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[ABA President-Elect Moves to Winnow Legal Education Section's Role](#)

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A battle is brewing within the American Bar Association over control of law schools - one of the organization's most powerful functions.

The ABA's Board of Governors on Friday or Saturday will consider a proposal that would strip powers from the Section of Legal Education and Admissions to the Bar and give them to a newly formed Commission on the Future of Legal Education. That commission, run by a 10-member panel appointed by the ABA president, would handle all legal education matters except the accreditation of law schools, which would remain the sole responsibility of the whittled-down Section of Legal Education.

The proposal is the latest assault on the Section of Legal Education, which has been the target of critics who say it has failed to lead as law schools have struggled over the past six years.

"Our lack of response to the constant barrage of grievances about our system of legal education is undoubtedly impacting membership and also preventing top students from entering law school," reads a [Jan. 12 memo](#) from ABA President-elect and Greenberg Traurig co-president Hilarie Bass to the Board of Governors requesting that it sign off on the commission. "We must lead in evaluating how we can do a better job of educating and testing the competency of the future lawyers of our country."

The Council of the Section of Legal Education and Admissions to the Bar, which operates independently from the larger ABA, has asked the Board of Governors to delay any action on the proposal to allow for further evaluation. Dividing up oversight of legal education could adversely impact the ABA's status as the U.S. Department of Education's designated accreditor of law schools, according to a [Jan. 30 response letter](#) from Council Chairman Greg Murphy to the Board of Governors. Moreover, accreditation is tied closely to the other major issues related to legal education and separating that function from other ABA law school activities could weaken the organization's overall efforts, the letter argues.

"The proposal, unless thoughtfully implemented, has the potential to change the way the ABA relates to the legal academy, the profession, bar admission authorities, and society at large in connection with legal education and bar admissions," Murphy wrote. "The matter deserves an opportunity for a full discussion among the Section leadership, the members of the Section, and all interested parties before it is adopted as described in President-elect Bass's proposal."

The ABA would shift money away from the Section of Legal Education to fund the new Commission on the Future of Legal Education, according to the proposal.

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Both Bass and Barry Currier, the top administrator of the Section of Legal Education, through an ABA spokesman, declined to discuss the matter.

The ABA's Section of Legal Education for months has been under assault by the media, the Education Department, and assorted critics who say it hasn't moved swiftly enough to address legal education's growing list of woes, such as falling bar pass rates, declining enrollment, and a tight job market. But this is the first internal move within the ABA to curb its powers and push for bigger changes.

Bass's proposal, while a radical change to the existing ABA structure, is not unexpected. Bass [said](#) bringing legal education into the 21st century would be one of her top priorities when she assumed the ABA president-elect role in August. She embarked on a "listening tour," speaking with deans and legal researchers last fall.

Bass argued that the current structure of the Section of Legal Education prohibits it from tackling big-picture issues such as innovation because it is focused on oversight of the country's 205 ABA-accredited law schools. She appeared before the Council of the Section of Legal Education in December to pitch the concept of the commission, which received a tepid response from council members.

Under Education Department rules, the area of the ABA that handles law school accreditation must be independent from the larger organization. Bass's proposal calls for all nonaccreditation functions to shift to the new Commission on the Future of Legal Education, which would handle conferences, publications, and be a "forward thinking body that would focus on the future of legal education." Commission board members would be a combination of deans, academics, bar examiners, state supreme courts, and a law student appointed by the ABA president to three-year terms. Subcommittees would examine topics, including bar exams, the length of law school, technology and alternative teaching methods.

The commission would be created with existing staff and budget taken from the Section of Legal Education, according to the proposal, and would be convened immediately if the Board of Governors approves the proposal this week.

News of the proposal caught many in legal education off guard Tuesday afternoon, when Murphy alerted section members.

The Executive Committee of the Association of American Law Schools wrote to the ABA Board of Governors early Wednesday to say it had just learned of the "possibly significant changes" the day before, said Executive Director Judith Areen. "They have asked for a chance to discuss the changes with the Board before they are adopted," she said.

Erica Moeser, president of the National Conference of Bar Examiners, said Wednesday that she's concerned with the speed the proposal has come together and that there could be unforeseen problems, such as two different legal education entities within the ABA taking opposite positions on issues.

"I think this is a big deal, and I think it's unfortunate that it's proceeding as precipitously as it has been," said Moeser, who said she was not speaking on behalf of the conference but as a former chairwoman of the Council of the Section of Legal Education. "I don't know that there has been any examination of the unintended consequences. I'm a traditionalist, and I don't want to see the oldest section of the ABA disappear overnight."

But others are less enthusiastic about the performance of the Council of the Section of Legal Education and welcomed the change.

"The Council has often ignored the comments of members of the law school community when considering changes in ABA accreditation standards," said Beth Schwartz and Benjie Lewis, co-presidents of the Clinical Legal Education Association (CLEA), in a statement released Wednesday morning. "The Council also has failed to provide leadership or a forum for discussing the challenges and opportunities of legal education and bar licensing."

The Society of American Law Teachers applauded the proposal in a statement Wednesday. "It is time that the ABA directs focused attention on the need for reform in legal education and bar licensing," said the statement issued by co-president Denise Roy. "Ms. Bass's proposal promises to do just that, and SALT supports the effort. Of course, its success will depend on naming a commission whose members are high-quality creative experts who will consider a wide range of views from both within and outside the academy."

Moeser agreed that the council has shied away from tackling some major problems head on, but said part of that was due to the ABA itself trimming the legal education budget.

Among the objections listed by the Council of the Section of Legal Education in Murphy's response letter is that the ABA should first consult the Education Department to ensure whether the new commission would run afoul of its requirement that the law school accrediting body remain "separate and independent."

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It also remains unclear whether the dues paid by law schools to the ABA would be enough to cover both legal education entities. Murphy also pointed to the council's recent update of law school accreditation standards to give schools more flexibility and boost transparency of data such as graduate employment rates. But the ABA's accreditation rules cannot police rising tuition or make college students apply to law school, he wrote.

"We express this unease at the same time as agreeing that the President-elect and the Council share the same goal - to ensure legal education continues to produce lawyers who support the rule of law in the United States and around the world and are prepared to practice in the rapidly changing environment of the 21st Century," Murphy wrote.

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