American Bar Association
Section of Legal Education and Admissions to the Bar
Standards Review Committee

Chapter 7 - FACILITIES

REDLINED -- DRAFT after July 2011 Meeting

Strike-outs and underlines show changes from the current standards.

Standard 701. GENERAL REQUIREMENTS

(a) A law school shall have physical facilities and equipment that enable it to fulfill the requirements of the Standards and carry out its ~~are adequate both for its current~~ program of legal education. ~~and for growth anticipated in the immediate future.~~

(b) ~~Interpretation 701-2~~ The ~~Adequate~~ physical facilities shall include:

> **(1) ~~suitable~~ class and seminar rooms in sufficient number, functionality, and size to permit reasonable scheduling of all classes and seminars;**
>
> **~~2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;~~**
>
> **(2) sufficient space for staff providing support services, including student support services, to the program of legal education;**
>
> **(3) an individual office for each full-time faculty member ~~adequate~~ suitable for faculty research, class preparation, ~~study~~ and ~~for~~ faculty-student conferences and ~~sufficient~~ office space for part-time faculty members ~~adequate~~ suitable for faculty-student conferences;**
>
> **(4) facilities and equipment that meet all applicable health, safety, and fire codes; and**
>
> **~~(4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;~~**
>
> **~~(5) suitable space for all staff; and~~**
>
> **~~(6) suitable space for equipment and records in proximity to the individuals and offices served.~~**
>
> **(5) sufficient and suitable space appropriate for conducting live-client clinics in a manner that assures competent and ethical representation of clients and**

meaningful instruction and supervision of students, including confidential space for (i) client interviewing, (ii) working on and discussing client cases, and (iii) security for client files.

(c) Consistent with applicable law, a law school shall provide reasonable access or accommodation to persons with disabilities.

(d) To obtain or continue to merit full approval, a law school's facilities complying with these standards shall be completed and occupied by the law school; plans or construction in progress are insufficient.

(e) A law school does not comply with the Standards in this chapter if its physical facilities or technological capacities have a negative and material effect on the school's ability to fulfill the requirements of the Standards or carry out its educational program.

~~Interpretation 701-1~~
~~Inadequate physical facilities are those that have a negative and material effect on the education students receive or fail to provide reasonable access for persons with disabilities. If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons.~~

~~Interpretation 701-2~~ See 701(b)

~~Interpretation 701-3~~
~~To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient.~~

Interpretation 701-1 ~~4~~
A law school must demonstrate that it is and will continue to be housed in facilities that enable the law school to fulfill the requirements of the Standards and ~~are adequate to~~ carry out its program of legal education. If all or part of the facilities are leased or financed, factors relevant to whether the law school is or will continue to be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms and conditions, and termination or foreclosure provisions. ~~and the security of the school's interest.~~

Interpretation 701-2 ~~5~~
A law school's physical facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements must ~~shall~~ permit proper scheduling of all law classes and other law school activities.

Standard 702. LAW LIBRARY

The physical facilities for the law library shall be sufficient in size, location, and

design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

~~***Interpretation 702-1***~~
~~*A law library shall have sufficient seating to meet the needs of the law school's students and faculty.*~~

Standard 703. RESEARCH AND STUDY SPACE

To enable it to fulfill the requirements of the Standards and carry out its educational program a law school shall provide:

(1) ~~A law school shall provide, on site,~~ sufficient quiet study and research seating on site for its students and faculty; and

(2) ~~A law school should provide~~ space in sufficient amount, functionality, and size ~~that is suitable~~ for group study and other forms of collaborative work.

Standard 704. TECHNOLOGICAL CAPACITIES

A law school shall have the technological capacities and support that enable it to fulfill the requirements of the Standards and carry out its educational program. ~~that are adequate for both its current program of legal education and for program changes anticipated in the immediate future.~~

~~***Interpretation 704-1***~~
~~*Inadequate technological capacities are those that have a negative and material effect on the education students receive.*~~

Interpretation 704-1 ~~2~~
In determining compliance with this Standard, factors to be considered include:
~~*Adequate technological capacity shall include:*~~

(1) ~~sufficient and up-to-date~~ the hardware and software resources and infrastructure available to support the teaching, scholarship, research, service and administrative needs of the school;

(2) ~~sufficient~~ staff support and space for staff operations;

(3) ~~sufficient~~ financial resources to maintain and, as appropriate, adopt ~~and maintain~~ new technology. ~~as appropriate.~~

Chapter 7 - FACILITIES

CLEAN COPY -- DRAFT after July 2011 Meeting

Standard 701. GENERAL REQUIREMENTS

(a) A law school shall have physical facilities and equipment that enable it to fulfill the requirements of the Standards and carry out its program of legal education.

(b) The physical facilities shall include:

> **(1) class and seminar rooms in sufficient number, functionality, and size to permit reasonable scheduling of all classes and seminars;**
>
> **(2) sufficient space for staff providing support services, including student support services, to the program of legal education;**
>
> **(3) an individual office for each full-time faculty member suitable for faculty research, class preparation, and faculty-student conferences and office space for part-time faculty members suitable for faculty-student conferences;**
>
> **(4) facilities and equipment that meet all applicable health, safety, and fire codes; and**
>
> **(5) sufficient and suitable space appropriate for conducting live-client clinics in a manner that assures competent and ethical representation of clients and meaningful instruction and supervision of students, including confidential space for (i) client interviewing, (ii) working on and discussing client cases, and (iii) security for client files.**

(c) Consistent with applicable law, a law school shall provide reasonable access or accommodation to persons with disabilities.

(d) To obtain or continue to merit full approval, a law school's facilities complying with these standards shall be completed and occupied by the law school; plans or construction in progress are insufficient.

(e) A law school does not comply with the Standards in this chapter if its physical facilities or technological capacities have a negative and material effect on the school's ability to fulfill the requirements of the Standards or carry out its educational program.

Interpretation 701-1
A law school must demonstrate that it is and will continue to be housed in facilities that enable the law school to fulfill the requirements of the Standards and carry out its program of legal education. If all or part of the facilities are leased or financed, factors

relevant to whether the law school is or will continue to be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms and conditions, and termination or foreclosure provisions.

Interpretation 701-2
A law school's physical facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements must permit proper scheduling of all law classes and other law school activities.

Standard 702. LAW LIBRARY

The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

Standard 703. RESEARCH AND STUDY SPACE

To enable it to fulfill the requirements of the Standards and carry out its educational program a law school shall provide:

(1) sufficient quiet study and research seating on site for its students and faculty; and

(2) space in sufficient amount, functionality, and size for group study and other forms of collaborative work.

Standard 704. TECHNOLOGICAL CAPACITIES

A law school shall have the technological capacities and support that enable it to fulfill the requirements of the Standards and carry out its educational program.

Interpretation 704-1
In determining compliance with this Standard, factors to be considered include:

(1) the hardware and software resources and infrastructure available to support the teaching, scholarship, research, service and administrative needs of the school;

(2) staff support and space for staff operations;

(3) financial resources to maintain and, as appropriate, adopt new technology.

Reporter's Notes

[N.B. These Notes reflect the SRC discussion through July 2011.]

The Standards Review Committee has voted to approve the recommended changes to Chapter 7 none of which alter the substance of the chapter in a significant degree.

The new Standard 701 (a) eliminates the language that a law school's facilities shall be "adequate for its current" program of legal education "and for growth anticipated in the immediate future." New language is substituted and the new section adds "and equipment" that enables a law school to "fulfill the requirements of the Standards" as well as carry out its legal education program. This change in language is intended to bring more consistency to this Draft by referring, when appropriate, to satisfying the Standards rather than using language, such as "growth anticipated in the immediate future" that can be interpreted as adding another requirement. Because a law school is required to comply with the Standards (S. 101) that requirement should be consistent throughout the Draft.

The second change involves the architecture of the Chapter itself. A new Standard 701 (b) is recommended which specifically lists the physical facilities that a law school shall maintain. A similar list previously appeared in Interpretation 701-2. However because the listed facilities were mandatory requirements, the committee was of the opinion that these specific facilities should be a Standard rather than an Interpretation. New Standard 701 (b) (5) is more specific in identifying the facilities required for "'live client clinics' as well as identifying the purposes that those facilities should serve such as assuring the ability to allow a clinical program to be conducted for the "competent and ethical representation of clients and meaningful instruction and supervision of students." Clinical facilities, then, must allow for confidential client interviewing, space for working and discussing cases, and security for client files.

The committee also recommends that the individual office space requirement for full-time faculty in new Standard 701 (b) (3) emphasize that such offices are needed for faculty research and class preparation as well as for faculty-student conferences.

Third, language regarding "persons with disabilities" in Interpretation 701-1 has been moved into the Standards as the new Standard 701 (c) and language has been added to clarify that the law school must meet this requirement "consistent with applicable law."

Fourth, the committee recommends eliminating Interpretation 701-1 in its entirety including a requirement for co-curricular space and "suitable space for equipment and records." Regarding records, the new Standard 701(b)(4) requires that the facilities meet all applicable safety and fire codes.

Next, the committee recommends that Interpretations 701-3 through 701-5,

regarding a law school's control of its facilities, merit being converted into new Standard 701(d) and into new Interpretations 701-1 and 701-2. New Interpretation 701-1 addresses the control of a law school's facilities, as well as issues of leasing, financing, renewal, termination, and foreclosure. New Interpretation 701-1 also links facilities to the satisfaction of the Standards and to a law school's ability to carry out its legal education program. New Interpretation 701-2 continues to require that a law school exercise either "exclusive control" over its facilities or demonstrate that it has control sufficient to "permit proper scheduling of all law classes and other law school activities."

Current Interpretation 701-1 defines "inadequate facilities" as those that have a "negative and material effect on the education of students." The "negative and material" language is part of the Consent Decree with the U.S. Department of Education and the committee recommends that the language now appear in new Standard 701 (e). During its work, the SRC heard from the Accreditation Committee that the current Standard regarding the adequacy or inadequacy of facilities presented interpretation problems and this change should also facilitate the interpretation of this requirement. Under the recommendation for a new Standard 701 (e), a law school is not in compliance with the Standards if it's physical facilities or technological capacities have a negative and material effect on the school's ability to fulfill the Standards, carry out its education program, or provide reasonable access or accommodate persons with disabilities.

Standard 702 regarding law libraries remains the same and the committee recommends that Interpretation 702-1 be eliminated and that the seating requirement be covered in new Standard 703.

Standard 703 has been redrafted to conform in style with Standard 701 with no change in content. The recommended language links research and study space to fulfilling the requirements of the Standards and to carrying out the school's educational program.

Recommended Standard 704 follows the pattern of Standards 701 and 703 again by linking the technology requirement to fulfilling the requirements of the Standards and carrying out its program of legal education. Recommended Standard 704 also eliminates any reference to "program changes anticipated in the future." A law school must comply with all of the Standards and a reference to future changes does not add to the overall intent of the proposed Standards.

The committee recommends eliminating Interpretation 704-1 regarding "negative and material effect" because it is covered in recommended Standard 701 (e). The SRC recommended new Interpretation 704-1. The proposed Interpretation is a redraft of current Interpretation 704-2 and covers the same issues of hardware and software resources, availability, staff and space support, and adequacy of financial resources to maintain technological capacity. The significance of the change is that the current Interpretation requires compliance with each factor. The proposed Interpretation, instead, requires compliance with the overall Standard and the factors listed will be used to help determine compliance with the overall Standard. The committee was of the opinion that

such an approach will give law schools more flexibility particularly as legal education undergoes technological and other changes.