

THE REVISED ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS: AN OVERVIEW OF THE MAJOR CHANGES

by Jeffrey E. Lewis

The revised ABA Standards and Rules of Procedure for Approval of Law Schools (Standards), which became effective on August 12, 2014, are the culmination of a comprehensive review of the Standards begun in 2008. The Comprehensive Review was undertaken by the Standards Review Committee (SRC) of the ABA Section of Legal Education and Admissions to the Bar (Section) under direction of the Section Council (Council), which is recognized by the U.S. Department of Education as the national accrediting agency for programs leading to the J.D. degree in American law schools.¹

The SRC is charged with reviewing proposed changes or additions to the Standards and may also initiate such changes. (The Department of Education requires that all accrediting agencies periodically review and update their standards and policies pertaining to approval of schools and programs.) This Comprehensive Review was undertaken in light of recommendations from the Accreditation Policy Task Force²—assembled in 2007 to review accreditation policies and practices by taking a fresh look from a policy perspective—and from three special committees appointed to consider the recommendations of the Accreditation Policy Task Force and to report their suggestions to the Council: the Special Committees on Transparency, Security of Position, and Outcome Measures.³ Thus, the review began with a considerable prelude of careful thought about needed change.

During the Comprehensive Review the SRC held 23 public meetings, met with various interest groups, and participated in conferences, including those of the ABA, the Association of American Law Schools, and the National Conference of Bar Examiners (NCBE). The SRC agenda and draft proposals and recommendations to the Council were widely published. Hundreds of comments were received and considered by the SRC and the Council. Six hearings were held during the various notice and comment periods following Council preliminary approval. The Committee also held two open forum meetings for interested parties to provide comments to the Committee before making its recommendations to the Council.

The Comprehensive Review was completed with Council approval of the SRC recommendations at its March and June meetings in 2014, and with the concurrence of the ABA House of Delegates at the ABA Annual Meeting in Boston on August 11, 2014. While the new Standards became effective after that meeting, the Council and the Section, cognizant that law schools will need time to do the work that some of the revised and new Standards will require, established a transition and implementation plan. Under this plan, site visits in 2014–2015 will substantially rely on the 2013–2014 Standards. The new Standards will be applied to site visits beginning in 2015–2016, with the exception of certain new Standards pertaining to learning outcomes, curriculum changes, and assessment methods, which will be applied begin-

ning in 2016–2017 and applied as appropriate to students who become 1L students that year.⁴ The revised Rules of Procedure, on the other hand, do not require a delay for implementation.

This article highlights some of the major changes to the Standards and offers examples of those changes. Most categories of change include too many examples to cover; in these cases, the most important changes are highlighted. Selected pertinent excerpts from the new Standards are on pages 50–52. While the Rules of Procedure were also substantially modified, those changes are not discussed in this article. Note that many Standards and Interpretations were renumbered as a result of the significant revisions (references in this article are to the revised Standards unless otherwise noted); the material found on the Standards web page of the ABA Section is helpful in that regard.⁵

CATEGORIES OF MAJOR CHANGES TO THE STANDARDS

Learning Outcomes: *The Standards were revised to incorporate student learning outcomes. This is one of the most significant developments in the new Standards.*

New Standards 301(b) and 302, Learning Outcomes, introduce the requirement that law schools establish and publish learning outcomes designed to achieve the objectives of the program of legal education. This development is in line with the recommendation of the Outcome Measures Committee to increase reliance on output measures. It is consistent with the best practices in higher education.

Certain minimum learning outcomes requiring competency in four key areas are outlined, though broadly stated to give law schools maximum flexibility. (See the sidebar on pages 50–52 for the learning outcomes specified in Standard 302.) Interpretation

302-1 states that other professional skills in which competency is required are to be determined by the law school and provides a nonexclusive list of skills that may be included, while Interpretation 302-2 allows a law school to identify any additional learning outcomes pertinent to its program.

Assessment of Student Learning: *In a related development, new Standard 314, Assessment of Student Learning, requires that law schools use formative and summative assessment methods to measure student learning and to provide meaningful feedback to students.*

Interpretation 314-1 provides definitions of formative and summative assessment methods (see the sidebar on pages 50–52), while Interpretation 314-2 provides for flexibility in implementing the assessment requirement.

Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods: *A further related development is the adoption of new Standard 315, Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods, which requires that law schools evaluate their programs of legal education, adopted learning outcomes, and assessment methods on a regular basis.*

Law schools are expected to use the results of their evaluations to assess the degree to which students have achieved competency in the learning outcomes and to improve their programs accordingly. Interpretation 315-1 gives law schools flexibility in determining what assessment methods to use across the curriculum. The transition and implementation plan for the Standards provides a phase-in period so that law schools may develop their learning outcomes and assessment methods to be in compliance with the new Standard.

Curriculum—Professional and Practical Training: *The revised Standards emphasize professional and practical training through new curricular requirements.*

Although the Curriculum Standard (now Standard 303) already mandated that law schools require each student to receive substantial instruction in the areas of professional responsibility and professional skills, the Standard now contains a specific graduation requirement of credit hours in these areas. Under the revised Standard, law schools must require each student to satisfactorily complete one course of at least two credit hours in professional responsibility and at least six credit hours of a course or courses in experiential learning. Simulation courses, law clinics, and field placements qualify as experiential learning courses as long as they involve professional skills with multiple opportunities for performance and self-evaluation. New Standard 304, Simulation Courses and Law Clinics, defines and sets out the qualification requirements for simulation courses and law clinics; field placements are addressed under modified Standard 305.

The types of “substantial opportunities” for additional professional and practical training required to be offered by law schools in former Standard 302(b) (for live-client or other real-life practice experiences, student participation in pro bono activities, and small group work) have been reworded in what is now Standard 303(b); those substantial opportunities are now listed as law clinics or field placements and pro bono legal services, including law-related public service (small group work was eliminated).

Revised Interpretation 303-3 (former Interpretation 302-10) encouraging law schools to promote pro bono opportunities for law students now references pro bono legal services in the context of the ABA Model Rules of Professional Conduct and recommends that each student provide at least 50 hours of pro bono service during law school.

Increased Flexibility: *One of the primary goals of the Comprehensive Review of the Standards was to provide law schools increased flexibility.*

For example, one of the most significant changes in the Standards is the elimination of the calculation of the student-faculty ratio (former Interpretations 402-1 and 402-2). The SRC was of the view that the ratio did not properly account for all students enrolled in the law school and did not properly account for the size of the faculty, given the important changes in law school curriculum, teaching methodologies, and administrative structures since these two Interpretations were adopted. There are a number of factors that can be considered in making a functional judgment about the adequacy of the teaching faculty without resorting to a student-faculty ratio calculation. The elimination of the student-faculty ratio removes from the Standards what was widely viewed as an artificial and misleading calculation that did not accurately reflect the quality of the legal education being delivered in any particular law school.

Experimentation and Innovation: *Experimentation and innovation are also encouraged with the new variance process found in Standard 107.*

Standard 107 distinguishes between variances in an emergency and those sought to experiment with a new or innovative program or concept. In making this distinction, experimentation is encouraged. The Council may grant a variance if it is consistent with the purpose and objectives of the Standards overall. The SRC was of the view that the new experimental variance rule has the potential to improve the delivery of legal education over time, and that the potential benefits of Council-authorized variances outweigh any potential harm.

Admission Test: *Interpretation 503-3 provides a limited variance to the use of the LSAT in admissions.*

There has long been a presumption that the LSAT satisfied the Standard 503 requirement of a “valid and reliable admission test.” The new Interpretation

provides a safe harbor variance from the use of the LSAT in very limited circumstances and for no more than 10% of any entering class. Outside of the safe harbor, the variance process is available to clarify when any other alternative test admissions programs may be employed on an experimental basis. (See the sidebar on pages 50–52 for the circumstances of the variance.)

Technological Developments: *A number of changes were made in response to developments in the technological environment, two examples of which are listed below. These changes also provide greater flexibility to law schools.*

Distance Education: Standard 306 now provides that a law school may grant up to a total of 15 credit hours toward the J.D. degree for distance education courses that otherwise qualify under the Standards. This is one-sixth of the typical law student’s law study and an increase from 12 credit hours in the former Standard. Importantly, while the opportunity for distance education has been increased, the rules governing creditable distance education are still properly designed to ensure that the law student’s academic experience is comparable to the traditional classroom experience. Standard 306 was generally updated for more clarity and now includes a clearer definition of a distance education course.

Library Collection: Options for the format of the law library collection have also changed considerably, with a movement from the traditional book collection to databases that are electronically available. In recognition of this development, Standard 606, which referenced a “core collection of essential materials accessible in the law library,” has been amended to require “a core collection of essential materials through ownership or reliable access.” Interpretation 606-2 further defines “reliable access” by providing guidance on ways in which to fulfill this requirement.

Additional Substantive Changes: *A number of other substantive changes were made to the Standards, a few examples of which are listed below.*

Granting of J.D. Degree Credit for Prior Law Study: At least two-thirds of the credits needed for the J.D. degree must now be obtained in an ABA-accredited J.D. curriculum. Specifically, new Standard 505 provides that the total credits permitted for prior law study (abroad, or non-ABA-accredited school, or LL.M. program) are limited to one-third of the credits required for the J.D. degree. This ends the practice of some schools to grant one year of credit for a law school education abroad and one year of J.D. credit for an LL.M. at their law school toward the equivalent of three years of the required J.D. credits. One or the other, but not both, may be credited toward the J.D. degree.

Student Support Services: Another substantive change was the modification of Standard 508 to provide that debt counseling is a mandatory function for student support services. While most law schools have long provided this counseling, it is now no longer a matter of discretion to do so.

Qualifications for Admission to the Bar: The substance of Standard 504 was changed to specify that the requirement to advise students of the “character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction” must be fulfilled by including a statement in its application for admission and on its website. The revised Standard provides explicit language to be used for the statement (see the sidebar on pages 50–52).

Increased Objectivity: *The Standards were modified in a number of instances to be more objective.*

An important example is found in Standard 101, Basic Requirements for Approval. Specifically, Standard 101(a) previously required that an approved law school “shall demonstrate that its program is

consistent with sound legal education principles. It does so by establishing that it is being operated in compliance with the Standards.” That language was changed to make the Standard more objective: an approved law school “shall demonstrate that it is being operated in compliance with the Standards.” Changes such as this were made throughout the Standards.

Requirements Regarding Policies: *Where law schools are required to have policies, there is a new requirement that they must adopt, publish, and adhere to those policies.*

For example, Standard 303 previously required a law school to “have and adhere to sound academic standards.” The revised Standard, now Standard 308, requires law schools to “adopt, publish, and adhere to sound academic standards.” This “adopt, publish, and adhere to” language is used in several places throughout the revised Standards and was intended to achieve more objectivity as well as to increase transparency.

Reporting Requirements: *The Standards were revised to highlight reporting requirements.*

For example, old Interpretation 101-1 covering information that must be furnished by law schools to the Accreditation Committee and the Council was upgraded in importance by moving it into new Standard 104 that provides that the information provided by a law school must be “complete, accurate, and not misleading and must be submitted in the form, manner, and time frame specified by the Council.” Moving this requirement into the Standard highlights the importance of providing accurate information to the Council.

Conforming to Department of Education Requirements: *Some changes in the Standards were required by U.S. Department of Education regulations.*

For example, new Standard 310 uses the U.S. Department of Education definition of a credit hour: 50 minutes of classroom or direct faculty instruction plus 120 minutes of out-of-class work per week for 15 weeks (including one week for a final exam). In other words, a total of 170 minutes per week for 15 weeks of instruction (including one week of exams) qualify for one academic credit. The Standard also provides some alternate ways of determining the time; it refers to an “equivalent amount of work over a different amount of time.” This represents a shift from the use of minutes to the use of the concept of a credit hour to describe the various curricular requirements of the Standards.

Required Disclosures: *Revised Standard 509 builds on recent Council action strengthening the reporting requirements for consumer information.*⁶

Law school reporting of information such as employment and conditional scholarships must now be accomplished through prescribed charts. This makes it possible for the prospective law student to achieve a reliable and accurate comparison between law schools on these important considerations. Law school reporting of other required information (such as academic requirements and transfer of credit) is not susceptible to a specific format but must be disclosed in a “readable and comprehensive manner.”

Elimination of Certain Standards and Interpretations: *Several Standards and Interpretations were eliminated because they were seen as being unenforceable, unnecessary, unclear, or repetitive.*

Most notable was the elimination of the 20-hour limitation on employment for full-time students (former Standard 304(f)); this was viewed as fundamentally unenforceable.

Redesignation of Certain Interpretations as Standards: *The SRC identified a number of Interpretations that were, in their substance, Standards and not*

mere interpretations of Standards. They were, therefore, redesignated as Standards. Such redesignation was one of the most significant changes to the Standards.

For example, former Interpretation 305-4(a) provided that “[a] law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.” This is now Standard 305(f) (with minor modifications). (Other examples are listed under other categories of change in this article.)

STANDARDS SUBJECT TO FUTURE EVALUATION

Several issues addressed by the SRC and the Council were highly controversial, and in the end no changes were made:

- **Bar Passage:** The SRC proposed changes to the bar passage provision (former Interpretation 301-6, regarding determination of the sufficiency of a law school’s bar passage rate in meeting the objectives of its program of legal education to prepare its students for admission to the bar). Most significant was the proposal to require a law school to report bar examination results for all its graduates known to have taken a bar examination within two calendar years from graduation. The proposals were stalled in part due to complaints from law schools that obtaining information regarding bar passage for all students was a difficult task for law schools. Former Interpretation 301-6 was moved, unchanged, to new Standard 316.
- **Professional Environment:** The attempt to clarify the requirements regarding tenure also failed to pass. Standard 405, Professional Environment, governs the status and security of position for law faculty. Alternative proposals to modify

this Standard generated substantial criticism from law school faculty during the comment period.⁷ Since no proposal for change garnered the approval of a majority of the Council, current Standard 405 remains in place.

- **Credit for Compensated Field Placement Programs:** Another controversial issue was the prohibiting of law schools from granting credit for field placement programs for which the student receives compensation (former Interpretation 305-3, now Interpretation 305-2). Retention of this Interpretation was recommended by the Council, but it was referred back to the Council after the House of Delegates heard strong testimony for and against the provision. The House concurred in all of the proposed new Standards and Rules of Procedure with the exception of Interpretation 305-2. This Interpretation remains in place pending further review by the Council.

Several other matters raised during the Comprehensive Review will continue to be studied. For example, one remaining issue is whether certain groups currently covered by the non-discrimination Standard, such as those with disabilities or certain sexual orientation characteristics, should also be included in the Standard that requires law schools to demonstrate by concrete action a commitment to diversity and inclusion.

CONCLUSION

Overall, as a result of the changes to the Standards, programs of legal education in American law schools will remain rigorous, while at the same time becoming more practical and skills-focused. There will be a greater focus on outcomes (such as learning outcomes, bar exam results, and employment rates). The revised Standards also require increased reporting of consumer information for greater transparency. In

(text continues on page 53)

EXCERPTS FROM THE 2014–2015 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

CHAPTER 3: PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.

(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

(1) one course of at least two credit hours in professional responsibility that includes substantial instruction in the history, goals, structure, values, and responsibilities of the legal profession and its members;

(2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and

(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must:

(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;

(ii) develop the concepts underlying the professional skills being taught;

(iii) provide multiple opportunities for performance; and

(iv) provide opportunities for self-evaluation.

(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s); and

(2) student participation in pro bono legal services, including law-related public service activities.

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Interpretation 303-3

Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition, lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

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Standard 304. SIMULATION COURSES AND LAW CLINICS

(a) A simulation course provides substantial experience not involving an actual client, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

(i) direct supervision of the student's performance by the faculty member;

(ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and

(iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves one or more actual clients, and (2) includes the following:

(i) advising or representing a client;

(ii) direct supervision of the student's performance by a faculty member;

(iii) opportunities for performance, feedback from a faculty member, and self-evaluation; and

(iv) a classroom instructional component.

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Standard 306. DISTANCE EDUCATION

(a) A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.

(b) Credit for a distance education course shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(c) A law school shall have the technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education.

(d) A law school may award credit for distance education and may count that credit toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 310(b) if:

(1) there is opportunity for regular and substantive interaction between faculty member and student and among students;

(2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and

(3) the learning outcomes for the course are consistent with Standard 302.

(e) A law school shall not grant a student more than a total of 15 credit hours toward the J.D. degree for courses qualifying under this Standard.

(f) A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.

(g) A law school shall establish an effective process for verifying the identity of students taking distance education courses and that also protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

Interpretation 306-1

Technology used to support a distance education course may include, for example:

(a) *The Internet;*

(b) *One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;*

(c) *Audio and video conferencing; or*

(d) *Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (a) through (c).*

Interpretation 306-2

Methods to verify student identity as required in Standard 306(g) include, but are not limited to (i) a secure login and pass code, (ii) proctored examinations, and (iii) other technologies and practices that are effective in verifying student identity. As part of the verification process, a law school shall verify that the student who registers for a class is the same student that participates and takes any examinations for the class.

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Standard 314. ASSESSMENT OF STUDENT LEARNING

A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Interpretation 314-1

Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.

Interpretation 314-2

A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular assessment method.

Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

Interpretation 315-1

Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; evaluation of student learning portfolios; student evaluation of the sufficiency of their education; student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge; bar exam passage rates; placement rates; surveys of attorneys, judges, and alumni; and assessment of student performance by judges, attorneys, or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods.

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CHAPTER 5: ADMISSIONS AND STUDENT SERVICES

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Standard 503. ADMISSION TEST

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Interpretation 503-3

(a) It is not a violation of this Standard for a law school to admit no more than 10% of an entering class without requiring the LSAT from:

(1) Students in an undergraduate program of the same institution as the J.D. program; and/or

(2) Students seeking the J.D. degree in combination with a degree in a different discipline.

(b) Applicants admitted under subsection (a) must meet the following conditions:

(1) Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1), or for purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and

(sidebar continues on page 52)

(2) Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.

Standard 504. QUALIFICATIONS FOR ADMISSION TO THE BAR

(a) A law school shall include the following statement in its application for admission and on its website:

In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.

(b) The law school shall, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness, and other requirements for admission to the bar in each jurisdiction in which they intend to seek admission to the bar.

Standard 505. GRANTING OF J.D. DEGREE CREDIT FOR PRIOR LAW STUDY

(a) A law school may admit a student and grant credit for courses completed at another law school approved by the Council if the courses were undertaken as a J.D. degree student.

(b) A law school may admit a student and grant credit for courses completed at a law school in the United States that is not approved by the Council if graduates of the law school are permitted to sit for the bar examination in the jurisdiction in which the school is located, provided that:

- (1) the courses were undertaken as a J.D. degree student; and
- (2) the law school would have granted credit toward satisfaction of J.D. degree requirements if earned at the admitting school.

(c) A law school may admit a student and grant credit for courses completed at a law school outside the United States if the admitting law school would have granted credit towards satisfaction of J.D. degree requirements if earned at the admitting school.

(d) A law school may grant credit toward a J.D. degree to a graduate of a law school in a country outside the United States for credit hours earned in an LL.M. or other post-J.D. program it offers if:

- (1) that study led to successful completion of a J.D. degree course or courses while the student was enrolled in a post-J.D. degree law program; and
- (2) the law school has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. degree students in the course.

(e) A law school that grants credit as provided in Standard 505(a) through (d) may award a J.D. degree to a student who successfully completes a course of study that satisfies the requirements of Standard 311 and that meets all of the school's requirements for the awarding of the J.D. degree.

(f) Credit hours granted pursuant to subsection (b) through (d) shall not, individually or in combination, exceed one-third of the total required by the admitting school for its J.D. degree.

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Standard 509. REQUIRED DISCLOSURES

(a) All information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and verifying such information. Violations of these obligations may result in sanctions under Rule 16 of the Rules of Procedure for Approval of Law Schools.

(b) A law school shall publicly disclose on its website, in the form and manner and for the time frame designated by the Council, the following information:

- (1) admissions data;
- (2) tuition and fees, living costs, and financial aid;
- (3) conditional scholarships;
- (4) enrollment data, including academic, transfer, and other attrition;
- (5) numbers of full-time and part-time faculty, professional librarians, and administrators;
- (6) class sizes for first-year and upper-class courses; number of seminar, clinical and co-curricular offerings;
- (7) employment outcomes; and
- (8) bar passage data.

(c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, the following information on a current basis:

- (1) refund policies;
- (2) curricular offerings, academic calendar, and academic requirements; and
- (3) policies regarding the transfer of credit earned at another institution of higher education. The law school's transfer of credit policies must include, at a minimum:

- (i) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and
- (ii) A list of institutions, if any, with which the law school has established an articulation agreement.


(d) A law school shall distribute the data required under Standard 509(b)(3) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(e) If a law school makes a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council.

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Source: American Bar Association Section of Legal Education and Admissions to the Bar, *Standards and Rules of Procedure for Approval of Law Schools* (2014–2015), available at http://www.americanbar.org/groups/legal_education/resources/standards.html.

addition, the revisions address many of the changes that have occurred in legal education since the last Comprehensive Review. Finally, the revisions respond to changes and requirements in the U.S. Department of Education regulations, streamline the sabbatical review process, strengthen curricular requirements, and strengthen the reporting requirements for consumer information.

It should be noted that the Comprehensive Review occurred during a period of dramatic change in the legal profession and legal education—a transition from high enrollments and bountiful employment opportunities to reduced enrollments and a contraction of the job market. The Standards, substantially improved against the backdrop of these stresses and strains on the legal profession and legal education, are destined to strengthen the quality of American legal education as we go forward. 

NOTES

1. *Editor's Note:* For a summary of the Standards review process, the goals of accreditation, and critical issues encompassed in the current Comprehensive Review, see Donald J. Polden, *Comprehensive Review of American Bar Association Law School Accreditation Policies and Procedures: A Summary*, 79(1) THE BAR EXAMINER 42–49 (February 2010).
2. The Report of the Accreditation Policy Task Force is available at http://www.americanbar.org/content/dam/aba/migrated/legaled/actaskforce/2007_05_29_report_accreditation_task_force.authcheckdam.pdf.
3. Information about the charges of these three committees, as well as their final reports, are available on the Special Committees Report web page of the ABA Section of Legal Education and Admissions to the Bar, http://www.americanbar.org/groups/legal_education/committees/standards_review/comp_review_archive/special_committee_reports.html (last visited Feb. 13, 2014).
4. For details of the transition and implementation plan, see *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*,

August 13, 2014, available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014-august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf.

5. The 2014–2015 *Standards and Rules of Procedure for Approval of Law Schools* are available on the Standards web page of the ABA Section of Legal Education and Admissions to the Bar, http://www.americanbar.org/groups/legal_education/resources/standards.html. This web page also includes an overview and detailed explanation of the changes to the Standards, as well as a redline version of the revised Standards.
6. The major substantive revisions to Standard 509 went into effect in August 2013.
7. For a summary of the proposals to modify Standard 405, see American Bar Association Section of Legal Education and Admissions to the Bar, *Explanation of Changes*, available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201408_explanation_changes.authcheckdam.pdf.



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