, the time and effort required might be excessive. Law schools that have been reinspected, for example, note that there is considerable administrative and staff time required to complete the Inspection Questionnaire. In addition, the Accreditation Committee, Council and Consultant on Legal Education might be required to spend a considerable amount of time reviewing annual Inspection Questionnaires.

Schools currently complete an Annual Questionnaire for the ABA, describing the general operation of their schools.⁸⁰ With some modification, the Annual Questionnaire could be used to annually review each law school for accreditation purposes. The revised Annual Questionnaire might in fact also be used as the Inspection Questionnaire. This would save schools considerable time and effort when they are reinspected, since they could update their Annual Questionnaire and submit it as the Inspection Questionnaire. Since the Annual Questionnaire is typically completed in September and October,⁸¹ schools would have an added incentive to be reinspected in the fall because the information in the Annual Questionnaire would be current. Fall

79. The Inspection Questionnaire is a lengthy document completed by a law school prior to an inspection or reinspection. When completed, it provides substantial information about the law school.

80. The Annual Questionnaire, as its name suggests, is completed by approved law schools each year. It is an extensive questionnaire (about 35 pages, plus instructions), and covers many facets of law school operation. Although it asks for much of the same information contained in the Inspection Questionnaire, it is not organized in the same way and does not follow the same format.

81. Much of the questionnaire deals with matters which are established by a law school in July or August (*e.g.*, budget, financial assistance, library holdings). The Annual Questionnaire might, therefore, be mailed to schools during the summer so that schools could begin to complete it early.

inspections are desirable because that is when the law school program is likely to be the most stable.⁸² A questionnaire which meets these objectives is proposed in the appendix to this article.

The Consultant's office currently spends a considerable amount of time gathering information from the Annual Questionnaire. It would undoubtedly take additional time to review the responses of each school for areas of noncompliance. Part of this burden might be reduced by the use of computers. The use of computers would permit the Consultant's office to more efficiently gather the data which it publishes each year on law schools. It would also permit the Consultant and the Accreditation Committee to rapidly review the completed questionnaires and identify possible trouble spots in schools. The use of computers might also reduce the burden on law schools, by allowing the ABA to do some of the data manipulation which is now required of the schools in the completion of the Annual Questionnaire.

The work of the Accreditation Committee and Council, at least initially, would be increased by a review of the Annual Questionnaire. Where compliance is unclear, schools would have to be contacted so that additional information could be supplied to the Committee. Schools in violation of the Standards would, depending on the nature and seriousness of the violation, be subject to various enforcement measures. Such measures may include a warning of the apparent deficiency, an order to correct the problem and report back to the Accreditation Committee or Council, an order to appear before the Committee or Council, a reinspection by a special reinspection team, or a review by a hearing commission or commissioner.⁸³ The response of the Accreditation Committee or Council to various problems which come to light in the Annual Questionnaire could be structured so that very little Committee or Council time would be required for each school. By dealing with problems while they are still small, and by making it clear that a law school which is not in full compliance with the Standards will be quickly detected, law schools and universities will have an added incentive to stay within accreditation guidelines.

A review of a completed questionnaire cannot be a complete reinspection of a law school. It would be difficult, for example, to take the individual objectives and goals of a law school into account in reviewing a completed questionnaire. Periodic reinspections with on-site visits would be essential to a full accreditation review. With the general compliance of the school fairly assured, however, inspection

82. See note 73 & accompanying text *supra*.

83. A Hearing Commission may be appointed by the Council to determine whether a school is in violation of the Standards. See Rules III(4), IV. It usually conducts a formal hearing at the school, during which a verbatim record is kept. The Commission then makes a written report. See Memorandum 7879-12 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA, at 3-5 (Sept. 18, 1978).

teams would have more time than they currently have to consider the law school program in light of the school's goals and objectives.

VI. A PROPOSAL

A. *Annual Audits*

The desirable features of the alternatives described above might be combined to establish a system which the Accreditation Committee and Council could use to examine law schools effectively and efficiently. This would also avoid the problems inherent in the current seven-year reinspection program. An Annual Audit, consisting of a completed Annual Questionnaire and an annual self-inspection report, should be submitted by each law school.

The Annual Questionnaire, now used for describing the general administration of schools, should be modified to provide for an annual accreditation review of each law school.⁸⁴ If a school's compliance with one or more of the Standards appears doubtful after reviewing the questionnaire, the school should automatically be contacted by a Consultant and informed of suspected violations. If there are a large number of answers which are incomplete or ambiguous, a full reinspection of the school should be scheduled. If review of the school indicates that there is an area in which the school is not conforming with the Standards, the school should either be notified of the deficiency or ordered to make necessary adjustments within a stated time and report in writing to the Consultant when the changes have been made. If a serious violation of the Standards is apparent, or if the response of the school is inadequate, the Council should order a hearing or a special full reinspection to investigate those matters. If there are a number of areas in which the school does not appear to be in compliance, or if the school cannot demonstrate a "genuine and continuous effort to improve the quality of its educational efforts," a full reinspection of the school should be ordered. A school's adherence to the Standards should be questioned if deficiencies are noted from the Annual Questionnaire or if such questions are raised by the annual self-inspection report.

In addition to the Annual Questionnaire, each school should submit a self-inspection report as part of the Annual Audit. There should be two independent statements, one from the dean and one from a self-inspection committee elected by the faculty.⁸⁵ Each report should include a discussion of the areas in which the school does not fully comply with the Standards. The self-inspection report should also in-

84. See notes 61-65 & accompanying text *supra*.

85. See notes 69-78 & accompanying text *supra*.

clude a short statement demonstrating that the school is making a "genuine and continuous effort" to improve the quality of its program. If the Annual Audit and a subsequent investigation show that the school has not been in compliance where compliance was claimed by the dean, the librarian or the faculty committee, or if information in the Annual Questionnaire is found to be incorrect or misleading, the shortcoming should be noted and appropriate action taken.⁸⁶

The additional time and effort which an Annual Audit program might require of the Consultant's office and of the Accreditation Committee and Council, and the increased clerical and computer costs, could be funded by law schools through an Annual Audit fee. Although a general ABA fee for law schools has been objectionable in the past, the uniform reinspection fee charged by the ABA has not been the source of much controversy.⁸⁷ An audit fee, however, would resemble a reinspection fee more than it would a general fee.⁸⁸ The Council has the authority under the current Rules to implement an annual audit system.⁸⁹ It is doubtful, however, that the Council could impose an audit fee without a change in the Rules.

B. *The Scheduling of Full Reinspections*

Annual audits would significantly increase the ability of the Accreditation Committee and Council to assure that law schools are being operated in compliance with the Standards. Ultimately, however, the ABA must depend on reinspections to determine whether schools are in full compliance with the Standards. The Accreditation Committee and Council should establish a typical pattern for regular reinspections, but should also have the discretion to vary the length of time between regular inspections. With the use of the Annual Audit, a

86. Appropriate action might include a warning letter to the dean or committee, private or public reprimand, or official censure.

The ABA system of accreditation depends heavily on reports from schools. The Accreditation Committee has a very strong interest, therefore, in promoting full and honest reporting. See generally Kirkwood, *Institutional Responsibilities in Accreditation*, 59 EDUC. REC. 297, 299-300 (1978) (accreditation generally depends heavily on the candor of institutions, especially in the self-study).

87. On behalf of its member law schools, the AALS objected strenuously to a suggestion in 1978 that an annual fee be imposed on approved schools by the ABA.

88. The AALS might receive substantial benefits from such a program. Since its criteria for accreditation are so similar to the Standards, and its system of accreditation so closely tied to the ABA, the information and analysis developed about a school in the Annual Audit could be of real benefit to the AALS accreditation system. A plan to furnish the AALS with information from the Annual Audits might help justify the audit fee.

Recently, a fee was instituted by the ABA for schools wishing to receive copies of the information from the Annual Questionnaire. Although the fee is small, it is, in effect, an annual fee.

89. See Rules III(1), (3), IV.

reinspection every five years should be adequate for most law schools.⁹⁰

A school that is making normal progress, which is operating within the Standards,⁹¹ and which indicates the desire and the ability to continue such conduct, should be scheduled for reinspection every five years.⁹² If there is a lack of good faith effort in complying with the Standards, or if there has not been a genuine effort to improve the educational program of the school, then a reinspection should be scheduled every three years. Schools which have a long history of full compliance with the Standards and which meet objective criteria establishing that they substantially exceed the Standards should be scheduled for reinspection every seven years.⁹³ Newly accredited schools should initially be reinspected two years after receiving full accreditation.⁹⁴

Schools marginally within the Standards but lacking evidence of support within the law school or university for quality legal education should be scheduled for reinspection after one year. This would put law schools that are close to falling below the minimum levels established by the Standards in an informal "provisional status." They would then be reinspected each year until their continued ability to comply fully with the Standards was assured.

90. Since the decision concerning the length of time between regular reinspections is a trade-off between efficiency and assurance of compliance with the Standards, reasonable people may differ concerning the time for regular reinspections. Although a three-year reinspection program is attractive because it would ensure at least one inspection during each law student's studies, it is doubtful that the Accreditation Committee could reasonably handle the load of inspections or that adequate inspection teams could be fielded to provide for a three-year reinspection program.

A study of the accrediting practices of 52 agencies revealed that program reinspections are most commonly scheduled for five-year intervals. Some programs reinspect at shorter intervals: chemistry, three years; dietetics, three to five years; rehabilitation education, one to five years; and engineering, two, four or six years. See Peterson, *supra* note 65, at 306.

91. Standard 105 provides that: "An approved school shall seek to exceed the minimum requirements of the Standards." Similarly, Rule III(3) requires a school to "demonstrate a genuine and continuous effort to improve the quality of its educational efforts."

92. An argument can be made for continuing the current seven-year reinspection program for schools which have a long history of exceeding the minimum objectives required by the Standards, which demonstrate a dedication to quality legal education, and which have adequate financial resources to maintain excellence. A number of schools might believe, however, that they qualify for a seven-year reinspection schedule, and because it would affect the reputation of the school, they would probably demand a seven-year schedule. The resulting time and effort devoted to hearings, and possibly appeals, may not appear to be worth the effort to extend the reinspection time from five years to seven years for a few schools.

93. See note 66 & accompanying text *supra*.

94. Provisionally accredited schools are inspected each year. Rule II(11). An early reinspection of a newly accredited school would be useful in assuring that the school is maintaining its compliance with the Standards.

At the time of reinspection, a law school should provide the following information: the current and two preceding Annual Questionnaires and self-inspection reports, a statement about the history of the law school, university and law school faculty handbooks, admissions profiles, copies of the faculty and curriculum committee minutes for the previous year, copies of the current catalogs, class schedules of the current and two previous years, research and service activities for all faculty and administrators for the previous two years, university budget and financial data for the current and previous two years, and the self-study report.

C. Implementation

The simultaneous implementation of this plan at every law school might present a sudden and intolerable burden on the Consultant, the Accreditation Committee, and the Council. To avoid this, the plan might be phased in by adopting the system for those schools which have been reinspected in the last two or three years, and for all other schools at the time of the next reinspection.⁹⁵

VII. CONCLUSION

The accreditation system of the American Bar Association serves many important functions. In most states it plays a major role in the process of licensing attorneys, as most states require graduation from an ABA approved law school before admission to the bar. ABA accreditation is meant to assure bar examiners, and ultimately the public, that the legal education of an applicant for admission to the bar is adequate. The accreditation process also serves to protect current and prospective law students, assures governmental agencies and other financial sources that they are not financing grossly inadequate legal education, promotes the legal profession's interest in sound legal education, protects current and prospective law school faculty members, and informs universities and other academic institutions of the quality of their law schools. To justify the reliance which is placed on "accredited" law schools, the ABA must be able to reasonably ensure that approved schools are adhering to the minimum quality required by the Standards. The current system of reinspection, however, does not appear to fully ensure continued compliance with the ABA Standards.

The practice of reinspecting approved law schools every seven years permits some schools to operate outside of the Standards for substantial periods of time. This allows small problems to become major problems and makes it difficult for the Accreditation Committee

95. The phase-in of the proposed plan would also permit the ABA and AALS to coordinate their efforts to promote a unified and efficient accreditation system.

and Council to "observe and determine the adherence of the approved law schools to the Standards for Legal Education."⁹⁶ In addition, the present system raises serious questions regarding the Council's ability to meet its responsibility, delegated by the American Bar Association, for "insuring continued compliance with the Standards as interpreted by the Council."⁹⁷

To insure continued compliance with the Standards by approved schools, the Accreditation Committee and Council should review each school annually. The revised Annual Questionnaire, along with the brief self-inspection reports, would provide the basis for an annual audit of each law school.

If a law school's compliance with the Standards is unclear, it would be informed of the problem or asked to provide additional information. Schools with relatively minor violations of the Standards would be notified of the deficiency or asked to correct the deficiency and report to the ABA when corrections have been made. Schools with a number of deficiencies or major violations of the Standards would be reviewed by a hearing commission or be scheduled for a special reinspection. Regular reinspections would ordinarily be scheduled at five year intervals, but in exceptional cases this interval should be reduced to three years, two years, or even one year. Provisionally approved schools would have their first reinspection after two years.

The implementation of this plan might initially involve significant additional work for the Consultant, the Accreditation Committee and the Council, and some limited additional work for law schools. In the long run, however, increasing the efficiency of the accreditation process should reduce the work load, and increasing the effectiveness of the accreditation process should improve the quality of legal education.

APPENDIX

The proposed annual questionnaire presented in the appendix is designed to provide a review of approved law schools as part of the annual audit described in the text. It is basically a modification of the existing Annual Questionnaire in terms of format and questions asked. It is also to be used as the basic Inspection Questionnaire.

The organization of the questionnaire has been changed somewhat to parallel the organization of the inspection reports. Although some new questions have been added, most of the questions comprising this proposed questionnaire appear in a recent Annual Questionnaire. Some questions, however, have been eliminated: questions

96. AMERICAN BAR ASSOCIATION, APPROVAL OF LAW SCHOOLS: AMERICAN BAR ASSOCIATION STANDARDS AND RULES OF PROCEDURE vi (1979).

97. Rule IV(1).

5(a) and (b), 27, 33, 36(a), 38(d), 39(a)-(b), 40, 44, 48, 49, 54, 55, 56, student body 3(d), and library 24-35. In many instances, the information sought by these omitted questions nevertheless has been elicited, for example, by modifying retained questions or by adding new ones. Unless labeled "[new]," or otherwise noted, questions are from the 1979-80 Annual Questionnaire or the Inspection Questionnaire.

The Consultant currently provides Explanatory Notes as part of the questionnaire sent to schools. These explanations and instructions (not reproduced here) will continue to be useful with the revised questionnaire.

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

Fall 19__ Annual Questionnaire

Inspection Questionnaire

I. HISTORY AND ORGANIZATION

- 1a. Full name and complete mailing address of school.

Telephone number of school: () _____

(As to be published in the Annual Review of Legal Education)

___ Private ___ Public

- 1b. To whom should inquiries regarding this questionnaire be addressed?

Name	Title	Telephone No.
------	-------	---------------

2. Is the law school affiliated with a university?

___ Yes ___ No

If "No," attach a statement describing the measures which have been taken to supply the advantages of university affiliation. [New]

3. Does the law school have a committee of visitors?

___ Yes ___ No

4. Does the law school discriminate in any program, including placement, admission, educational opportunity or hiring, on the basis of:

race	___ Yes	___ No
color	___ Yes	___ No
religion	___ Yes	___ No
national origin	___ Yes	___ No
sex	___ Yes	___ No

If "Yes" to any, attach an explanation. [New]

5. Allocation of Responsibilities—Broadly estimate the percentage of the work load allocated between the law school and central administration.

	<u>Law School</u>	<u>Central</u>
Admissions	___ %	___ %
Financial Aid	___ %	___ %
Placement	___ %	___ %
Alumni Affairs	___ %	___ %
Development	___ %	___ %
Registrar	___ %	___ %
Bursar	___ %	___ %
Building Maintenance	___ %	___ %

6. Has there been interference in any way within the last year with the law dean or faculty's formulation and administration of the following policies:

faculty selection	___ Yes	___ No
method of instruction	___ Yes	___ No
admissions policies	___ Yes	___ No
size of entering class	___ Yes	___ No
retention of students	___ Yes	___ No
advancement of students	___ Yes	___ No
graduation of students	___ Yes	___ No
curriculum	___ Yes	___ No

Attach a detailed explanation of any "Yes" answer. [New]

7. List law school committees and size of committees by classification. (attach an additional sheet if necessary)

Name of committee	No. of law faculty	No. of law students	No. of law school administrators	No. of others

[New]

II. LAW SCHOOL FINANCES AND RESOURCES

8. Complete the "Law School Budget & Expenditures" form below; attach any notes or explanations necessary. [New]

9. Give the dates of the law school fiscal year. _____ [New]

10a. During the last year did the dean have an effective and realistic opportunity to present law school budget recommendations before the budget was submitted to the governing board?

___ Yes ___ No

LAW SCHOOL BUDGET & EXPENDITURES

	Last year		Current year
	Budget	Actual	Budget
INCOME¹			
Tuition & fees			
Academic year			
Summer school			
Grant income			
Gifts			
Endowment—Income restricted to law school			
Endowment—from university			
Transfers from the university			

	Last year		Current year
	Budget	Actual	Budget
State appropriation			
Auxilliary enterprises (specify)			
Other (specify)			
TOTAL INCOME:			
Work study funds from federal or state government			
EXPENSES			
Instruction			
Faculty— Academic year (9 mo.) ²			
salaries			
fringes			
Faculty— Summer school ²			
salaries			
fringes			
Secretarial assistance ² (devoted exclusively to faculty work)			
Research assistants			
Other (specify)			
Administration and Support			
Decanal (including assistant and associate deans)			
salaries			
fringes			
Other administrative personnel ³			
salaries			
fringes			
Travel			
decanal/administrative/library			
faculty			
Supplies and expenses ⁴			
Equipment			
Other (specify)			
Library			
Professional librarians			
salaries			
fringes			
Support staff			
salaries			
fringes			
Student assistants			
Acquisitions			
Serials (hard copy)			
Treatises (hard copy)			
Loose leaf services			

III. ADMINISTRATION

14a. Name of Dean: _____
 Residence Address of Dean: _____
 Office Telephone of Dean: () - _____
 Residence Telephone of Dean: () - _____
 (For Consultant's use only)

14b. Does the dean devote full professional time to the law school?
 _____ Yes _____ No

If "No," please attach a list of his or her other work. [New]

15. Briefly describe the number and general responsibilities of assistant and associate deans and state what portion of the time of each is devoted to administration.

16a.* Personnel

Administration: Please estimate the number of persons who will be handling the following functions this academic year:

Grade levels 1 and 2 would include officers such as those exempt from Fair Labor Act standards. Grade level 1 should include senior officers (Assistant Deans or higher and equivalent Directors). Grade level 2 should include junior officers, administrative assistants, executive secretaries and other supervisory personnel, machine operators, etc. (Omit library personnel.)

If one person is sharing two or more functions, use approximate fractions. General administration would include the dean and can also be considered as a "catch all" category.

	Grade level:		
	1	2	3
General Administration			
Admissions			
Financial Aid			
Alumni Affairs & Development			
Student Services & Counseling			
Placement			

IV. FACULTY

17. Please attach a description of the procedure for appointing new members of the faculty (full-time, part-time, and visitors) including a statement of the role of faculty, dean, and central administration.
 [New]

18a. Please attach a description of your law school academic freedom and tenure policy. Include a statement of the relationship between rank and tenure (if any) and the circumstances in which "early tenure" may be granted.

18b. What is the maximum and normal time that a faculty member serves in probationary status before tenure is granted?
 maximum: _____ years normal: _____ years

18c. Please attach a description of your law school promotion policy. Include a description of the rank structure.

*The Consultant's Explanatory Notes assist in answering this question.

18d. How many years does a faculty member usually serve at the school before promotion:

associate professor full professor

18e. Does the law school academic freedom, promotion or tenure policy differ from that of the university? Yes No

If "Yes," please describe. _____

If "No," attach an explanation describing how the present policies are adequate for the recruitment and retention of qualified law faculty. [New]

19. Has any law dean or faculty recommendation regarding the tenure or promotion of any law faculty member been turned down or reversed by any person or body outside the law school during the past year?

Yes No

If "Yes," attach an explanation. [New]

20a. Please attach a description of the sabbatical and research leave policy and how it is administered.

20b. During the last year (last fall and spring only) how many faculty were on sabbatical or paid research leave? [New]

21. Does any dean or faculty member have a continuing relationship with a law firm (e.g., being a partner, "of counsel," or "special counsel") or have a professional listing in the yellow pages?

Yes No

If "Yes," please attach an explanation. [New]

22. Is the compensation of any faculty or staff member dependent upon, or related to, the number of students enrolled in the school or in any class? Yes No

If "Yes," attach an explanation. [New]

23. What is your student/faculty ratio as of the end of the first week of classes this fall (do not count as faculty any part-time faculty member or any librarian, associate dean or other person with substantial administrative assignment):

a. counting only full-time faculty and counting all students /____

b. counting only full-time faculty and counting part-time students as 2/3 FTE /____

What are the above figures as of February 1 of this year?

a. /____ b. /____ [New]

24a. Please estimate for the 1980-81 fiscal year the dollar amounts expressly allocated to research that will be financed from:

(1) University & Law School sources	\$ _____
(2) Non-law school and non-university sources	\$ _____
TOTAL	\$ _____

INSTRUCTIONS—FACULTY PROFILE

- 1. Do not give the name of the individual, refer only by letter. A person should be listed on the profile only once.
- 2. Do not include full-time clinical faculty, librarian, deans or others reported elsewhere. If any faculty has substantial administrative duties (e.g., for which there is released time) please note this in the remarks column. Note any faculty member on leave (including sabbatical leave) in the remarks column. Note "visitor" in remarks column any faculty member who is visiting your law school.
- 3. See definition, Questions 27q - 27r of the Questionnaire.
- 4. Do not include the current year in counting years of full-time teaching and practice and years since the first law degree.
- 5. Tenure status: Now tenured; eligible for tenure; not eligible for tenure.
- 6. Include full annual salary as "academic year, 9 month salary" for deans and librarians.
- 7. Identify in "remarks" column the head librarian.
- 8. Make a notation of persons who are currently in their first year at your school, and of any special assignment or released time of any faculty member.
- 9. In accordance with Council policy, you must give the dean's salary. If you do not wish the information distributed, even on a confidential basis, please put an X in the space below. Please note that deans who wish to withhold this information from distribution will not receive the Consultant's Dean's Salary Table.

—
—

27. For the purpose of calculating fringe benefits, please state formula, and please describe the specific items included in the calculation of fringe benefits. (See question 27b.)

Section 2

DO NOT COMPLETE THIS SECTION IF YOU HAVE COMPLETED THE FACULTY PROFILE

27a. Please state the actual number of persons teaching in the law school during the first semester (or quarter) of the current academic year and the total number of contact hours taught by these persons during that semester (or quarter). Exclude from this question all faculty members on research or other leaves.

Line (d) Self-explanatory.

Line (e) "Clinical Instructors": Do not include any contact hours which are attributed to a "Clinical Teacher" on line (a).

Line (f) "Teaching Fellows or Associates": Do not include any contact hours which are attributed to a "Full-time Teacher" on line (a).

Line (g) Self-explanatory.

These two figures should be identical

- 27b. Please give the regular compensation to be paid to full-time teachers during the current academic year, regardless of the sources from which payment of such regular compensation is made (exclude summer session).

NOTE: In answering Questions 27b to 27h:

- INCLUDE: (a) Persons included on line (a) in Question 27a.
 (b) Nine-elevenths (9/11) of the faculty members on annual contracts.
- EXCLUDE: (a) The dean and assistant and associate deans
 (b) The librarian
 (c) Faculty on research or other leave if not paid from the law school or university funds
 (d) Budgeted but unfilled positions
 (e) Persons holding non-tenure track positions (e.g., teaching associates)
 (f) Any additional compensation paid for teaching in the summer session
 (g) Any person with substantial administrative duties

“Fringe benefits” means cash contributions paid by employer but does not include the cash equivalent of employee benefits, such as parking. Please include FICA (Social Security) in fringe benefits. [Revised]

	<u>Base Salary</u>	<u>Fringe Benefits in Dollars</u>
(a) High	\$ _____	\$ _____
(b) Low	\$ _____	\$ _____
(c) Median*	\$ _____	\$ _____
(d) Average	\$ _____	\$ _____

The number of full-time teachers used in making the foregoing computation: _____

* The Consultant’s Explanatory Notes explain calculating a median.

	<u>Men</u>	<u>Women</u>	<u>Total</u>
(a) Full-time teachers	_____	_____	_____
Sub-total line(a):	_____	_____	_____
	<u>Men</u>	<u>Women</u>	<u>Total</u>
(b) Deans and Other Administrators	_____	_____	_____
(c) Librarians	_____	_____	_____
(d) Teachers from Other Divisions	_____	_____	_____
(e) Clinical Instructors	_____	_____	_____
(f) Teaching Fellows or Associates	_____	_____	_____
(g) Part-time Teachers	_____	_____	_____
Sub-total, lines (b)-(g):	_____	_____	_____
Grant Total, lines (a) and (b)-(g):	_____	_____	_____

Line (a) Full-time Teachers means persons who devote substantially all of their professional time to teaching and legal scholarship. “Clinical Teachers,” should be included in this line. In this regard, Clinical Instructors referred to in line (e) are to be distinguished from “Clinical Teachers.”

Include visiting faculty at your school this semester.
Do not include on line (a) Deans, Other Administrators and Librarians who teach at a reduced load. These persons should be included on lines (b) and (c).

Line (b) "Deans and Other Administrators": Exclude all persons who do not teach.

Line (c) "Librarians": Exclude all persons who do not teach.

27c. What is the average number of years since the first degree in law was earned of the full-time faculty used in the foregoing computation?

27d. What are the high, median (not average) and low base salaries (excluding fringe benefits) of the full-time teachers (use definition in Question 27b) for the current academic year by years since they obtained their first degree in law?

			Number of Teachers in Category
0-5 Years	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	
6-15 Years	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	
16-25 Years	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	
Over 25 Years	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	

27e. What are the high, median (not average) and low base salaries (excluding fringe benefits) per rank of full-time teachers (use definition in Question 27b) for the current academic year?

			Name of Teachers in Category
Assistant Professor	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	
Associate Professor	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	
Professor	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	

27f. What are the starting salaries of those who are new to full-time law teaching and who will join (or have joined) your faculty in the fall of this year?

			Number of Teachers in Category
Assistant Professor	High	\$ _____	_____
	Median	\$ _____	
	Low	\$ _____	

Associate	High	\$ _____	
Professor	Median	\$ _____	_____
	Low	\$ _____	
Professor	High	\$ _____	
	Median	\$ _____	_____
	Low	\$ _____	

27g. Please estimate the total instructional base payroll (excluding fringe benefits) for the current academic year, including a pro-rata share for administrators who provide instruction. Include all teachers, both full-time and part-time. (Do NOT include salaries paid for instructional support, e.g., secretaries). Include salaries paid to instructors on sabbatical leave where salary is included in the law school operational budget. Non-tenure track people are to be included in (b) below:

- (a) All persons included in Question 27b \$ _____
- (b) All others \$ _____
- (c) Total \$ _____

27h. Please estimate the total amount to be expended for fringe benefits for those receiving the instruction salaries reported in the total of Question 27g \$ _____

27i. For the purpose of calculating fringe benefits, please state formula, and please describe the specific items included in the calculation of fringe benefits.

27j. How many persons hold full-time appointments at your law school for the current full term in each of the following categories? (Include those on leave from your school; include persons holding appointments that are limited in term or designated as "visiting" if they are not on leave from another law school; exclude those visiting from another law school; exclude graduate teaching fellows.) In completing the chart below, please use the following categories; they are intended to be mutually exclusive and no person should be counted in more than one:

- (a) Teaching faculty (other than clinical and library).
- (b) Professional staff with no teaching duties.
- (c) Clinical instructional staff.
- (d) Library instructional staff.

	<u>Now tenured</u>	<u>Eligible for tenure</u>	<u>Not eligible</u>	<u>TOTAL</u>
(a)	_____	_____	_____	_____
(b)	_____	_____	_____	_____
(c)	_____	_____	_____	_____
(d)	_____	_____	_____	_____
Total	_____	_____	_____	_____

[1978 AQ]

27k. Please give the percent of your full-time faculty currently tenured.

_____ %

27l. What is the normal number of contact hours which a member of your fulltime faculty is expected to teach each year (fall plus spring only)?
 _____ (semester/quarter hours)

“Contact hours” means the number of credit hours a faculty member teaches; no reduction is made in calculating contact hours on account of teaching more than one section of the same course.

27m. What is the maximum contact hours any faculty taught during: the past academic year (excluding summer school)? ____; during any one semester? ____ [New]

27n. Summer Session

Please give the compensation to be paid to the full-time teachers for teaching during the summer session, regardless of the sources from which payment of such compensation is made.

	<u>Base Salary</u>	<u>Fringe Benefits in Dollars</u>
(a) High	\$ _____	\$ _____
(b) Low	\$ _____	\$ _____
(c) Median	\$ _____	\$ _____
(d) Average	\$ _____	\$ _____

The number of full-time teachers used in making the foregoing computation: _____

27o. Supporting Services

What is the total annual compensation (including amounts carried on the teaching budgets) to be paid the Dean in the current year? Use the definition of “fringe benefits” given in Question 27b.

Annual Base Salary \$ _____

Annual Fringe Benefits \$ _____

Is the Dean's salary paid on other than a 12-month basis?

____ Yes ____ No

In accordance with Council policy, you must complete this question. If you do not wish the information distributed, even on a confidential basis please put an X in the space below. Please note that deans who wish to withhold this information from distribution will not receive the Consultant's Dean salary table. _____

27p. For the associate and assistant deans (not included in Question 27b) what is the average annual base salary (exclude fringe benefits) for 1978-79. \$ _____

What is the number of associate and assistant deans used in this computation? _____ [1978 AQ]

27q. Clinical Faculty Instruction

Please give the regular compensation paid to full-time teachers during the current academic year, regardless of the source from which payment of such regular compensation is made, who devote all of their instructional time to clinical teaching.

NOTE: In answering this question, exclude faculty on leave, budgeted but unfilled positions, and persons holding non-voting positions (e.g., clinical instructors) on the faculty. Please include visiting faculty. Ex-

clude additional compensation paid for teaching in the summer session. "Fringe benefits" means cash equivalent of employee benefits, such as parking. Please include FICA (Social Security) in fringe benefits.

	<u>Base Salary</u>	<u>Fringe Benefits in Dollars</u>
(a) High	\$ _____	\$ _____
(b) Low	\$ _____	\$ _____
(c) Median	\$ _____	\$ _____
(d) Average	\$ _____	\$ _____

The number of full-time teachers used in making the foregoing computation: _____.

- 27r. Please give the regular compensation paid to persons employed by the law school on a full-time basis who, under the direction or supervision of a full-time teacher, will teach or supervise students participating in clinical programs during the current year, regardless of the source from which payment of such regular compensation is made.

NOTE: "Fringe benefits" means cash contributions paid by employer but does not include cash equivalent of employee benefits, such as parking. Please include FICA (Social Security) in fringe benefits.

	<u>Base Salary</u>	<u>Fringe Benefits in Dollars</u>
Clinical Instructors:		
(a) High	\$ _____	\$ _____
(b) Low	\$ _____	\$ _____
(c) Median	\$ _____	\$ _____
(d) Average	\$ _____	\$ _____

The number of full-time clinical instructors used in making the foregoing computation: _____.

- 27s. Please state the total budgeted instructional base salary payroll (excluding fringe benefits) for the current academic year for clinical teachers, including teachers and instructors (as defined in Questions 67a and b) and a pro-rata share for administrators who provide clinical instruction on a part-time basis. \$ _____
- 27t. Please estimate the total amount budgeted for fringe benefits for those receiving instructional salaries reported in Question 27s.

\$ _____

For purpose of calculating fringe benefits, please state formula.

28. Not required of section 2.

V. LIBRARY

LIBRARY

AMERICAN BAR ASSOCIATION, ASSOCIATION OF LAW LIBRARIES,
AND ASSOCIATION OF AMERICAN LAW SCHOOLS
JOINT QUESTIONNAIRE FOR LAW SCHOOL LIBRARY STATISTICS

Please Note:

This questionnaire and the accompanying definitions and instructions are closely modeled after those of the U.S. Department of Health, Education and Welfare;

Education Division; Higher Education General Information Survey and Library General Information Survey (LIBGIS I Supplement), College and University Libraries.

PLEASE READ DEFINITIONS AND INSTRUCTIONS BEFORE COMPLETING THIS FORM

Definitions of book stock, serials, and net assignable area are especially important.

Please provide the information as accurately as possible. Where it is not feasible to provide the actual figure, give your best estimate.

29. This form is to be completed by (or for) the head law librarian.

Name of person completing form: _____

Title: _____

Address: _____
 Institution City State ZIP

Telephone No.: () - _____
 Area Code Number Extension

30. LIBRARY COLLECTION, FISCAL YEAR _____

	Added During Fiscal Year	Held at End Fiscal Year
<u>Book Stock (include serials; exclude microforms)</u>		
a. Number of volumes		
b. Number of titles		
<u>Microforms</u>		
c. Number of volume equivalents		
d. Number of titles		
e. Total volumes & equivalents (sum of lines a & c)		
f. Total titles (sum of lines b & d)		
<u>Audiovisual Materials (exclude microforms)</u>		
g. Number of titles		

31. SERIAL SUBSCRIPTIONS, FALL _____

_____ Number

a. Number of serial subscriptions (include duplicates) _____

b. Number of titles (exclude duplicates) _____

32. Please complete form on page 16a.
33. Please complete form on page 16b.
- 34a. Number of hours of student assistance for students serving on an hourly basis for the last year (include work-study). _____

- 34b. What is the total number of student hours budgeted in the current fiscal year? _____
- 35. Number of budgeted positions that require at least a bachelor's degree and remain unfilled on or about October 1 (include full-time positions and part-time positions in full-time equivalents)

- 36. Total federal contribution to work-study wages paid to students serving on an hourly basis for the last year

37. LIBRARY PHYSICAL FACILITIES, FALL, CURRENT YEAR

	Category	Number
a.	Net Assignable Area (net area, in square feet, of space assigned for library purposes)	
b.	Shelving Capacity (total length, in linear feet, of shelving available for library materials)	
c.	Seating Capacity (total number of seats available for library users; exclude non-study areas and rooms that are generally locked)	
d.	Microform Readers (total number)	
e.	Microform Reader-Printers (total number)	

LIBRARY STAFFING AND SALARIES BY POSITION, ON OR ABOUT OCTOBER 1, CURRENT YEAR (exclude students serving on hourly basis)

	Number of persons in filled positions on or about October 1, current year			Salaries and fringe benefits for the current year		
	Full-time (in whole numbers)	Part-time		Full-time (in whole numbers)	Part-time (in whole numbers)	
		Number of persons (in whole numbers)	Number of full-time equivalents (to one decimal place)			
a. Head Law Librarian				base fringe	base fringe	
b. All Other Librarians and Professional Staff (total budget)				base fringe	base fringe	
c. Supporting Staff (exclude hourly students) (total budget)				base fringe	base fringe	
d. TOTALS (sum of lines a through c)				base fringe	base fringe	
e. Annual base salary and fringe benefits in whole dollars of the full-time librarians (exclude head law librarian and budgeted but unfilled positions), for the current year				High base fringe	Median base fringe	Low base fringe

NUMBER OF LIBRARIANS AND OTHER PROFESSIONAL STAFF, BY EDUCATION AND BY FULL-TIME AND PART-TIME ON OR ABOUT OCTOBER 1, CURRENT YEAR (include head law librarian; exclude supporting staff)

Each person should ONLY BE REPORTED ONCE according to highest earned degree(s).

Category	Less than a Bachelor's Degree	Bachelor's Degree	Masters in Library Sci.	Masters in Library Sci. and American Law Degree	Masters in Library Sci. and Foreign Law Degree	Masters in Library Sci. and Other Degrees	Other American Graduate Degree	American Law Degree	Foreign Law Degree	Other Foreign Degree
a. Full-time employees (in whole numbers)										
b. Part-time employees (in whole numbers)										
c. Full-time equivalents of part-time employees shown in line b (to one decimal place)										
d. Total Full-time & Part-time employees, in FTE's (<u>sum of lines a and c</u> ; to one decimal place)										

38. HOURS OF LIBRARY OPERATION LAST YEAR

(A)	(B)	(C)	TOTAL hours
Hrs/week library is staffed by a professional (with or without other staff)	Hrs/week library is staffed by supporting staff (no professional with or w/o students)	Hrs/week library is staffed by students only	per week library is open (sum of A,B, and C)

- a. Regular School Terms
- b. Summer Hours or Other Abbreviated Schedule
- c. Number of weeks per year the library operates on summer hours or other abbreviated schedule _____

39. Does your library do its own technical processing?

___ Yes ___ No

40. Do the dean and librarian maintain a current written plan for implementation of law library support for the law school program?

___ Yes ___ No

If "Yes," when was the plan last revised? _____

If "No," attach an explanation. [New]

41. Do the law school dean, librarian and faculty have full responsibility for determining:

a. law library policy ___ Yes ___ No

- b. selection and retention of personnel ___ Yes ___ No
- c. selection of acquisition ___ Yes ___ No
- d. hours of operation ___ Yes ___ No
- e. arrangement of materials ___ Yes ___ No
- f. provision of reader services ___ Yes ___ No

If "No" to any, please attach an explanation. [New]

- g. During the previous year has there been any interference with any of the above listed services by anyone outside the law school?
___ Yes ___ No [New]

- h. During the past year has there been any interference from outside the law school with the dean and faculty in making decisions regarding the selection, promotion, or retention of any law library personnel?
___ Yes ___ No [New]

42a. Please attach a description of the formal and informal relationships between the law library and the university library. [New]

42b. Please attach a description of the services the university library provides for the law library. [New]

NOTE: LIBRARY FINANCIAL DATA ARE INCLUDED IN QUESTION 8. THE LAW LIBRARIAN SHOULD PROVIDE OR REVIEW THE INFORMATION FOR THE LIBRARY PORTION OF THAT QUESTION.

VI. COURSE OF STUDY

A. General

43a. Please indicate the number of credit hours required to be completed to earn the J.D. or LL.B. degree.
_____ (semester/quarter hours)

43b. Has any student in the past year been permitted to graduate with fewer than this number of hours?
___ Yes ___ No

If "Yes," attach an explanation. [New]

44a. Please indicate the number of credit hours normally required to be completed in the first academic year.
Full-time student _____ (semester/quarter hours)
Part-time student _____ (semester/quarter hours)

44b. Please state the number of credit hours, if any, that must be taken in required courses.

Full-time program
 first year _____
 upperclass years _____
 TOTAL _____

Part-time program
 first year _____
 upperclass years _____
 TOTAL _____

[New]

- 45a. What is the period of study in residence in weeks (exclude registration, vacation and reading periods) required to earn your first professional degree?

Full-time _____ weeks
Part-time _____ weeks

- 45b. How many weeks (excluding registration, vacation, reading periods and examinations) are there in your current academic year?

Fall _____ weeks
Spring _____ weeks

46. Has any student in the past year been permitted to graduate with less residency credit than defined by Standard 305?

_____ Yes _____ No

If "Yes," attach an explanation.

[New]

- 47a. What are the maximum and minimum course loads (per semester or quarter) for:

Full-time students

maximum _____ (semester/quarter) hours
minimum _____ (semester/quarter) hours

Part-time students

maximum _____ (semester/quarter) hours
minimum _____ (semester/quarter) hours

- 47b. Was any student permitted to take a course load below these minima during the past year?

_____ Yes _____ No

If "Yes," under what conditions and with what effect on the student's residence credit?

[New]

48. Is your school on a semester or quarter basis? (check one)

_____ Semester _____ Quarter

- 49a. What is the number of classroom minutes you require per student credit hour for your full-time program?

_____ 50 _____ 60 _____ Other (please specify)

- 49b. What is the number of classroom minutes you require per student credit hour for your part-time program?.

_____ 50 _____ 60 _____ Other (please specify)

- 50a. What is the school's rule regarding class attendance? _____

- 50b. Is a record of class attendance regularly made?

_____ Yes _____ No _____ Unknown

If "Yes," by whom; if "No" or "Unknown," attach an explanation of how the school's attendance rules are enforced.

_____ [New]

51. For each division, indicate the number of hours (and number of courses) taught by the following groups for this semester:

	Division	
	Full-time	Part-time
Full-time faculty	()	()
Part-time faculty	()	()
Deans/Librarians	()	()
Teaching assistants	()	()

Seminars and clinical courses may be calculated separately. If these are not included in the above figures, please attach a statement indicating the number of part-time and full-time instructors in seminars and clinical courses. [New]

52. With respect to supervised research, please estimate:
- a. The number of faculty members who will supervise student research for which credit is earned during the first semester (or quarter) of the current academic year: _____
 - b. The number of students who will receive credit for faculty supervised research during the first semester (or quarter) of the current academic year: _____
- 53a. Do you require for graduation instruction in professional responsibility?
 Yes No

If "No," attach an explanation.

- 53b. Please list your courses in professional responsibility and indicate the number of credits:
- | <u>Courses</u> | <u>(Quarter/Semester) Hours</u> |
|----------------|---------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(Attach additional sheet if necessary.)

54. Does the law school require or offer for credit any form of bar review course?
 Yes No
- If "Yes," attach an explanation. [New]
55. Is any credit allowed for study by correspondence?
 Yes No [New]

If "Yes," attach an explanation.

56. Has, during the past year, the achievement of each student in each course (except clinical work, courses involving extensive written work, seminars and individual research projects) been evaluated by means of a written exam?
 Yes No Unknown

If "No" or "Unknown," attach an explanation. [New]

57. What g.p.a. must a student maintain to be in good standing?
 _____ [New]

58. Last year (include last fall/winter and spring, but do not include this fall) how many students: _____

- a. were on academic probation? _____
- b. were dismissed for academic reasons? _____ [New]

59a. Please state the maximum number of credit hours, if any, that can be taken in another school or department of the university for credit towards the J.D. degree (exclude joint degree programs). (Include all of this credit whether or not the student must obtain the dean's permission.)

_____ (semester/quarter) hours

59b. Are these courses limited to graduate courses in other disciplines?
 ___ Yes ___ No

If "No," please explain the extent to which undergraduate courses may be taken for credit, and the method of determining that the time and effort expended by, and the educational benefit to, the law student are commensurate with the law school credit given. [New]

60a. Does the law school and some other school or college in your university offer a program leading to joint degrees, such as Juris Doctor-Master of Business Administration?
 ___ Yes ___ No

60b. If so, please indicate the joint degree programs offered and the number of degrees awarded since the start of the last academic year (include this past summer session). If a joint degree program is offered, but no degree was awarded this past year, indicate this by placing "none awarded" in the appropriate box below.

Tax	M.B.A.	Public Affairs Administration	Regional/Urban Planning	International Affairs	Health Adm.
	Ph.D. (Specify)			Other (Specify)	

61. Please attach a description of the nature of the faculty supervision of the participation of each student in classes outside the law school for which law school credit is given. [New]

62a. Does your law school offer an advanced degree in law?
 ___ Yes ___ No

62b. If "Yes," when was the program authorized by the American Bar Association?

62c. If "Yes," please list the degree and the area of concentration.

<u>Degree</u>	<u>Area of Concentration</u>
_____	_____
_____	_____
_____	_____

(Attach additional sheets if necessary.)

62d. How many students are enrolled in these programs for this fall?
 _____ Full-time ___ Part-time

63a. Does your law school offer instruction in continuing legal education?
_____ Yes _____ No

63b. How many continuing legal education programs did you offer in which one or more of your faculty participated in the last academic year?

63c. Is the program a joint program or a program solely offered by your law school? Please describe.

63d. How are the net "profits," if any, of these programs distributed?

_____ [New]

B. Clinical Legal Education Programs

64a.* For the current academic year, please state by the categories noted below the number of contact hours in clinical legal education offerings that will be offered to J.D. candidates in first-year courses and in upperclass courses. A "contact hour" is the equivalent of a credit hour. See Question 10. For clinical offerings the connection between a credit hour and hour of classroom instruction will frequently be inapplicable. Nevertheless, standard credit hours are assigned to clinical offerings and, accordingly, clinical contact hours can be determined. Thus, a clinical offering for which 4 credit hours are awarded would count for 4 contact hours.

	<u>School-Operated</u>	<u>Placement</u>	
	Client-Contact	Simulation	Other
First year	_____	_____	_____ Contact Hours
Upperclass	_____	_____	_____ Contact Hours
Total	_____	_____	_____ Contact Hours

64b. With respect to those offerings included above please briefly describe the nature of each such offering and indicate the number of credits awarded for participation therein.

<u>Courses</u>	<u>(Quarter/Semester) Hours</u>
_____	_____
_____	_____
_____	_____

65. Please state the number of credit hours in clinical legal education offerings, if any, required to be completed to earn the J.D. degree.

First year _____ Upperclass _____ Total _____

66. For each clinical program offered, attach a description of the nature and extent of supervision by the full-time faculty of the participation of each student in the program. For external placement describe the frequency of "on site" visits by a member of the full-time faculty. [New]

* The Consultant's Explanatory Notes assist in answering this question.

67a.* Please state the number of persons teaching clinical legal education offerings in the law school during the first semester (or quarter) of the current academic year and the total number of clinical contact hours taught by these persons during that semester (or quarter).

	Men	Women	Total	Total Clinical Contact Hours Taught Fall Sem.
Full-time Teachers de- voting all of their instruc- tional time to clinical teaching	_____	_____	_____	_____
Full-time Teachers de- voting a part of their in- structional time to clinical teaching	_____	_____	_____	_____
Part-time Teachers	_____	_____	_____	_____

“Full-time Teachers” means persons who devote substantially all of their professional time to teaching and legal scholarship. See Question 27a. The first line contemplates the person who only teaches clinical offerings, the second line the person who teaches other offerings in addition to clinical offerings. The term “Part-time Teachers” connotes the usual part-time teachers as well as deans, librarians, and other administrative personnel who teach at a reduced load. Exclude teaching associates or fellows, supervising attorneys and the like who work under the direction or supervision of a full-time teacher. These persons are included under Question 67b. Note all persons and contact hours reflected in the answer to this question should be included in the answer to Question 27a.

67b. Please state the number of persons outside the law school who will supervise students in clinical programs. _____

68. Does the law school promotion policy for the clinical faculty differ from that of the nonclinical faculty?

_____ Yes _____ No

If “Yes,” please describe. _____

C. Summer School

69a. As a matter of general policy, do you grant advance standing credit for courses successfully completed by your students in summer sessions at other institutions?

_____ Yes _____ No

69b. As a matter of general policy, may students accelerate their graduation by attending summer sessions at your (or another) institution?

_____ Yes _____ No

If “Yes,” please attach an explanation of how the summer work is calculated for residence credit purposes, and how rules regarding outside employment are enforced. [New]

70a. Do you offer an ON CAMPUS summer program for degree credit?

_____ Yes _____ No

* The Consultant’s Explanatory Notes assist in answering this question.

If so, how many weeks are in each term (including class and examination periods)? How many terms?

_____ Weeks _____ Terms

Estimate enrollment (if more than one term, give enrollment for each term):

Term 1: _____ Term 2: _____ Term 3: _____

How many classes per week per credit are required? _____

Please give the length of each class: _____

70b. Do you offer an OFF CAMPUS summer program for degree credit?

_____ Yes _____ No

If so, where? _____

If so, how many weeks are in each term (including class and examination periods)? How many terms?

_____ Weeks _____ Terms

Estimate enrollment (if more than one term, give enrollment for each term):

Term 1: _____ Term 2: _____ Term 3: _____

How many classes per week per credit are required? _____

Please give length of each class: _____

VII. ADMISSIONS

71a. Please estimate the number of completed applications for admission to the J.D. program received for the current entering class:

_____ Full-time _____ Part-time

71b. Number of admission offers:

_____ Full-time _____ Part-time

71c. If more qualified applicants had made timely application, how many additional students would you have enrolled in your entering class in the fall of the current year? If your law school denied admission to any timely, qualified applicant, your answer to this question is "none."

Day Program _____ Evening Program _____

71d. Grade point averages of first-year class (current year) (include all registrants):

Full-time Part-time

Median _____ _____

Highest _____ _____

Lowest _____ _____

71e. LSAT scores of first-year class (current year):

Full-time Part-time

Median _____ _____

Highest _____

Lowest _____

In calculating LSAT statistics use the average of the LSAT's taken.

- 71f. Application fee for persons entering next fall:
 Full-time \$ _____ Part-time \$ _____
- 71g. Please attach a statement describing any programs instituted by the law school which provide increased opportunity in the study of law for members of groups which have been victims of various forms of discrimination. [New]
- 72a. What is the minimum amount of college work required for admission as a regular student for the first professional degree? (check one)
 Baccalaureate ____ 3 Academic Years ____
 Other (please specify) _____
- 72b. What is the number of students admitted without a baccalaureate degree? _____
- 72c. Were any students admitted with less than 90 hours of undergraduate credit?
 ____ Yes ____ No
 If "Yes," give number and attach an explanation for their admission. [New]
73. During the past year has your school:
 a. admitted a student who was not in good standing at another school?
 ____ Yes ____ No
 b. admitted a "transfer" student (student with advanced standing) from an unapproved law school?
 ____ Yes ____ No
 If "Yes" to either, please attach a statement of the factors that led to the admission and describe the record that is made in the permanent file of the student indicating the reasons for the admission. [New]
74. How many "transfer students" (students with advanced standing) were admitted last year? [New]

75. Do you admit an entering class other than in the fall?
 ____ Yes ____ No
76. Please indicate the estimated total amount of application fees which will be paid by persons applying for admission to your law school for the current academic year.
 \$ _____
77. How many students have been readmitted during the past year? [New]

78. If your faculty felt it was desirable, for academic reasons, to reduce the size of the entering class, could it do so:

- a. without significant interference from university officials?
 ___ Yes ___ No
- b. without significantly affecting the law school budget for the year?
 ___ Yes ___ No [New]

VIII. STUDENTS

79. Enrollment figures for the current year as of the end of the first week of classes for the fall term:

a. Enrollment in full-time program:

	Men	Women	Total
1st year	_____	_____	_____
2nd year	_____	_____	_____
3rd year	_____	_____	_____
J.D. Subtotal	_____	_____	_____
Graduate ⁺	_____	_____	_____
Other ⁺	=====	=====	=====
GRAND TOTAL	_____	_____	_____

(J.D., Graduate, Other)

b. Enrollment in part-time program:

	Men	Women	Total
1st year	_____	_____	_____
2nd year	_____	_____	_____
3rd year	_____	_____	_____
4th year	_____	_____	_____
J.D. Subtotal	_____	_____	_____
Graduate ⁺	_____	_____	_____
Other ⁺	=====	=====	=====
GRAND TOTAL	_____	_____	_____

(J.D., Graduate, Other)

c. Total Enrollment: Men _____ Women _____ Total_____

+ Certain students may be taking both first-year and upperclass courses. In this event, the student should be assigned to the year in which he or she is taking the predominant number of courses.

“Graduate” means student doing work for a degree beyond the J.D. or LL.B.

“Other” includes auditors and students not classified by classes. Note that what is asked is whether the students are enrolled in the full-time or part-time program and not whether they are full-time or part-time students. A headcount and not full-time equivalents is what is sought.

(To Be Answered By
Public Institutions Only)

	Resident	Non-Resident	Total
Full-time program:			
1st year	_____	_____	_____
2nd year	_____	_____	_____
3rd year	_____	_____	_____
4th year	_____	_____	_____
Graduate	_____	_____	_____
Other	=====	=====	=====
TOTAL	_____	_____	_____

(To Be Answered By
Public Institutions Only)

	Resident	Non-Resident	Total
Part-time program:			
1st year	_____	_____	_____
2nd year	_____	_____	_____
3rd year	_____	_____	_____
4th year	_____	_____	_____
Graduate	_____	_____	_____
Other	=====	=====	=====
TOTAL	_____	_____	_____

80a. Please list students who did not continue their law school studies at your law school at the end of the last academic year (do not include those students graduating last year).

	Men	Women	Total
1st year	_____	_____	_____
2nd year	_____	_____	_____
3rd year	_____	_____	_____
4th year	_____	_____	_____
Graduate	_____	_____	_____
Other	=====	=====	=====
TOTAL	_____	_____	_____

80b. Please indicate the reason for the students' noncontinuance:

	Academic	Transfer	Health	Financial	Other
1st year	_____	_____	_____	_____	_____
2nd year	_____	_____	_____	_____	_____

82. What is the total number of degrees that were awarded since the start of the last academic year (include this past summer session)?

	To Students in Full-time Program			To Students in Part-time Program			TOTAL
	Men	Women	Total	Men	Women	Total	
J.D.	_____	_____	_____	_____	_____	_____	_____
LL.B.	_____	_____	_____	_____	_____	_____	_____
LL.M.	_____	_____	_____	_____	_____	_____	_____
M.C.L. & M.C.J.	_____	_____	_____	_____	_____	_____	_____
S.J.D. & J.S.D.	_____	_____	_____	_____	_____	_____	_____
Other (please specify)	_____	_____	_____	_____	_____	_____	_____

83. Please estimate the number of J.D., LL.B. or graduate degrees that were awarded since the start of the last academic year (include any degrees that were awarded this past summer session) until the beginning of the following categories (if you offer a part-time program, state the degrees awarded separately by placing those figures in parentheses). (See categories (1) through (5) in NOTE, question 81.)

Class	(1)	(2)	(3)			(4)	(5)	Total
			Mexican American	Puerto Rican	Other Hispanic American			
Full time								
Part-time								
Graduate								

TOTAL _____

NOTE: If these minority group data may be published only if the identify of your school is concealed, please indicate that here. Unless otherwise instructed, the data will be publicly reported.

-
- 84a. What percent of your graduates passed the bar exam in your state in the past year? (October to October) ____%
 - 84b. What percent of graduates of other law schools in your state passed the bar exam during the same period? ____%
 - 84c. What was the total pass rate on the bar exam in your state during the past year? ____%
 - 84d. If you have figures regarding the bar pass rate of your graduates in other states, please attach. [New]

85. Please complete the following table concerning student activities.

	Number of Students involved	Amount of Law School Funds specifically allocated for support	Is law school credit given for the activity
Law Review	_____	_____	_____
Moot Court Competition	_____	_____	_____
Negotiation and Client Counseling Competitions	_____	_____	_____
Lawyers Briefing Service	_____	_____	_____
Student Bar Association	_____	_____	_____
Student Newspaper	_____	_____	_____
Extracurricular Clinics (no credit is earned)	_____	_____	_____

86a. What limitation does the school impose upon the employment of full-time students?

86b. What steps are taken to ascertain the extent to which each full-time student is employed during the school year?

 _____ [New]

87. Does the law school have a placement office with a full-time placement director?

___ Yes ___ No

If "No," attach a description of your placement program. [New]

88. Tuition and Fees for the current academic year (exclude summer session) required to be paid by EACH student who takes the normal load. Do not include fees that are optional (e.g., some athletic fees) or that are required only of some students (e.g., diploma fees).

	Tuition	Fees	Total
Full-time Resident student	\$_____	\$_____	\$_____
Nonresident student	_____	_____	_____
Part-time Resident student	\$_____	\$_____	\$_____
Nonresident student	_____	_____	_____

89. Financial Aid

				Current Academic Year		
				J.D.	Graduate	Total of
				Candidates	Candidates	Columns 1
				(Column 1)	(Column 2)	& 2
				(Column 3)		
a. <u>Scholarship or Fellowship</u>						
<u>Grants</u>						
(1) Estimated number of students receiving grants						
				_____	_____	_____
(2) Estimated total amount						
				\$ _____	\$ _____	\$ _____
The grants listed on line (2) are (approximately) as follows:*						
(3) Law school endowment income						
				\$ _____	\$ _____	\$ _____
(4) Law school gifts and grants						
				\$ _____	\$ _____	\$ _____
(5) Tuition rebate or general funds made available by the university						
				\$ _____	\$ _____	\$ _____
(6) Other university sources						
				\$ _____	\$ _____	\$ _____

* n.b. The total of lines (3)-(6) should equal line (2).

				Current Academic Year		
				J.D.	Graduate	Total of
				Candidates	Candidates	Columns 1
				(Column 1)	(Column 2)	& 2
				(Column 3)		
b. <u>Work/Study Programs</u>						
(1) Approximate amount contributed by the Federal Government						
				\$ _____	\$ _____	\$ _____
(2) Base amount provided by the university or law school						
				\$ _____	\$ _____	\$ _____
c. <u>Summary of Scholarships, Fellowships, Work Study</u>						
<u>Base Funds</u>						
(1) Scholarships and Fellowships (from line a(2))						
				\$ _____	\$ _____	\$ _____
(2) Work Study Base Funds (from line b(2))						
				\$ _____	\$ _____	\$ _____
(3) Total of c(1) and c(2)						
				\$ _____	\$ _____	\$ _____

D. Loans

Approximate amount from:

(1) Federal Insured Student Loans	\$ _____	\$ _____	\$ _____
(2) National Direct Student Loans	\$ _____	\$ _____	\$ _____
(3) University & law school's own loan resources	\$ _____	\$ _____	\$ _____
(4) ABA—Student Loan Fund	\$ _____	\$ _____	\$ _____
(5) United Student Aid Fund: Graduate and Professional School Program	\$ _____	\$ _____	\$ _____
(6) United Student Aid Fund	\$ _____	\$ _____	\$ _____
(7) Others	\$ _____	\$ _____	\$ _____
Total Estimated Loans to Students from ALL Sources	\$ _____	\$ _____	\$ _____

IX. PHYSICAL FACILITIES

90. Please indicate the approximate total net square footage available for:

Classroom and Seminar Rooms _____

Library Facilities _____ Other _____

91. Are there any prospective capital improvements budgeted at the moment for:

	Amount	Estimated Completion Date
(a) Classroom and Seminar Rooms	\$ _____	_____
(b) Library Facilities	\$ _____	_____
(c) Other	\$ _____	_____

92a. Is the building in which the law school is housed occupied exclusively by it?

___ Yes ___ No

If "No," please state the departments which also use the building and the times that the space is used.

92b. Who controls the scheduling of the space?

92c. Does the law school use space outside the law school for classes?

___ Yes ___ No

If "Yes," please attach a description of the use and reason for using space outside the law school and a statement of whether or not the space is used exclusively by the law school. [New]

I hereby certify that I have given full information, as far as available to me, in answer to each question in this questionnaire.

Signature of dean

Date