service and educators' self-protection, and to a lesser degree with professional self-protection. They do not portray a system that primarily protects or informs the public. Unfortunately, the most often voiced praise for the current system, that it is effective in moving resources from other parts of the university to the law schools, is an appeal to brute force rather than reason and right.

Perspectives on the accreditation process: views from a nontraditional school
R A. Matasar
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As we enter an era of scarce resources and diminished demand for legal education, accreditation must serve the end of assisting the fittest and cleverest law schools to survive. It must encourage experimentation and maximise the efficient use of resources. In my experience, however, it is punishing innovation and efficiency and is so tied to the past that it prevents seeing the future. I became the dean of Chicago-Kent a few months after the law school received its site visit. Several letters later, Chicago-Kent received a clean bill of health. During the nearly three years of communication with the ABA, I came to understand the accreditation process as a rite of passage.

Chicago-Kent is a can-do law school which has been able to fulfill its wish list through creative solutions to resource problems. It frequently does things differently. It has established a fee-generating clinic that grows with little or no cost. It has adopted a large visiting assistant professor program staffed by those wanting to become tenure-track faculty members (but paid lower salaries). It has created computerised first-year courses and has organised several curricular concentrations.

The accreditation process, however, suggests that the ABA has adopted a no-you-can't attitude. The ABA Accreditation Committee has been obsessed with our inadequate 'resources' - i.e. our poor student-to-teacher ratio. Apparently, under the worst possible method of counting our faculty, our ratio was slightly above the magical 30:1 ratio required by ABA interpretations. To reach the 30:1 ratio, the ABA excluded all administrators regardless of whether they taught full teaching loads. When our visiting assistant professors and other excluded staff are counted, our ratio approaches 22 to I. I carefully drafted each letter to the ABA to make this point, to each of which I received the same response, to the effect that Chicago-Kent devoted insufficient resources to teaching 'because of an inadequate student to teacher ratio'. There was no explanation as to how the Committee reached its conclusion. Finally, in frustration, I called the consultant's office and was told that the reason our ratio was bad was simply that our response to questions on the annual ABA questionnaire demonstrated the inadequacy of our teaching resources. We came up with different answers and we now have full accreditation, produced by answering the spirit of questions rather than their literal wording.

These experiences have given me a new appreciation of the accreditation process, which I believe must become a vehicle for change to reflect the changes in the world around us. Law school applications are declining; salaries and the demand for recent graduates are stable or declining; law schools are downsizing. In short, we are living in times of scarcity where innovation and effective resource utilisation are economic necessities. Yet accreditation remains a process of accretion, calling for more buildings to be built, books to be bought etc. Accreditation has become a parade of non-negotiables.

Change in legal education is coming. At the moment, one would have the impression that the Accreditation Committee believes its mission is to find out what is wrong with a school. I have a simple guideline for accreditation. If a school's program is working, if its graduates have jobs, if its faculty are productive scholars and good teachers, leave the school alone. Accreditation must recognise success as well as failure; it must separate what is necessary in a program from what is desirable.

Modest proposals to improve and preserve the law school accreditation process
J A. Sebert
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In June 1995, the ABA and the Department of Justice entered into a consent decree that terminated the latter's investigations into alleged anti-trust violations in connection with the ABA's accreditation of law schools. The consent decree requires the ABA to appoint a special commission to review the ABA's accreditation process of American law schools and to determine whether there should be any revision of the standards, interpretations or rules regarding a number of topics.

On balance, both the ABA accreditation process and the membership review process of the AALS have helped produce dramatic improvements in legal education over the past quarter century. However, there are some ABA standards and interpretations and AALS membership

requirements that are unnecessary and intrusive and aspects of the site evaluation and accreditation processes that could be improved.

ABA standards and interpretations are criticised as being unduly detailed and focusing on matters not central to quality legal education. However, the vast majority of standards are appropriate, focus on core issues of legal education and represent a reasonable consensus among legal educators. I am not among those who criticise the position taken in regard to student/faculty ratios. The relevant interpretation provides that a student/faculty ratio of greater than 30:1 is presumably not in compliance with the standards. The rationale is that a school with such a high student/faculty ratio is probably unable to provide the necessary quality of education and skills training required to train law students adequately for the profession that best occurs in small classes.

The unnecessary detail of some standards and interpretations may constrain innovation in approaches to legal education, but, on the whole, the standards do not generally restrict innovation in an inappropriate way. The wide variation of programs, missions and directions at the 178 ABA-approved law schools attests to the proposition that the existing standards do leave room for experimentation and innovation. Many significant aspects of legal education are untouched by ABA standards. Finally, the barriers to change created by the standards are generally justified. While there is general agreement that judges and practising attorneys can and do add importantly to the quality of education that students now receive, the author detects no change in the fundamental consensus that the bulk of legal education should be provided by a core of highly qualified full-time faculty.

Recently, there have been substantial improvements in the site evaluation process. Suggestions that the site evaluation team be reduced to one or two persons fail to appreciate that law schools have become vastly more complex over the last quarter century in terms of training, technological equipment, admissions procedure and financing. A five or six-person site evaluation team is essential if it is to have a realistic chance to make the factual findings necessary for a responsible evaluation of the school's program and convey its findings to the school and university. Furthermore, the consent decree requires that each team include at least one university administrator (not a dean or faculty member) and one practising lawyer or judge. The review of the law school's materials before the site visit and the preparation of a report after the visit are likely to fall to the law school members of the team. The quality of fact-finding and reporting will suffer significantly if the team does not have a sufficient number of law school members.

My main criticism of the present site evaluation process is the amount of detailed information that must be provided in advance of a visit. It needs to be pruned substantially. Some of the information is unnecessary, some should be made available on site and some information duplicates what would normally be provided in a self-study and should be listed only in suggestions for a self-study.

There are two main criticisms of specialised accreditation: first, that it is used as leverage to divert university resources to academic units that have accreditation; and secondly that it focuses unduly on inputs and resources, rather than outputs and quality programs. While there is less reason to find fault on these grounds, in recent years the accreditation committees have failed to distinguish carefully between offering peer advice and identifying shortfalls in standards or membership requirements. A radical distinction should be made between the two, with peer evaluation being left entirely to the evaluation teams. The action letters of the accreditation committees should be limited solely to identifying ways in which the operations of the law school fail to meet ABA standard and interpretations or the AALS requirements of membership.

Finally, too many law schools are being required to report back concerning deficiencies that have been identified. Schools should be told that, although there are concerns about the school's overall compliance with a few specific standards, the school is generally in overall compliance and will not have to report further until the next sabbatical evaluation. This would permit accreditation committees to devote more energy and attention to those law schools at which there may be serious problems.

Two steps forward, one step back: reflections on the accreditation debate
J W Wagner
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1995 has been marked by important upheavals in the process of ABA accreditation which began when its Board of Governors imposed a number of changes in the provisions governing accreditation. Later in the same month, the Board of Governors entered a proposed consent decree with the US Department of Justice which had been pursuing a civil investigation of the ABA accreditation process to determine whether it conformed with anti-trust laws. With the