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February 18, 2015

Dr. F. King Alexander  
President  
Louisiana State University  
3810 West Lakeshore Drive  
Room 107  
Baton Rouge, LA 70808

Chancellor Jack M. Weiss  
Louisiana State University  
Paul M. Hebert Law Center  
1 East Campus Drive  
Suite 400  
Baton Rouge, LA 70803

Dear President Alexander and Chancellor Weiss:

Attached please find the recommendation of the Accreditation Committee adopted at its meeting on January 22-24, 2015, with respect to the application of the Louisiana State University, Paul M. Hebert Law Center, for acquiescence in a Major Change.

As you know, President Thomas C. Galligan, Jr., recused himself from participation in the Committee's consideration of this matter and was not present in the meeting during the hearing before the Committee or for the Committee's deliberations and vote with respect to the School. Professor Rebecca Hanner White, Accreditation Committee Vice Chair, chaired the meeting during the appearance before the Committee.

The Committee's recommendation will be submitted to the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association for action at its meeting on March 13-14, 2015. In accordance with the *ABA Rules of Procedure for Approval of Law Schools*, we invite your appearance at the Closed Session of the Council meeting. My office will be in contact with you regarding the date and time for your appearance. The Council will be meeting at the InterContinental Mark Hopkins San Francisco, One Nob Hill, San Francisco, California. If representatives of Louisiana State University, Paul M. Hebert Law Center, wish to make a formal statement before the Council, a total of up to fifteen minutes will be made available to you, to be divided as you may wish between opening and closing statements. Please also let us know as soon as feasible who will be representing the School before the Council.

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President Alexander and Chancellor Weiss  
February 18, 2015

Rules 22, 24, and 25 of the *ABA Rules of Procedure for Approval of Law Schools* govern Council consideration of a recommendation from its Accreditation Committee, including the restrictions regarding the Council's receipt and consideration of new material.

Please feel free to call me, Deputy Managing Director William E. Adams, Jr., or Executive Assistant Cathy A. Schrage if you have any questions.

Sincerely yours,

Handwritten signature in blue ink that reads "Barry A. Currier" followed by the initials "WEA" in a larger, stylized font.

Barry A. Currier  
Managing Director of Accreditation and Legal Education

BAC/cs  
Attachment

cc: Dean Emeritus Joseph D. Harbaugh

## RECOMMENDATION OF THE ACCREDITATION COMMITTEE

January 2015

The Accreditation Committee (the "Committee"), at its meeting on January 22-24, 2015, considered the June 2014 Application of the Louisiana State University, Paul M. Hebert Law Center (the "Law Center") for Acquiescence in a Major Change in Program or Structure, pursuant to Standard 105 and Rules of Procedure 29 and 30. The Committee had before it the Law Center's Proposed Major Change of An Approved Law School Questionnaire, the Fact-Finding Report submitted by Dean Emeritus Joseph D. Harbaugh following his site visit on October 8-9, 2014, and all other supporting materials submitted by the Law Center regarding the proposed major change. The Law Center's Chancellor and Dean, Jack M. Weiss, appeared before the Committee at a hearing on January 22, 2015, to provide testimony in support of the Law Center's application.

### **FINDINGS OF FACT:**

#### **Background**

(1) The Law Center has requested acquiescence in the realignment of the Law Center within the Louisiana State University (the "University"). Historically, although located on the main University campus in Baton Rouge, the Law Center has been a separate unit of the Louisiana State University System. As an autonomous unit of the University system, the Law Center has been financially and administratively independent and has received a direct legislative appropriation from the State of Louisiana separate from the appropriation awarded to the University. The Dean of the Law Center has held the title of Chancellor of the autonomous Law Center.

(2) The Law Center is on the ABA's list of approved law schools.

(3) During the past two years, the leadership of the University and the Law Center discussed, and ultimately agreed upon, a realignment of the Law Center that would make the Law Center an academic unit of the University. On March 21, 2014, the Board of Supervisors of the University adopted a resolution approving the realignment and stating that after the realignment the Law Center "shall retain such authority over its affairs as is a) consistent with the governance of similarly situated law schools at flagship universities, or as may be determined by the President in consultation with the chief academic and administrative officer of the Law Center, and b) as required by the Standards for Approval of Law Schools of the American Bar Association as they may be amended from time to time."

(4) The benefits expected to result from the realignment include enhancement of opportunities for interdisciplinary law and graduate degree programs, increased communication among various University faculties and administrations, and greater coordination of academic programming, research

opportunities, and international programs, as well as the potential for increased efficiencies and cost savings.

#### Governance of Educational Program

(5) The materials submitted in support of the major change application include "LSU-LSU Law Realignment Guidelines" (the "Guidelines").

(6) The realignment will cause two changes respecting the Law Center's Dean. First, the Dean's title will be changed from "Chancellor of the Law Center" to "Law Chancellor and Dean." Second, after the realignment, the Law Center Dean will report directly to the University's Executive Vice-Chancellor/Provost rather than to the University's President/Chancellor. There will be an understanding, however, that if there is a disagreement between the Executive Vice-Chancellor/Provost and the Law Center Dean, the matter will be resolved by the University President/Chancellor.

(7) The Guidelines provide that the Law Chancellor and Dean will, together with the faculty, "continue to formulate and administer the educational program of the Law Center, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students."

(8) The major change application indicates that after the realignment and "consistent with the Law Center's longstanding system of shared governance and ABA Standards, the faculty of the Law Center will have to approve any significant changes in the educational program that may flow from the realignment process and, on an ongoing basis, will retain the authority to formulate and administer the educational program of the law school and to recommend the selection, retention, promotion, and tenure (or granting security of position) of the faculty as required by ABA Standard [205] 201."

#### Faculty and Staff Status and Security of Position

(9) The Guidelines provide that current practices with respect to the selection, retention, compensation, promotion, and tenure (or security of position) of members of the Law Center faculty and staff will be continued after realignment and that the appointments (and applicable security of position provisions) of members of the faculty and staff will continue in conformity with all terms and conditions of employment that were in effect before the realignment.

(10) The Guidelines provide that the Director of the Law Center Library will continue to be responsible for all aspects of the management of the library, including budgeting, staff, collection, services, and facilities, and that the realignment will not independently result in changes to the Law Center Library's professional staff.

(11) Following realignment, the Law Center's faculty promotion and tenure matters will flow from the Law Chancellor and Dean to the Executive Vice-Chancellor/Provost instead of directly to the President of the University. There is no indication that any standards for promotion and tenure will be changed or affected by the realignment.

#### Library Autonomy and Budgeting

(11) After the realignment, the Law Center Library will continue to be a part of the Law Center academic unit and not part of the University Library operating unit. The Law Center Library budget will continue to be part of the Law Center's budget.

#### Students

(12) After the realignment, law students will continue to be governed by the academic policies, disciplinary rules and procedures, and non-academic policies applicable to law students that are considered appropriate by the Dean and faculty of the Law Center and will continue to have the services and opportunities that were available to them prior to the realignment.

#### Facilities, Equipment, and Services

(13) The Law Center and the University have operated since 1977 under a Memorandum of Understanding Concerning Goods and Services that was last amended in February 2014 ("MOU"). The MOU calls for the University to sell to the Law Center a range of goods and services that are typical of goods and services often provided by parent universities to their law schools and also states the rights of Law Center students to the use of the facilities and services of the University on the same basis and at the same cost as students in the University's academic units. The realignment will not change the obligation of the University to provide those goods and services to the Law Center and its students.

(14) Under the revised MOU, the Law Center continues to have the right to procure goods and services from suppliers other than the University and the University President is designated as the person with the power to resolve disputes between the University and the Law Center about the appropriateness or fairness of University charges to the Law Center for goods and services to be provided to the Law Center.

#### Financial Resources

(15) The Guidelines state that the University and the Law Center will cooperate in assuring that the Law Center receives funding from state

appropriations, from its self-generated revenues, and from other sources "necessary to sustain the Law Center's program of legal education and to accomplish the Law Center's mission." Except in extraordinary circumstances, the Law Center is to hold and use for its benefit all self-generated revenues, including, without limitation, tuition and fees, revenues from continuing education programs, and revenue from grants. Moreover, all funds received from gifts, donations, bequests, and earnings on grants, gifts, donations, bequests, and investments and all interest on such funds will be held in segregated accounts for the Law Center's benefit.

(16) In the initial period after realignment, it is expected that current practices of the University administration and the Law Center leadership and staff concerning the financial affairs and resources of the Law Center, including budgeting, expenditures, purchasing and procurement, and tuition and financial aid matters will be managed as they have in the past, although Law Center financial and budgetary matters will flow to the University Vice-President for Finance and Administration in the first instance.

(17) After the realignment, the Law Center Dean will continue to have authority over the selection, retention, compensation, and promotion of personnel whose primary responsibility is the institutional advancement of the Law Center. Outreach to graduates of both the University and the Law Center will be coordinated between the advancement offices of the University and the Law Center.

#### Transition Matters

(18) As part of the realignment plan, the parties agreed to create a Transition Working Group consisting of representatives from the University and the Law Center. This working group will be charged with responsibility for exploring academic enhancements and administrative efficiencies that might result from the realignment and for reporting findings and recommendations to the University President no later than six months following the effective date of the realignment.

#### CONCLUSIONS:

(1) The Law Center's proposal for a realignment of the Law Center within the University constitutes a Major Change within the meaning of current Standard 105(a)(6) and current Rule of Procedure 29(a)(6).

(2) In accordance with current Standard 105(b), the Committee concludes that the Law Center has demonstrated that the proposed realignment will not detract from the Law Center's ability to remain in compliance with the Standards.

(3) Acting under current Rule of Procedure 3(a)(3), the Committee recommends that the Council grant acquiescence in the Law Center's application regarding the proposed realignment of the Law Center within the University.

(4) If the Council grants acquiescence in the proposed Major Change, the Committee recommends that the Council, in accordance with current Rule 30(g), appoint a fact finder within six months of the effective date of acquiescence to verify that the Law Center remains in compliance with the Standards.