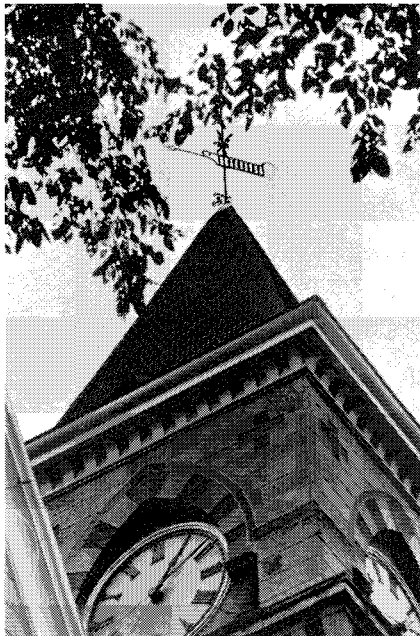


## ACCREDITATION—WHAT IS

### THE FUSS ALL ABOUT?

The Milwaukee Journal carried the story on September 2, 1973. The headline: Inspection Set at UW Law School. The story stated that the joint inspection team of the American Bar Association and the Association of American Law Schools plans to revisit the Law School to determine what progress had been made since its visit in November, 1971, toward removing the three serious deficiencies noted at that time. Specifically mentioned were: 1) the Faculty is too small for the greatly expanded student body; 2) the Library is too small for the expanded student body, and 3) Faculty salaries are too low to remain competitive with comparable law schools.

Specific recommendations were included in the 1972 report prepared by the inspection team. Professor William B. Lockhart, at that time Dean of the University of Minnesota Law School, acted as Chairman.



Announcement in September of the possible reinspection started immediate speculation by the students, faculty, alumni and the Bar.

An example of the reaction of students is the following proposed communication from an *Ad hoc* committee of 1st year students to applicants for admission. (This letter was not sent because revisions in the newly published Bulletin currently in use state the Law School's problems in a section entitled "Some adverse effects of current enrollment pressures.")

Dear Prospective Students,

We, as current students, would like to make you aware of certain facts about the Law School which are not fully reflected in the Law School Bulletin.

1. *Accreditation:* The Bulletin says, "The Law School is fully accredited by both organizations (the American Bar Association and the Association of American Law Schools)." (p.7)

Two years ago, a joint ABA-AALS inspection team visited the Law School and found that it was not in compliance with ABA standards in four major areas:

a. It has an insufficient number of faculty members to maintain a proper student-faculty ratio;

b. Faculty salaries are \$3,000-\$6,000 too low to be competitive with other law schools;

c. The library budget is inadequate both for acquisitions and staff;

d. The physical plant of the Law School is inadequate as to study space for library work, seminar rooms, and student lounge space.

Wisconsin is still a strong law school, but it cannot long remain so unless it receives substantial increases in its budget. The ABA-AALS inspection team warned that, unless such increases are granted, Wisconsin will join the ranks of mediocre law schools doing a passable job, but bringing no distinction to the legal education or to the legal profession.

2. *Student-faculty ratio:* The Bulletin says, "The present enrollment of full-time Law School students is about 900 with a full-time faculty of over 40." (p.7) Actually, at this time there are approximately 920 students enrolled and the full-time faculty numbers 35 for a 26-1 student-faculty ratio. The ABA-AALS recommends a maximum 20-1 ratio. This also means that the clinical program has totally inadequate supervision and that changing curriculum needs are going unmet.

3. *Faculty salaries:* The ABA-AALS report says that faculty salaries at Wisconsin are dangerously uncompetitive and must be raised \$3000 to \$6000 to be competitive with other prestige law schools in attracting and keeping the most talented and productive professors.

4. *The Library:* The Bulletin calls the Law Library "extensive." (p. 7) In 1970-71 only \$44,000 was budgeted for books and binding, \$6000 less than the minimum standards of the ABA and less than 25% of the book budget of the University of Michigan Law School. In 1966 the Law Library was ranked 24th in the country in size of collection. By 1970 it had dropped to 29th. The committee said that a budget of \$100,000 a year would be a minimum for the library to meet the Law School's needs, and then only if special catch-up grants were made to add works missed because of the low budgets of the last six years. The library budget for books and acquisitions has been increased to \$120,000 for 1973-74, but the catch-up grants have not been made.

5. *Physical space:* There is library study space available for less than 50% of the student body. The student lounge has seating room for only 85 students.

The University operates on a biennial budget. Major changes in funding will not be available until 1975, except by a special act of the Wisconsin Legislature. Until then any additional funding, as for an increase in the size of the faculty, would have to come out of discretionary funds available to the Chancellor of the University. So far, to our knowledge, no such funds have been granted.

The purpose of this is not to dissuade you from coming to Wisconsin. It is merely to provide you with a fuller disclosure of the facts to prevent the Bulletin from misleading you. If you have further questions, we can be contacted c/o the Law School.

Sincerely yours,  
The Student Ad Hoc  
Committee on  
Accreditation

\* \* \*

If insufficient progress has been made toward remedying the defects found by the inspection team, is Wisconsin apt to lose its accreditation? What is accreditation anyway?

The rules of admission to the Bar in almost every state now require that each applicant for admission must have graduated from a law school accredited by the American Bar Association. The effort to improve professional standards by improving the education and training of lawyers was, from the beginning, a primary goal of the Association. Early in our country's history, the admission requirements in some states, and previously in the colonies had been extremely rigid, involving long apprenticeships. Between the administration of Andrew Jackson and the end of the Civil War, all formal requirements for admission to the legal profession had been abandoned. People became lawyers simply by self-designation. In an effort to correct the low state to which the profession had fallen, the American Bar Association, when it was organized in 1878, urged that admission to the Bar in each state be on the basis of examination, that legal education be conducted in law schools rather than by apprenticeship, and that there be pre-law educational requirements for those admitted to law school. The Association's Section on Legal Education and Admission to the Bar was established in 1893. The Association of American Law Schools was founded at the urging of the Section. It represents the efforts of the Law Schools themselves to give effect to the educational requirements, by providing standards for membership. Organ-

ization of Boards of Bar Commissioners in the various states also followed. The attack on inadequate professional standards thus became three-pronged.

For more than 50 years, the two accrediting associations have worked hand in hand, although there are some ABA-approved law schools which have not been chosen as members in the Association. Some states require graduation from jointly approved law schools; some require only ABA approval.

In 1921, after a long, extensive study of legal education conducted by A. Z. Reed, supported by a grant from the Carnegie Foundation, the American Bar Association adopted minimum standards for the first time and shortly thereafter began to list the law schools which complied.

The first standards stated that a law school, to be approved, must require two years of pre-law college study of those admitted as well as three years in law school. The 1921 resolution stated that each school shall have an "adequate library", and a "sufficient" number of teachers giving their entire time to the school. One of the original regulations—still in effect—stated that "the American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subjected to an examination by public authority to determine his fitness." The resolution also directed the Council on Legal Education and Admissions to the Bar to publish the list of complying law schools.

*Continued, next page*

Season's Greetings

Adoption of these minimum standards had almost immediate results; nevertheless, it was many years before the Bar Examining Boards in all the states agreed that graduation from an ABA accredited Law School was required for bar admission. Publication of the first list in 1923 showed that 39 law schools met the standards, and that 27 of these were non-compliant in 1921. By 1931, there were 106 approved schools. Today there are 150.

The first major additional standard was enacted in 1938, when the following was adopted: "It shall be a school which, in the judgement of the Council of Legal Education and Admissions to the Bar, possesses reasonably adequate facilities and maintains a sound educational policy, provided, however, that any decision by the Council in these respects shall be subject to review by the House of Delegates (of the ABA) on petition of any school adversely affected."

Inspections of law schools by the ABA began in 1927, when full-time staff for the Section on Legal Education and Admissions to the Bar was provided. The AALS had started inspections somewhat earlier, and since 1927, the inspections have usually been jointly conducted.

By 1939, 41 states (of 48) required at least 2 years of pre-law training as a requirement for admission to the Bar.

After the initial struggle to get the minimum standards approved, the biggest struggle to maintain them came along with the second World War, when law school enrollments and staff were decimated, and the temptations of offering early degrees to those inducted, and to lessen the quality of teaching were very great. A post-war struggle with the Veterans' Administration ensued when correspondence law schools were approved for G.I. benefits.

From time to time in recent years the standards have been reviewed and raised by the ABA House of Delegates, most recently in February, 1973.

Current ABA standards for accreditation are spelled out in great detail, and include a three year curriculum, admission to law school after at least three years of pre-law college-level education, a measurement of academic aptitude by either the Law School Admission Test or comparable means. Achievement in Law School must be measured by examination and other written assignments. The library must be "adequate", and administered by a Faculty committee, a qualified librarian and the Dean. Study space must be provided for 40% of the student body, and facilities should include sufficient classrooms, private offices for Faculty and moot court rooms. Standards for academic freedom and faculty tenure follow closely those adopted in 1940 by the American Association of University Professors. Procedures for approval, including inspections and re-inspections are outlined.

Standards of the AALS are similar although higher in some respects. They are also more detailed as to the number of students per teacher, the specifics of Faculty control, approval of innovation in teaching methods, requirements for the J.D. Degree, etc.

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The 1973 revision of the ABA standards includes a new provision which is causing considerable confusion. It says "The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes."

Query: What are the "objectives" of the University of Wisconsin Law School's "educational program"?

The American Bar Association has set the goal of re-inspection of law schools every seven years. Although the inspection team, which is composed of educators and active members of the Bar, visits 30-35 law schools a year, it has not been possible to achieve re-inspection every seven years. The 1971 inspection of the Wisconsin Law School came 12 years after the previous one.

Dean Bunn interprets the new regulation to mean that if a law school holds itself out as an excellent law school it will be held to its own standards of excellence. "If a law school says it is an excellent school," said the Dean in an interview with the Capital Times, "then, by God, it better be one." He agrees that it will take some time before each Law School's own objectives will be stated in terms which are clearly understood by the Faculties, the students, the Bar, the Legislatures, and most importantly, the public.

The ABA's published standards—in every revision—emphasize that law schools are urged to consider the standards to be *minimum* requirements, and to exceed them in all particulars, if possible.

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What of Wisconsin's accreditation?

The 1972 ABA report, along with its widely published criticisms of the law school, is also full of respect and praise for the quality of legal education offered here. "Under the leadership of Lloyd Garrison, 1932-42, it became and has since remained one of the country's strongest law schools, distinguished particularly for its early leadership and continued achievement in interdisciplinary research and teaching, concerned with the interaction of law with society. Strong, pioneering scholars and teachers led the school to its position of distinction despite the antiquated building in which it was housed. . . ." It described the efficient, if too small, administrative staff, and particularly marked for praise the Law School's duplicating room and staff. "Over the years," the report says, "the Law School has consistently had an able and distinguished faculty." "It

has long enjoyed the reputation of being able to retain most of its stars, and with rare exceptions it has managed to do so." The report noted that, while the size of the faculty is inadequate, it is "well balanced in teaching experience" and that members "received their legal education (at) most of the strong law schools in the nation."

"The Wisconsin faculty is imaginative, innovative, alert to the need to revitalize legal education in many ways," but largely frustrated by the large number of students. "The list of faculty publications is most impressive . . . Wisconsin has a long-established tradition of encouraging productive scholarship." The report recounts in detail the public services of the faculty, which ". . . underlines how thoroughly this 'Wisconsin Idea' is embraced by the faculty, . . . most of it without compensation or payment to the Law School for the faculty member's time."

High praise is also expressed for the faculty's interdisciplinary approach to the study of law, and the efforts of younger faculty in joint research with the various social science departments of the University.

According to Professor Charles D. Kelso, Indiana University Law School-Indianapolis, who is currently Chairman of the joint ABA-AALS committee, there is no question about Wisconsin's losing its accreditation despite the fact that Wisconsin graduates receive Bar admission without examination, in violation of one of ABA's original rules. A decision by the Committee to revisit (which will be on the agenda of the Committee sometime soon) would be based on a desire to provide an outside evaluation of the University's efforts to correct the imbalances noted in the 1971 report.

Dis-accreditation has almost never occurred. Reaching such a decision requires several years, according to Professor Kelso. There are informal visits in which the joint committee attempts to stimulate change. After a recommendation to the Council of the Section on Legal Education, there would be public hearings. A law school has the right to appeal an adverse decision to the ABA House of Delegates.

As long as the Wisconsin Law School continues to work at removing its admittedly serious deficiencies, there is no doubt that its accreditation will continue. Other law schools suffer from the same malaise.

Wisconsin is one of the older law schools in the nation. It is a charter member of the Association of American Law Schools. It has always appeared on the lists of law schools approved by the ABA. It enjoys, according to Professor Kelso, a reputation as one of the most distinguished state university law schools in the country.

The task is to maintain its reputation in times of stringency. It has managed this successfully before and will do so again.

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