

# ALWD

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## ASSOCIATION OF LEGAL WRITING DIRECTORS

16 July 2008

Dear Chief Justice McGregor and Members of the Council:

The Association of Legal Writing Directors applauds the work of the Council's Task Force and of the three special committees over the past year. The work of the Task Force and the special committees is essential to ensuring that students receive quality education for their tuition dollars and become competent attorneys to serve the public. We agree with many of the recommendations made in the interim reports. Moreover, we support the overall goals regarding outcome measures, transparency, and security of position. We believe, however, that fundamentally altering the accreditation system now, by charging the Standards Review Committee or other committees to revise the standards, would be premature.

Before the ABA amends the standards, it should closely consider the interrelationship between the three interim reports and recommendations. Each special committee considered only the specific issues posed within its area. The logical next step would be a global consideration of the issues and recommendations. The Council, and ultimately the Standards Review Committee, deserves the benefits of additional hearings to consider the effect of each committee's findings and recommendations on the project of fundamentally improving the accreditation system. Such a holistic process would yield better results.

For example, now the ABA must consider the close relationship between outcome measures and security of position. Drafting standards about outcome measures at this juncture would be unlikely to succeed. The outcome goals will be difficult—if not impossible—to attain, unless the ABA carefully considers the role of *all* teachers who play a part in training these new lawyers. For example, unless skills teachers have full faculty governance rights, it is unlikely a faculty will fully consider skills education when determining which outcomes to measure. Further, phrases like “meaningful participation” in governance with regard to security of position need to be defined in light of the ultimate outcome measures in order to have clear and transparent meaning.

Furthermore, the recommended improvements concerning transparency may undercut gains made regarding outcome measures and security of position. Transparency is supposed to protect all stakeholders in accreditation, including students, faculty, the legal profession, and the public. In particular, a transparency solution in which only deans or their designees have access to accreditation information is deeply problematic. Putting such information in the hands of only a dean arguably is inconsistent with the Task Force's recommendation to foster as much transparency as possible.

Therefore, while the interim reports are an important step toward improving legal education, the Association of Legal Writing Directors urges the Council to continue and expand this important dialogue before revising the current standards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terrill Pollman", with a long, sweeping horizontal flourish extending to the right.

Terrill Pollman  
ALWD President