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To: Council on Legal Education of the American Bar Association
From: Board of Directors of the American Law Deans Association
Re: ABA Rules 13, 20, and 21 and Interpretation 509-3

The following are comments on the proposed changes to Rules 13, 20, and 21, and the new Interpretation 509-3, which were recommended by the Standards Review Committee to the Council on Legal Education. The American Law Dean's Association ("ALDA") is an association of the deans from over 120 law schools in the United States. These comments, however, express the views of the Board of Directors alone, and have not been reviewed or agreed to by the entire membership of ALDA.

Rule 13: The Board of Directors of the American Law Deans Association supports the proposed changes to Rule 13. The ALDA Board believes that transparency in decision making by the Accreditation Committee is an important principle that should be furthered by the Standards. The proposed changes make it clearer to law schools the nature of specific Committee actions and limit the period of time in which a school can be out of compliance without being removed from the list of approved law schools.

Rules 20 and 21: The Board of Directors of the American Law Deans Association is concerned about the overall effect of Rules 20 and 21 on innovation in law schools. The ALDA Board believes that the Standards should welcome and support innovation in legal education as long as a law school continues to meet the minimum requirements of a sound legal education. Many of the changes, which currently require acquiescence in advance (such as the creation of part-time programs, non-JD degree programs, the introduction of new ownership, and the opening of new locations), could make legal education more available to a wider group of students. The procedures under Rule 20 and Rule 21 tend to suppress innovation by imposing time delays and costs on innovation.

The ALDA Board believes that an approved school, that is a school that has already been held to be in compliance, should be given the chance to be innovative without the need for advance regulatory approval. The regular accreditation reviews are sufficient to ensure that such law schools continue to provide a legal education that meets the minimum requirements of a sound legal education.

While the minor changes being proposed likely will not have a significant negative impact on the ability of law schools to innovate, the ALDA Board urges that the Council direct the Standards Review Committee revisit these rules in their entirety with an eye to reducing the burden they impose on innovation in legal education. As part of that that review, the ALDA Board requests that the Consultant issue a public report on the requests for acquiescence it has received under Rules 20 and 21, the nature of the changes proposed, and the whether the Committee and Council have acquiesced.

Interpretation 509-3: The Board of Directors of the American Law Deans Association supports the proposed Interpretation 509-3. The ALDA Board believes that one appropriate role of the Standards is to protect consumers. This new Interpretation is consistent with that principle.