

January 22, 2003

Barry A. Currier, Deputy Consultant  
American Bar Association  
750 North Lake Shore Drive  
Chicago, IL 60611-4497

Dear Barry:

I write on behalf of the Board of Directors of the American Law Deans Association. We have reviewed the Recommendations of the Task Force on Accreditation Processes and are grateful for the opportunity to comment on them. The ALDA deans discussed the Recommendations at their meeting on January 3, 2003.

It was the unanimous view of the deans present that if it is the intent of the Task Force to move to a system of less frequent site evaluation that intent is to be supported and applauded. Site evaluation is an enormously disruptive process and forces us to divert our attention and resources from our fundamental task. Nonetheless we fully understand and support the need for periodic inspection and appreciate the essential role that it plays in maintaining the quality of American legal education.

We believe that a system which provides for full inspection every ten years is clearly superior to the current seven-year system. We also understand both that marginally compliant schools need to be monitored sufficiently to ensure that they remain compliant and that all schools – even those whose accreditation is in no way at stake – benefit from the process of periodic self review and the insights that can be gleaned from an outside look at that self review. If it is made absolutely clear in the Task Force's final recommendations that it intends that it is recommending a system whereby the clear norm is a system of ten year full inspection with a five year self review and report we can embrace it. If, on the other hand, it is left in any way ambiguous (as the current form of the Recommendations clearly is) that the recommendation is to move to a system of less review than more, we cannot endorse it. It was the unanimous view of the ALDA deans at our meeting that the current seven-year cycle would be preferable to a system in which the five-year site review was anything but exceptional.

We are happy to endorse Part V of the Task Force's Recommendations. These all seem like sensible and salutary proposals to all of us.

Barry A. Currier  
January 21, 2003  
Page Two

We appreciate the difficulties associated with the lack of an annual fee system to support the Accreditation Project. ALDA can endorse the move to such a system. However, we cannot endorse the substantial increase in total fees paid which is simultaneously proposed in Part VI of the Recommendations.

There are several reasons for our objections. First, if a reduction of regulatory apparatus is indeed intended, it hardly seems consistent to be raising the fees substantially (from a seven year total of \$19,600 to a seven year total of \$33,600, not even taking into account the time value of money). Second, it seems singularly inappropriate to reduce the fees charged for foreign and post-JD programs and to shift the burden they currently bear to JD programs. All of these programs make money. That is an essential part of their *raison d'être*. And all of these programs piggyback on their schools' JD programs. These programs also piggyback on other schools' JD programs – indeed, particularly on those who have no foreign or post-JD programs. It is a serious question of policy, and one on which we take no view, whether these programs should proliferate. Surely the question of the Accreditation Projects' moving to an annual fee is a distinct question. We support that move but neither an overall fee increase for JD programs nor an overall fee decrease for foreign or post-JD programs.

I would be happy to talk to you or any members of the Task Force if that would be helpful. Thanks to all of you for undertaking this job.

Sincerely yours,

Patricia D. White  
Dean and Professor of Law

PDW/bh

cc: Jeffrey Lehman, ALDA President  
Thomas Sullivan