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# A Look at How the Accreditation Committee Works: Complex Issues Come before Committee

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# SYLLABUS

American Bar Association Section of Legal Education and Admissions to the Bar  
Volume XV, Number 2

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## A LOOK at How the Accreditation Committee Works



Jane L. Hammond

### Complex Issues Come before Committee

By Jane L. Hammond

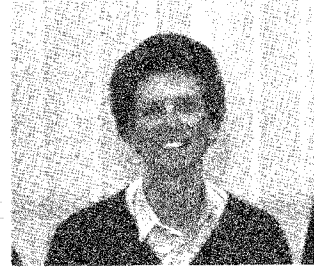
Each accredited law school finds itself on the agenda of the Accreditation Committee at least once every seven years, following its sabbatical site inspection. More frequent consideration of a given school may result from the school's petition for acquiescence in a change of program (five petitions relating to new LL.M. programs were before the committee recently), from data supplied in the Annual Questionnaire, and occasionally from information supplied by third parties, such as a complaint from a student or faculty member that a school is violating the Standards.

The last category comes before the entire committee only if the consultant and the Subcommittee on Complaints determines that the initial complaint and the school's response indicate a breach of the Standards; the committee does not adjudicate individual grievances.

Three areas of concern dominated the Committee's last two meetings:

1. Physical facilities, including library space needs, created problems for 18 of the 50

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Kathleen Ridder

### Lay Member's Opinion of Legal Profession 'Affirmed and Heightened'

By Kathleen Ridder

**Q. What do you see as the role of the committee?**

A. We accredit new schools, a process that can take from one to five years or longer. Every seven years, the 173 schools already accredited come up, on a rotating basis, for reinspection. We review the fact-finding committee's report and come up with conclusions. We often find areas in which we feel the school is not meeting standards; therefore we ask for progress reports to see what steps are being made to bring areas up to standard. We are very specific.

**Q. What is your previous experience in law-related activities?**

A. I took an extension course on the Supreme Court at the University of Minnesota and read Cardozo's book with its wonderful unresolved thesis: whether the law should bring about social change or whether it should reflect social change. This piqued my interest. Before then, law meant paying my parking ticket. I got into politics because I felt it was the only route I could go as a woman. I did all the political jobs one does, including going to the Republican convention of 1956 as an

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## Student Computer Literacy at Florida U.

By Betty Taylor

Most law schools have already introduced students to WESTLAW and LEXIS, but few schools have ventured beyond these systems. Will this satisfy the computer-saturated students who are applying to law schools now and in the future?

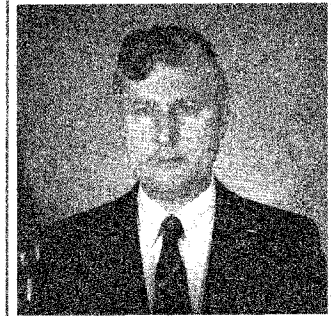
To find out what kinds of computer backgrounds students are bringing to law school, I queried the entrants in four consecutive classes at the University of Florida College of Law. The surprising results indicate that each class is progressively more knowledgeable than the one before. If the trend continues, the profile of the entering freshmen will be startlingly different from that of the past years. (See chart on page 3.)

The first two questions relate to microcomputer use to determine how many have used a computer of some kind. The second question was designed to separate those who may have used a terminal or micro frequently enough to comprehend something about accessing databases and the type of specified wording needed to enter these systems from those who have used one only a few times. No attempt was made to delineate academic or educational use as opposed to video games, automated tellers, or similar devices. While there may be no direct educational value in the latter type of computer uses, there is instructional value in exposure to computer keyboards and to the orientation necessary to interact with computer systems.

Seventy-seven percent of the four classes (a total of 793 students) have had hands-on experience with computers, and 54 percent stated that the experience exceeded more than casual use. The increased percentages from class to class in the 12 months' period is startling. Note the change on question one from 71 percent to 84 percent who had used a computer and on question two from 44 percent to 65 percent who had used a computer more than a few times. A slight drop in percentages is noted for the January, 1984, class.

To evaluate their understanding of computer technology, the students were asked about their programming capabilities. The responses revealed

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Donald C. Mulcahey

## Moral Discourse and the Case Method

Donald C. Mulcahey graduated in May, 1983, from the University of Baltimore School of Law after a career of teaching philosophy and theology that began in the mid 60s. "Well aware that philosophy and theology were not on the academic 'hit parade' and that enrollments in these subjects would continue to dwindle," he began to think about retooling. As a "survivor" of both graduate liberal arts education and legal education, he offers the following observations:

By Donald C. Mulcahey

Legal education should be a synthesis of experience and reflection. Both clinical and classroom components should be required, and both components should be aimed at developing technical skills, critical understanding, and good moral character in students. Each clinical or classroom experience should develop abilities to describe, analyze, and recognize moral and ethical implications of legal issues.

If used properly, the case method can be a valuable tool for approaching the study of law. Although the method has been attributed to Christopher Columbus Langdell, it is a truncated version of a common-sense method of learning which has been around for centuries.

The dialogues of Plato in which Socrates discusses cases in search of guiding principles of action are classic illustrations. An essential difference, however, is that Plato's dialogues record a full-blown dialectic discussing significant situations and aspects of human living in an attempt to discover underlying principles and values. Issues in Plato's dialogues are frequently so complex that discussion is concluded without a decision being rendered.

Appellate opinions studied in cases are also part of a continuing dialectic. Following a trial, a transcript, written briefs, and oral argument issues are resolved when

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**ACCREDITATION: RIDDER**

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alternate. I became very involved in the civil rights movement, then the women's movement, and am co-chairing, with Abigail McCarthy, the Conference on Women, the Economy, and Public Policy in Washington this month. I was appointed eight years ago as one of the public members of the Board of Continuing Legal Education for the state of Minnesota.

**Q. Do you feel that law has had any special effect on you as a woman?**

**A.** Women would not have made the gains we have without the help of the courts. In many cases, the courts have handed down decisions which have been in favor of women. If the Supreme Court would once use sex as a "suspect classification" for discrimination, then the emphasis for an ERA amendment would not be so crucial.

**Q. What is your role as a lay person on the Accreditation Committee?**

**A.** I look at a law school in the framework of what it will provide to the students coming in, what kind of product they'll be in the end, and how they can use their skills in the marketplace. I am interested in whether we are preparing lawyers to serve the public adequately.

**Q. Since the committee is composed of busy people who live great distances from each other, they meet seldom. How well do you feel this works?**

**A.** We are usually together for two days at a time. It is such intense work that we learn from each other. Each person assumes, either consciously or unconsciously, a role. I taught a course years ago on political participation in which I entered a room of total strangers, asked questions, and, through the dynamics of it, reached a conclusion.

I see that happening in our committee. It falls into a life of its own through the intensity of being together, even at meals. This is an interesting example, to my lay point of view, of the concentrated method of reaching decisions versus the drawn-out or intermittent. I would compare it to an intensive night course. We immerse ourselves. I come away from each meeting with a better perspective and understanding of the role the committee plays in the accreditation process.

**Q. What have you gained from your experience on the committee?**

**A.** My respect for the legal profession, which has always been high, has been reaffirmed and heightened. I am impressed by the time spent by the men and women working as volunteers on Section committees, because of their desire to keep the high standards of the legal profession in place.

**Q. What would your answer be to public criticism of the legal profession?**

**A.** At this point, the legal profession (and maybe I'm biased on this point) has kept its integrity and, with the exception of rare examples of misconduct, has had a fairly exemplary history. My perception is that it's due to the fact that the legal profession has set very high standards. This includes all three elements: the law schools, the practicing bar, and the judicial system.

I wish that more of the public, whom I represent on the committee, who do have criticisms of the legal profession would have greater opportunities to see the ABA in action. It would provide the public with a greater understanding of the ABA's role in our legal society.

*Kathleen Ridder, St. Paul, serves as a lay member of the Accreditation Committee.*

**MULCAHEY**

*Continued from page 1*

the court renders a decision. Typically, however, the law student reads only excerpts from the case and a summary of the court's opinion. The human dimension, the dialectic, is removed, and the holding becomes enshrined as the *raison d'être* for studying the case in the first place.

The problem with the case method is the abbreviated form in which cases are typically presented to students. It virtually eliminates human activities and relationships, along with understanding of the principles by which we guide and judge them. What remains are cases devoid of the human element which the law is designed to protect. Separated from a broader human context, cases become merely disconnected series of facts and rules of law, orphans in an intellectual wasteland.

It is not the case method but the prevailing narrow approach to the study of cases that is at fault. Students should be challenged to consider not only what law was made, where it was made, and how it was made, but also why it was made and whether it ought to have been made.

Each level of questioning calls for a different level of understanding, for a comprehensive knowledge of legal principles and issues. Each level makes a vital contribution to the intellectual, ethical, and moral education of prospective lawyers.

A final irony in the value-free posture taken by most law schools is that applicants to the bar must prove they are of good moral character. What is meant by that phrase? The ABA Code of Professional Responsibility does not answer the question directly nor is it addressed thoroughly or adequately in courses in professional responsibility in most law schools. Typically, such courses cite extreme examples of the lawyer as "hit man or whore" or define the lawyer as "friend of the client," but they do little to compensate for the general paucity of moral discourse throughout the law school curriculum.

*Donald C. Mulcahey is associate professor of history and philosophy at the University of Baltimore Yale Gordon College of Liberal Arts. He was admitted to the Maryland Bar in December, 1983.*

**ACCREDITATION:**

*Continued from page 1*

schools discussed. Some are finishing construction to relieve their problems; some have only begun to seek solutions.

2. Finances are a serious problem in 15 schools, including both state and private institutions. This excludes construction financing which is subsumed in the physical facilities count. Financial constraints may result from the impact of the general economic conditions on a state university's budget appropriation, from the debt structure of a given institution, or from the use of the law school's income to support general university operations. Such constraints can result in the inability to hire or retain adequate faculty, administrators, or staff to support the school's program, to maintain the library's collection, to sustain a well-supervised clinical component, and the like.

3. Student/faculty ratio was a concern in 11 cases. This issue was more dominant than usual in the meeting immediately after the October, 1983, Annual Questionnaires were submitted because the committee had asked the consultant to list all schools reporting a ratio of 30:1 or higher for committee consideration. (*Editor's Note: See Consultant's Report in March, 1984, Syllabus, page 2.*)

Library matters, other than physical facilities, were discussed in five cases; minority recruitment in three; academic freedom in two; and other issues arose in one or two cases. Some schools have more than one problem, so that the total of issues is more than the total number of law schools on the agenda.

Two subcommittees of the Accreditation Committee met to consider issues relating to summer programs abroad and to student/faculty ratios.

Fifteen of the law schools on the agenda satisfied the committee of their full compliance with the Standards. Further information has been requested of the rest by specific dates the committee believes will provide time for each school to take steps to meet the committee's concerns.

*Jane L. Hammond is chairman of the Accreditation Committee. She is professor of law and law librarian at Cornell Law School.*

**CONSULTANT: WHITE**

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study which is most valuable in terms of goal formulation and long-range planning. Additionally, we learn from the comments and evaluations of the site team and from sharing ideas with other law schools and with representatives of the practicing bar. On the other side of the coin, the organized bar gains both insight and input into the processes of legal education, a synergetic effort which is mutually beneficial to legal education and to the bar."

It is with these objectives and spirit that the site evaluation process of the American Bar Association takes place.

*James P. White is consultant on legal education to the American Bar Association.*

**Mark Your Calendar**

Date		
1984		
June 22-24	ABA Accreditation Committee	Ithaca
Aug. 4-5	ABA Council Meeting, Section of Legal Education and Admissions to the Bar	Chicago
Aug. 6-7	ABA Section of Legal Education and Admissions to the Bar Program and Annual Meeting	Chicago
Nov. 2-4	ABA Accreditation Committee	Site to be determined
Dec. 8-9	ABA Council Meeting - Section of Legal Education and Admissions to the Bar	Washington, D.C.
1985		
Jan. 25-27	ABA Accreditation Committee Meeting (tentative date)	Site to be determined
Feb. 13-20	ABA Midyear Meeting	Detroit
Feb. 13-15	ABA Deans' Workshop	Detroit
Feb. 16-17	ABA Council Meeting	Detroit
April 19-21	ABA Accreditation Committee Meeting (tentative date)	Site to be determined
May 21-24	American Law Institute	Washington, D.C.
May 25-26	ABA Council Meeting	Washington, D.C.
June 14-16	ABA Accreditation Committee Meeting (tentative date)	Site to be determined
July 4-11	ABA Annual Meeting	Washington, D.C.
July 6-7	ABA Council Meeting, Section of Legal Education and Admissions to the Bar	Washington, D.C.
July 7	ABA Dean's Meeting	Washington, D.C.
July 8-9	Section Program	Washington, D.C.
July 8	ABA Section Annual Meeting	Washington, D.C.
July 14-20	ABA Annual Meeting	London
July 17	Section Plenary Session	London
July 17-18	Section Program	London
July 19	Section Meeting with Cambridge Law Faculty	Cambridge, U.K.

**BOK TO BASICS: HEDGES**

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program for change was the true challenge. Since Bok's main contention was that, besides too many lawyers, the best and brightest were becoming lawyers instead of the engineers, business persons, teachers, and other professionals so desperately needed, only two solutions to the problem of too many lawyers presented itself—fewer schools and fewer admissions. But who, McKay asked, will take a stand?

*Carrie L. Hedges is assistant staff director for the Section of Legal Education and Admissions to the Bar.*