

THE ABA/AALS SABBATICAL SITE INSPECTION: STRANGERS IN A STRANGE LAND

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At some point in their deanships, most law school deans will host a sabbatical site inspection of their law school by the American Bar Association (ABA) and the Association of American Law Schools (AALS).¹ Virtually all deans also will have the opportunity to serve as a representative of the ABA or AALS on a team inspecting another law school.² In this article I will discuss these site visits from the dean's perspective.

The success of any site inspection is usually directly related to the time and effort spent in preparation at the host law school. Before a site visit, a law school must prepare an extensive self study, as well as an ABA site evaluation questionnaire.³ The preparation of the self study, in particular, will take some

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1. The AALS inspects only those schools that are AALS members. ABA/AALS sabbatical site inspections are held every seven years. Thus, careful planners might secure a deanship that commences the year after the ABA and AALS have visited, serve for six years, and arrange to achieve "dean emeritus" status or run off to join the circus so as not to be serving as dean at the time of the next site inspection. Most deans are not so fortunate, however, and his or her deanship will include at least one sabbatical site inspection visit.

2. Site team membership is a rewarding and significant way by which many deans serve legal education beyond their own law schools. While such service requires a significant, but focused, time commitment, deans who serve on site teams have the opportunity to meet and work with other leaders within legal education, higher education, and the legal profession. Team members always bring back to their own schools good ideas and new friends and acquaintances, and such service can be particularly valuable for a dean one or two years before her own school is to be inspected.

3. ABA site evaluation requirements are set forth in ABA, OFFICE OF THE CONSULTANT ON LEGAL EDUCATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, OVERVIEW OF THE ABA ACCREDITATION AND SITE VISIT PROCESS AND MEMORANDUM CONCERNING THE CONDUCT OF THE SITE VISIT (Aug. 2005) [hereinafter ABA OVERVIEW MEMORANDUM].

If the law school is a member of the Association of American Law Schools, one member of the site inspection team both serves as an ABA team member and prepares a separate report for the AALS Membership Review Committee and Executive Committee as they review the membership of each member law school every seven years. This separate review will focus upon the law school's compliance with the *Bylaws* and *Executive Committee Regulations* of the AALS. While this article focuses on the ABA accreditation process, the dean of the law school to be inspected will receive from the executive director of the AALS information concerning the AALS membership review process. See Memorandum from Carl C. Monk, Additional Information Concerning the AALS Membership Review Process (Aug. 2005). As part of the site evaluation process, law schools also are asked to complete a checklist seeking information relevant to the AALS membership review process.

time, especially if it becomes a law school planning document as envisioned by the *Standards for Approval of Law Schools* of the American Bar Association.⁴ A self study committee typically is appointed by the dean, and this committee then brings drafts of the self study back to the faculty for its consideration, discussion, and, ultimately, adoption. To ensure sufficient time for a thoughtful process, the self study committee's work generally should begin 12 to 18 months before the date of the site inspection.⁵

The preparation of the self study and the ABA site evaluation questionnaire are themselves worthy of an entire article, and they are subjects of individual attention at the ABA Site Evaluation Workshops. The focus of the present article, however, is the site inspection itself. This discussion is organized as a "Top 10 List" of quotations from ABA site inspections in which I have participated over the past 10 years. As Dave Barry says in many of his columns, "I am not making this up." In an effort to protect the guilty parties, however, I do not attribute these quotations to any particular individuals or law schools.

1. "Two's Company, but Three's a Crowd." *Entrance and Exit Interviews*

The bookends of the ABA site evaluation visit are the entrance and exit interviews with the campus or university leadership.⁶ While these visits mark the formal beginning and end of the site visit, there typically are events at the law school that precede the entrance interview on the first full day of the site visit.

The *ABA Overview Memorandum* includes a sample site visit schedule,⁷ and this sample schedule contemplates an afternoon meeting of team members at the team hotel, followed by a tour of the law school and a dinner for the team with the law school dean and senior law school administrators (often including the

4. ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 202(a) (2005-06) [hereinafter ABA STANDARDS], available at <http://www.abanet.org/legaled/standards/2005-2006standardsbook.pdf> (the self study is to include a mission statement and "shall describe the program of legal education, evaluate the strengths and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify the means to accomplish the law school's unrealized goals"); ABA OVERVIEW MEMORANDUM, *supra* note 3, at 5 (self study "may be part of a school's ongoing strategic planning process").

As the ABA's Consultant on Legal Education, John Sebert, has noted, "[A] meaningful self-study by the school is the most important single benefit produced by most site evaluations." John A. Sebert, *Modest Proposals to Improve and Preserve the Law School Accreditation Process*, 45 J. LEGAL EDUC. 431, 437 (1995).

5. Deans should seriously consider attending, with the faculty leading the self study effort, the annual site evaluation workshops held each year by the American Bar Association. These workshops are held for combined groups of site evaluators and law schools that soon will be evaluated. Even if a dean has herself previously participated in the site evaluation process, these workshops can be good occasions for the dean to attend with the self study chair and the individual responsible for the site evaluation questionnaire and other important aspects of the site visit. Not only do attendees receive up-to-date information on the ABA Standards and on site visit protocol, but it is helpful to have several faculty who can share this information with other law school faculty and staff.

6. In the case of an independent law school, the entrance and exit interviews would include the chair or other representatives of the law school's governing body.

7. ABA OVERVIEW MEMORANDUM, *supra* note 3, app. 1.

chair of the self study committee).⁸ The tour allows team members to familiarize themselves with the law school (including classrooms, the faculty office suites, administrative offices, and the team's work room at the law school) at a time when it is not overflowing with students.⁹ The dinner is to allow site team members to informally discuss with law school leaders major issues that the team has perceived from its review of the self study, site evaluation questionnaire and other law school data.

Ideally, the next morning will begin with the formal entrance interview with campus or university leadership. The entrance interview usually will include the president or chancellor of the university or campus, the chief academic officer of that university or campus (in most cases, the provost), and the law school dean. At this entrance meeting, team members introduce themselves to the university leadership, often describing the portion of the site report on which they will be working. Visit logistics sometimes are covered at or after this meeting.¹⁰

This entrance meeting is to provide site team members, at the outset of the site visit, with the opportunity to ask questions arising from their review of the written materials. The president may be asked to share his or her vision for the law school and discuss the role that the law school plays within the university.¹¹ While the team chair will stress that the team's sole job is to find facts for later consideration by the ABA Accreditation Committee, themes developed in the initial team meeting and with the law school leadership the night before are often the basis for much of the discussion at this entrance meeting.

Many of these same themes will resurface two days later in the team's exit interview with the university leadership. This meeting will typically be with the university president or chancellor and will often also include the provost. In most cases the law school dean will not be included in these exit meetings, although some team chairs will invite the dean to this meeting as well. This final exit meeting is generally preceded by a meeting of the team with the law school dean. At this meeting the team will go through its factual findings concerning the law school, usually with each team member covering the portion of the team report for which she or he is responsible.

8. It can be quite helpful to provide the team with copies of a building map, faculty roster (listing faculty offices and contact information), and a class schedule at the time of this building tour. Team members then will be able to note the classrooms and faculty offices that they will need to find over the next several days.

9. Some time before the site inspection, the dean may want to take such a tour himself with members of the law school administrative team. It can be quite instructive to tour one's own school in an attempt to see the school "as others see it." Such a tour may bring to one's attention photos and posters on the wall, trash, or facets of the building that aren't consciously noticed by those who work at the law school on a daily basis.

10. In the event that the offices of university leaders are not proximate to the law school, team members may want to schedule follow-up meetings with such administrators as the provost or university's vice presidents for finance or development immediately following the entrance interview.

11. Deans might want to prepare their presidents for such a question. Site teams are generally not impressed if the university president appears not to realize that the university has a law school or says, "Pleased to meet you!" when the law school dean introduces herself at this meeting.

At this final meeting with the university leadership, the site team chair will again stress that the team only finds facts and that conclusions as to the law school's accreditation status will be made by the Council of the Section of Legal Education and Admissions to the Bar based upon the recommendation of the Section's Accreditation Committee. Then team members orally report to the university leadership the major findings within the areas of the site team report for which they are responsible.

2. *"Can I talk with you privately?" Faculty Office Visits*

During their time at the law school, site team members will attempt to visit with all faculty at the school. The Faculty Office Visit—Sample Form that is Appendix 5 to the *ABA Overview Memorandum* provides a guide for these conversations. Because interviews will be conducted by individual team members with different law school faculty, this document serves as a standard reporting form that provides one of the bases for the portion of the team report concerning faculty. The form suggests that these individual faculty conversations touch on several basic areas: teaching, research, service, and collegiality, governance, and faculty-administration relations.

While the team will make every effort to visit with all faculty in their offices, this is sometimes not possible because of the tight scheduling for team members (and for faculty at the school) during the visit.¹² Some team members will leave notes for faculty whom they have unsuccessfully attempted to contact, and this is a good way to ensure that faculty know that an effort has been made to see them. Hosting a site visit requires a tremendous amount of work, and faculty and staff who are not able to meet with a team member understandably are disappointed that their views have not been individually considered by the site team.

To the extent possible, site team members typically try to interview in their offices the same faculty whom they will observe teaching. This will enable the faculty member to discuss the class either before or after the class session. In these faculty office conversations and classroom visits, the team member will not only be attempting to gain the specific faculty member's perspectives, but looking for issues and facts that more generally impact the law school.

3. *"You can observe a lot just by watching." Class Visits*

Because they must report on law school teaching,¹³ members of the site inspection team will attempt to visit as many classes as possible during their

12. Because of these difficulties, some team members may schedule appointments with key individuals before the team's arrival on campus. For instance, the team member responsible for the library portion of the report (typically a law librarian herself) generally will work out with the law library director in advance of the visit a schedule to meet with the leadership and staff of the law library.

13. ABA, OFFICE OF THE CONSULTANT ON LEGAL EDUCATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, THE SUGGESTED FORMAT FOR AN ABA SITE TEAM REPORT sec. IV ("Faculty") (Sept. 2005).

three days at the law school.¹⁴ Team members often will visit classes covering subject matter about which they have some expertise themselves, and they also will generally try to visit classes taught by the same professors with whom they have conducted office interviews. Some team chairs post a class schedule and faculty roster in the team work room, so that team members can see just which faculty members have not yet been visited or observed in the classroom.

Faculty should be informed in advance that team members may drop into their classes at any time. The school may wish to inform the students of this fact, as well, so that everyone is prepared for these class visits. Faculty might even reserve a chair at the back of the classroom for a possible team member visit. Because team members typically observe class from the back of the classroom, these individuals have a good vantage point from which to view the screens of student laptop computers. While students may initially notice the “ABA person” in the classroom, it is rather remarkable how many students nevertheless play solitaire, IM their friends, or surf the Net during a classroom visitation.

Appendix 4 to the *ABA Overview Memorandum* is the Classroom Visitation—Sample Report Form. Like the report form for faculty office visits, the classroom visitation form is to be completed by individual site team members and then given to the team member who will write the portion of the report concerning faculty (and classroom teaching). This form is to record information about each classroom visit, and it contains specific questions about the subject matter of the class, the methods of instruction, the preparation of the professor and students, the rigor of the class, and class participation. The form also asks about the approximate number of students in attendance and the number registered for the class, and it’s generally not a good reflection on the school if students aren’t attending class during the site visit. A related question on the form is thus whether the professor took class attendance.

The dean may want to distribute this classroom visitation form to faculty before the site team visit. Pondering the questions on this form may lead faculty to a constructive self-critique of their own teaching, as well as prepare themselves for the classroom visit.¹⁵ Indeed, the questions on the classroom visitation form might provide a basis for an interesting faculty discussion about teaching effectiveness.

Finally, the classroom visitation form solicits comments on the classroom itself, and these observations may be useful for the site team member responsible for the facilities portion of the team report. If there aren’t enough seats in the room for all of the students, if the chalkboard can’t be seen from certain seats in the room, or if a noisy heating or air conditioning system makes it impossible to hear the professor, these facts are likely to be noted in the team’s report.

14. In dual division schools, the site team will attempt to attend a significant number of both day and evening classes.

15. If, as a result of such self-critique, a faculty member plans classroom changes, she probably should adopt those changes before the site team arrives. At one school that I once visited, a professor, with a great flourish, announced at the beginning of class, “I now will call the roll.” The students appeared shocked, amused, and puzzled by this announcement from a professor who apparently had never shown any interest in class attendance before the site team’s arrival.

4. *“I know that the VP for Finance would have really liked to have met you.”
Campus Visits*

Because the site team will have so little time on site, it is crucial that all those with whom team members should meet are physically present or, if this proves impossible, reachable by telephone. A well prepared site team will have done a great amount of work prior to visiting the campus, and site team members sometimes will draft factual portions of the report before their arrival at the law school.¹⁶ By attempting to draft portions of the report, the site team member will quickly discover what information is still needed. This may enable that team member to request the missing data before arriving on campus and give law school or university officials a bit more time to find or develop that data.

Such advance preparation also will allow team members to be much more effective during their time on campus. The goal should be to use the time on campus for matters that can be best handled in person, such as meetings with law school or university personnel or attempts to reconcile apparently conflicting data contained in the self study or site evaluation questionnaire. While it sometimes is necessary to request data after the site team has left the law school, it is easiest for team and law school alike if all team members can leave the law school at the end of the site visit with all of the information that they will need to complete the team report.

Initial meetings with law school or university officials often will suggest the need for a follow-up meeting or for the location or development of additional information. Team members should attempt to schedule meetings with university officials on the first full day on site in order to allow for a follow-up meeting and for the production of any requested information during the site team's campus visit.

It is the dean's duty to ensure that not only law school administrators and faculty are available to talk with the team but that university officials are accessible as well. When agreement between the dean and the team chair is reached on the dates for the site visit, it will be with the understanding that the university leadership will be present for the entrance and exit interviews on those dates. The dean also should ensure that other key law school and university officials, such as the provost and vice-president for finance, will be available at some point during the site visit. To the extent that specific individuals will be unavailable during a portion of the site team's visit, the dean should let the team chair know so that the team can plan its schedule accordingly.

5. *“The clinic is located where?” Professional Skills Instruction*

In addition to visits to faculty offices and classrooms, a team member will be responsible for reporting about the law school's professional skills instruction.¹⁷

16. There are several portions of the report that are quite descriptive, such as admissions and the program of legal education. It therefore should be possible to draft portions of these chapters of the report before ever visiting the law school.

17. A professor who is herself a professional skills instructor is generally a member of the site

This will mean office visits with the professional skills faculty and classroom visits that are comparable to the visits to other law school classes.¹⁸ To the extent that the law school has legal clinics or an externship program, site team members also will need to visit those clinics and speak with at least some of the field externship supervisors.

If a law school clinic is located apart from the law school, the site team member who will visit the clinic should try to make arrangements for the visit prior to arriving at the law school. If a clinical (or other) class meets only weekly, careful scheduling may be necessary so that the class can be visited. Similar advance planning also may be required if the team member is to see the students in court or otherwise working under the supervision of a law school clinical professor.

There is no substitute for an actual visit to a clinic. This is where the clinical teaching and student supervision takes place, and the strengths, and potential problems, of any clinical course may only be evident from an on-site visit. Questions may be presented as to the physical accommodations for some clinics, and these facts only can be truly appreciated during a visit to the clinic office.¹⁹

Standard 305 of the *ABA Standards for Approval of Law Schools* has detailed and specific requirements for study outside the classroom, and a site team member will be responsible for reporting facts relevant to any legal externship programs. This may require conversations with individual field externship supervisors to ensure that these supervisors and the field placements are properly supervised by the faculty member in charge of the externship program. Site evaluators may want to contact some randomly selected field supervisors, and the law school's externship supervisor may be helpful in arranging times for such calls.²⁰ Another opportunity for the team to question field supervisors may be created by including some supervisors in the reception or other meeting of the team with alumni and the local legal community. In inviting attorneys and judges for this function, the dean might consciously attempt to include individuals who have been involved with the law school's externship program.

team, and this professor often will be responsible for the portions of the team report dealing with professional skills instruction.

18. In addition to the issues relevant to other faculty, the site team will be reporting on the employment status of professional skills faculty and whether these faculty are provided with non-compensatory prerequisites reasonably similar to those provided other full-time faculty. See ABA STANDARDS, *supra* note 4, Standard 405(c)-(d).

19. Depending upon the location of the clinic, it may be particularly necessary to make advance arrangements. Well before 9/11, I encountered quite stringent security precautions during a visit to a prison legal assistance clinic that was located at the Suffolk (Massachusetts) County Jail.

20. In order to ensure that the field supervisors are truly random choices, the team member might ask for phone calls to be set up with supervisors whom she has herself selected. The team member may become suspicious if each of the supervising attorneys whom she calls sounds remarkably like the dean's secretary and consistently volunteers high praise concerning the dean and the law school.

6. “The ABA’s not going to revoke our accreditation, is it?” *Student Meetings*

While faculty members typically will experience several site inspections over the course of their teaching careers, the site inspection will be a unique experience for the students at the inspected school. Students will hear about the site visit from faculty or others and see the site team members in their classes and throughout the law school. The law school should help students to understand the purpose of the site visit and that all law schools are visited every seven years.²¹ The dean also should ensure that, like faculty, students know where the site team work room is and that they can approach site team members during their time at the law school.

Students tend to have one of two major responses to the site visit: (1) “We hate this place!”²² or, (2) “We really can’t say enough good things about this law school!”²³ Both of these (over)reactions are due to a misperception about the purpose and power of the site team. At any law school with two or more students, there will be differing opinions about various aspects of the law school. The site team will attempt to find specific facts and, to the extent that it exists, report on any general consensus concerning important aspects of the law school.²⁴

21. The *ABA Overview Memorandum* states that the purposes of the accreditation process are:

- (1) to determine whether a fully approved law school fully complies with the Standards for Approval of Law Schools by the American Bar Association (Standards) or whether a provisionally approved law school or law school seeking provisional approval substantially complies with each of the Standards and has a reliable plan for coming into full compliance;
- (2) to assist the law school in attaining its full potential; and
- (3) to identify and report on the developments in curriculum, teaching, research, public service and the like. Innovative approaches to legal education are to be encouraged and the accreditation process can foster growth and development by providing a clearinghouse for fresh ideas.

ABA OVERVIEW MEMORANDUM, *supra* note 3, at 5. Judith Wegner, former AALS President and Dean of the University of North Carolina Law School, has suggested three “discrete objectives” for the accreditation and membership review process: “promoting lawyer competence ...; protecting student consumers; and fostering institutional excellence among law schools.” Judith Wegner, *Two Steps Forward, One Step Back: Reflections on the Accreditation Debate*, 45 J. LEGAL EDUC. 441, 442 (1995).

22. These are the students who, for whatever reason, pull site team members aside to ask (“purely hypothetically, mind you”) whether either the ABA or AALS have the power to sentence the dean to capital punishment.

23. This reaction is particularly common at law schools that are seeking provisional or final ABA approval, where the students are especially worried that the value of their law degrees will be destroyed if the school does not obtain ABA approval.

There is actually a third group of students, whose general reaction to the site visit (and the law school) is “Whatever.” These are the same students who seem unconcerned about their employment beyond law school, are unaware that there is something called a “bar examination,” and are still grappling with the concept of “Monday.” Team members rarely encounter these individuals during their site visit.

24. No matter how diverse opinions may be on all other matters, there will be student

During the law school visit, the site team will hold an open meeting with students. The dean will be asked to publicize this meeting and encourage students to attend. This meeting provides an opportunity for students, in a group setting, to share their perceptions about the law school and provide information that may help put other observations by the team in context. If the law school has both day and evening divisions, this meeting should be scheduled so that both day and evening students will be able to attend. Actual student attendance will depend upon whether there has been any cause celebre within the law school recently, the university's basketball schedule, and if all first-year students have a major mid-term examination the next day.²⁵

In addition to this group meeting, the site team member assigned to the student portion of the report may want to meet separately with student leaders or specific student groups. For instance, members of the Black Law Students Association may have particular insights into the law school's efforts to provide full and equal opportunities for racial and ethnic minorities as required by Standards 210 and 211 of the *ABA Standards for Approval of Law Schools*.

7. *"We've set up the reception in the best restaurant in town!" Dinners and Alumni Gatherings*

While there is a natural tendency for the host law school to want to impress the site inspection team, this desire to impress should not interfere with the team's need to do its work during the site visit. Site team members, too, enjoy good restaurants, but team dinners are generally working sessions at which team members will compare their findings and observations and, at or after the dinner on their final evening on site, decide what will be said at the exit meetings the next morning with the dean and university president.

The dean and the team chair typically will discuss dinner options before the team arrives on site. To the extent that the team can dine in a separate room within a restaurant, the meal may be especially productive. In smaller communities, in particular, team members should be careful not to talk publicly about their views and tentative findings concerning the law school.²⁶

The preferences of team chairs vary greatly as to dining arrangements. When serving as team chair, Professor Catherine Carpenter holds a "pizza night" at a suite in the team hotel on the evening before the exit interviews with the dean and university president. Other team chairs may adopt the attitude that "this is

consensus on at least one issue. Students will be in agreement that there is not enough parking for law students, and they may present the site team with petitions, send them photographs, or attempt to tow the rental cars of team members. A standard sentence in virtually all site inspection reports is: "The students complained about the parking."

25. While the law school should encourage students to attend this session, it is not appropriate for the dean to seed the crowd with his own family members or to hire actors and actresses to play the roles of contented students.

26. I can remember at least one waitress at a team dinner who turned out to be a law student. While I don't have any sense that the law school dean suggested this restaurant for this reason, team members should be discrete in any comments about the law school that could get back to the law school or university.

the only reward you're going to get for doing all this hard work, so we should at least eat well." In either event, there are only a limited number of hours on site, so dining functions should be primarily working sessions.

During most site visits there is an opportunity for the site team to meet with alumni and local members of the bench and bar. These sessions are to give the team still another perspective on the law school, and team members often use these sessions to ask about the law school's reputation, alumni relations, and the quality of the law school's graduates. While the dean may want to salt these gatherings with judges, public officials, or firm managing partners to impress the team, the guest list for such an event should be sure to include individuals who know the law school well and will present a good cross section of law school alumni and friends. While senior attorneys and judges may have remained close to the law school since their graduation, a recent graduate will have a very different perspective on the law school and one that will be of great interest to the team. It also may be helpful to the team if members of the law school's advisory boards, adjuncts, and externship advisors can be included in this group of alumni and friends.

The team's opportunity to meet alumni generally will take place at a reception or, in some cases, during a breakfast or lunch. The team chair may start the session by introducing team members and then saying a few words about the site visit and its purposes. Open conversation then may be invited, and such an open session is typically followed by individual conversations between team members and the judges and lawyers in attendance.

The dean should not overlook the potential opportunity that a site inspection may present to rally key alumni and bench and bar leaders. Just as students are generally quite proud of their law school, so are alumni. Asking key alumni to share their candid observations about the law school with an ABA/AALS site team is one important way in which alumni can be asked to help and to get more involved with their law school.

8. *"I'm from the ABA, and I'm here to help you." Crises and Complaints*

The site team will ask the dean to ensure that faculty are informed of the "team room" at the law school, so that individual faculty can themselves initiate contact with the team. This also becomes a handy place for faculty and staff members to drop off material about which team members may ask during their visit. Indeed, the law school typically places in this room extra copies of all of the materials prepared in the site evaluation process, copies of faculty scholarship, and sample examinations for review by the site team.²⁷ In order to afford privacy to faculty and staff who wish to talk with a team member, it is best if the team room is not immediately adjacent to the dean's office (although it also is helpful if this room is convenient to an office where team members can request any needed logistical

27. The team chair usually suggests to the dean other items that will be useful for team members. A few telephones, computers, hook-ups for laptops, and a printer are generally quite helpful for team use. Stocking this room with coffee and soft drinks and morning and afternoon snacks is also quite appreciated by team members.

support from a friendly staff member).

Law school faculty, staff, students, deans, and university officials may attempt to use the ABA/AALS site inspection visit to further personal goals that have little or nothing to do with the purposes of the accreditation and membership review processes. These individuals should realize that the team has not been sent to the law school as “Complaint Central” to hear individual grievances about law school faculty, staff or administrators. Instead, the team is on site to make factual findings that relate to the *ABA Standards for Approval of Law Schools*.

Those talking to the site team also should understand that team members cannot provide them with confidentiality. If, for instance, an allegation of racial discrimination or sexual harassment is raised with a team member, that individual is to bring that allegation to the attention of the team chair, who may, in turn, consult with the ABA Consultant’s Office about how to best deal with such an allegation.

Whatever the issue, both those at the law school and team members should remember that the site team is only to report facts. The facts reported should be those upon which the ABA Accreditation Committee and the AALS Membership Review Committee can base their own recommendations about compliance with the *ABA Standards for Approval of Law Schools* and the *Bylaws and Executive Committee Regulations* of the Association of American Law Schools. While there are personnel issues and tensions present in all law schools, most of these involve matters that are best resolved within the law school and don’t rise to the level of facts to be included in the site team’s report.

9. “We could have pulled that for you if we knew you needed it.” *Review of Records*

One of the duties of the site inspection team is to serve as on-site auditors. The ABA, AALS, university officials, law students and applicants, and the general public rely upon the data reported by American law schools. The ABA/AALS site inspection is the one time that most of this information is subject to on-site external review.

Standard 509 of the *ABA Standards for Approval of Law Schools* requires law schools to publish basic consumer information. One of the major purposes of this information is to permit potential law school applicants to obtain basic information about the law school such as tuition rates and estimated living costs, curricular offerings, placement rates and bar passage information, and admissions data concerning that law school. This information also is reported to the Office of the Consultant on Legal Education of the American Bar Association and is subsequently reported in the *ABA-LSAC Official Guide to ABA-Approved Law Schools* to provide law school applicants and others with a convenient way to assess and compare law schools. The site team’s report is to contain a section reviewing the basic consumer information reported by the law school in its own print and electronic publications and through the *ABA-LSAC Official Guide to ABA-Approved Law Schools*.

Before arriving at the law school, site team members may check the law school’s web site to get a sense of how the school presents itself and, perhaps, to

spot check data reported on that site. If the school has not yet obtained full ABA approval, do the school's print materials and web site contain the disclaimer that the school is required to include in its application and solicitation materials?²⁸ Are there discrepancies between the data reported on the school web site, in printed admissions materials, and in the school's annual ABA and site evaluation questionnaires?

Once at the law school, team members may want to check and confirm data within the areas of the report for which they are responsible. For instance, the team member responsible for the admissions portion of the report may want to spot check admissions files to confirm that the admissions numbers presented to the ABA are accurate. A state bar examiner with whom I once served on a site team checked with the board of bar examiners in the state in which the inspected law school was located. Her double check with state authorities revealed that the bar passage data reported by the law school was not correct (and that, at least in some years, the law school was reporting a lower bar passage rate for its graduates than they had actually achieved).

In order for some of this spot-checking to be done on site, it is very helpful if the school pulls records or prepares data before the team actually arrives. The well-prepared team member therefore often will, after confirming the request with the team chair, contact the appropriate person at the law school so that the data will be ready when the team arrives.²⁹

While the major purpose of the site inspection team is not that of auditors, spot checks of some of the data presented by the law school to the ABA and the public can be helpful in ensuring the integrity of the law school reporting process.

10. *"Holiday Inn has got it right." Communication*

The Holiday Inn motel chain once ran a series of television ads with the theme: "No surprises." This could be a quite apt goal for ABA/AALS site inspections as well: The well prepared site team visits a well prepared law school and, because of the advance work by both groups, there are no significant surprises during the site visit. This, in turn, should result in a timely, accurate, and comprehensive site report. The major way in which such a site visit can be achieved is to focus on communication.

Some team chairs will visit the law school before the site visit to get the lay of the land, talk with the dean and other key administrators, and consider major issues that are likely to arise during the site inspection. If such an on-site previsit is not conducted, the site team chair may meet with the law school dean at another convenient locale such as the AALS faculty recruitment conference or annual meeting. Even without such a face-to-face meeting, the team chair will

28. ABA STANDARDS, *supra* note 4, Interpretations 102-6 & 102-7.

29. In addition to the material required by the ABA, AALS member schools are to complete a separate checklist for the AALS. This checklist requires the school to produce ABA information concerning faculty and student demographics and student attrition, as well as information concerning the school's nondiscrimination policies, faculty scholarship, and use of adjunct faculty.

want to talk with the dean about the logistics of the visit and major issues that will be presented during the site visit. These communications should help to ensure that the visit will go smoothly and there will be no significant surprises during the site visit.

The team chair also will work to protect the law school and university from surprises in the team's written report. The evening before the team's exit interviews with the dean and university leadership, the team will decide upon the matters to be reported the next morning. Each team member typically will report on matters for which he or she is responsible, and the "run through" the night before is to ensure that the team is in agreement with respect to its oral findings. Some team chairs produce a short outline of the major points to be covered in the exit interviews so that team members "stay with the script" and focus on matters about which there is team consensus.³⁰

The exit meetings with the dean and university leadership usually will come back to the themes identified by the team in the entrance interview several days before. For instance, in a school that is concerned about declining bar passage rates, site team observations about spotty class attendance, minimal student class participation, and a growing reliance upon multiple choice examinations may be of particular significance and interest. The site team sometimes can be particularly helpful to the university leadership by placing certain law school facts or issues within the context of corresponding trends within national legal education.³¹

If the site team and law school have done their jobs before and during the site inspection, there should be no significant facts contained in the site report that are not previewed for the dean and president in the exit interviews. Not only will this prevent surprises for the law school and university, but it will be helpful for the team to hear responses to some of the oral findings as it works to create an accurate and comprehensive site evaluation report.

Some site teams will work to have rough drafts of report sections drafted before the team leaves the law school. This is usually not possible, but the sooner team members send their individual sections to the team chair, the sooner the chair can stitch together the final report and provide it to the ABA. After the exit interview with the university leadership, team members may scatter pretty quickly to catch flights back to their home institutions. This may mean that there will be no team lunch at the law school on the final day of the site visit, but team members may appreciate the law school providing them with box lunches that

30. Another of the chair's duties is to foster communication within the team, and the team dinner on the first full day of the site visit provides an opportunity for team members to compare their observations and findings at that point in the visit. Thus, there should be no major surprises within the team as it prepares its outline the evening before the exit interviews with the dean and university leadership.

31. While the team's oral report will focus on facts relevant to the *ABA Standards for Approval of Law Schools*, teams also may have constructive ideas or observations for the law school that won't necessarily be reflected in the final team report. This peer advice can be a very valuable aspect of the site visit, and it may be provided informally by individual team members to the law school staff with whom they are working or in the final exit interview with the dean: "Here are some other thoughts and observations that we pass on to you, but that won't appear in our report."

they may take with them to the airport or eat quickly as they prepare to leave for home.

Once the site team leaves the law school, the school may want to hold a party or otherwise celebrate the conclusion of a very time-consuming and stressful process. It is bad form, however, to start the party before all site team members have left, or to immediately unveil “They’re Gone!” tee shirts.³²

While the dean eventually will receive written reports from the ABA and AALS for her factual comments and corrections, that will be several months down the road. For now, the dean’s immediate task is to write thank you notes to the law school faculty and staff who have worked to make the site visit successful. That, and catch your breath before the planning begins for the next site inspection in just seven years!

32. Remember, the site team report has still to be written.