

ALWD

ASSOCIATION OF LEGAL WRITING DIRECTORS

November 24, 2008

Hewlett H. Askew
ABA Council of the Section on Legal Education and Admissions to the Bar
American Bar Association
321 N. Clark Street, 21st Floor
Chicago, IL 60610

Re.: Proposed Elimination of Interpretations 402-1 and 402-2

Dear Mr. Askew:

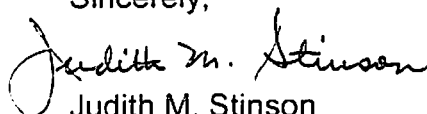
The Association of Legal Writing Directors submits these comments on the proposed elimination of Interpretations 402-1 and 402-2, and we ask that you forward these comments to the Standards Review Committee to be considered at its January 2009 hearing and meeting. In our view, eliminating these Interpretations would negatively impact the current accreditation system.

The Standards recognize that law schools need sufficiently large and qualified full-time faculties to competently educate students. The current Interpretations provide a workable mechanism for presumptively determining whether a particular law school's faculty is "large enough" and "qualified." Eliminating those Interpretations without providing some other measure of the adequacy of faculty size and quality would lead to uncertainty on the part of accreditation site teams and law schools, which in turn would result in incomplete and inconsistent data being provided to applicants.

How do Interpretations 402-1 and 402-2 relate to quality? They encourage law schools, in paying attention to student-faculty ratio, to pay attention in turn to adequate faculty security of position. This then protects the important goals of academic freedom and faculty governance. Academic freedom and participation in faculty governance are touchstones of higher education; they are widely regarded as essential to producing a quality educational experience that is not subject to undue internal and external financial or political pressures. Removal of Interpretations 402-1 and 402-2 amounts to removal of one of the mechanisms through which academic freedom and faculty governance are safe-guarded.

For these reasons, we oppose eliminating Interpretations 402-1 and 402-2. The remedy for imperfect regulation is not simply to eliminate regulation.

Sincerely,



Judith M. Stinson
President
Association of Legal Writing Directors