



AMERICAN BAR ASSOCIATION

**Section of Legal Education
and Admissions to the Bar**

COUNCIL DECISION

NOTICE OF PROBATION AND SPECIFIC REMEDIAL ACTION

Thomas Jefferson School of Law

November 2017

Background

At its November 3-4, 2017 meeting, the Council of the Section of Legal Education and Admissions to the Bar (the “Council”) conducted a hearing pursuant to Rules 2, 3, 16, 22, 24, and 25 of the Rules of Procedure to with respect to the recommendation of the Accreditation Committee (the “Committee”) that the Thomas Jefferson School of Law (the “Law School”) be placed on probation and be directed to take specific remedial action with regard to its non-compliance with Standards 202(a) and (d), 301(a), 501(a) and (b), and Interpretations 501-1 and 501-2.

Following the hearing and a consideration of the record in the matter, the Council adopted the Committee’s findings of fact as supported by substantial evidence in the record and uncontested by the Law School. The Council affirmed the Committee’s conclusions as to non-compliance with the designated Standards and determined that the action recommended by the Committee is appropriate and warranted under the circumstances and applicable Standards and Rules of Procedure. The Council determined that the Law School’s present and anticipated financial resources, admissions practices, academic program, and bar passage outcomes have resulted in the Law School now being in a position where only immediate and substantial action can bring about sufficient change to put the Law School on a realistic path back to operating in full compliance within the time allowed by the Standards and Rules of Procedure.

Probationary Status of Thomas Jefferson School of Law
and
Remedial Actions Required

Pursuant to Rules of Procedure 2(f), 16, and 25(b), the Council placed Thomas Jefferson School of Law on probation, effective November 13, 2017. Further, the Council directed the Law School to take the following specific remedial actions:

(1) The Law School shall develop a written reliable plan for bringing the Law School into compliance with Standards 202(a) and (d), 301(a), 501(a) and (b), and Interpretations 501-1 and 501-2. In developing its plan, the Law School must address, inter alia, each of the factors identified in Interpretation 501-1. The Law School shall submit that plan to the Managing Director by February 16, 2018.

(2) The Managing Director shall appoint a fact finder to visit the Law School to review the admissions data and admissions methodology provided by the Law School, the overall rigor of its program of legal education, and the financial resources reasonably expected to be available to the Law School. The fact-finding visit shall take place in conjunction with the Law School's regular sabbatical visit to be conducted in March 2018. The fact finder shall submit a report regarding these matters to the Managing Director. The fact finder shall pay attention to, and provide information concerning, the following matters:

- (a) In addition to the bar examination results of the Law School's graduates taking the California and other bar examination for the first time in July 2017, whether and the extent to which the Law School's graduates are ultimately able to achieve a passing score on the bar examination;
- (b) Any plan or program in addition to the reliable plan required above that the Law School has adopted to prepare its students to be admitted to the bar and become responsible members of the legal profession and the likelihood of the plan's success;
- (c) A description of the basis for the Law School's assessment of the impact of the proposed changes in admissions standards, if achieved, on the academic attrition rate of the Law School's students, the bar passage rate of its graduates, and the effectiveness of the Law School's academic support program;
- (d) The Law School's admissions policies, particularly the specific criteria used to evaluate whether to offer an applicant a place in a class, any written policies or unwritten practices on class size, the factors influencing those policies and practices, and the impact of these policies on the Law School's budgets;
- (e) A description of the Law School's plans in the event that the Law School's enrollment goals with the expected increases in 25th percentile, median, and 75th percentile LSAT cannot be achieved, and the impact of those plans on the Law School's budget;
- (f) A description of the basis for the Law School's belief that it can increase its entering Law School credentials as planned and replace the anticipated lost revenue because of smaller classes and increased financial aid;

- (g) A description of the basis for the Law School's expectation that it can generate the financial resources (or savings) to ensure the Law School's ability to maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession; and
- (h) A detailed description of the Law School's efforts to reduce its space costs and the impact of any reduction of space on the academic program.

(3) Until the Law School is determined by the Committee to be operating in compliance with Standards 202(a) and (b), 301(a), 501(a) and (b), and Interpretations 501-1 and 501-2, the Law School shall provide each applicant to the Law School, within 30 days of the submission of the application, an email or letter stating the Law School's first-time bar examination passage rates and California's first-time bar examination passage rates for the past four administrations of the California bar examination. The Law School shall provide evidence to the Managing Director's office, within five days of the matriculation of each class of students, that the required information has been appropriately and timely communicated.

(4) The Law School shall provide to all admitted students, within five business days of the date of the letter transmitting the Council's decision, an email or letter reporting the fact that the Law School has been placed on probation and that includes a copy of this statement outlining the specific remedial actions the Law School is required to take to bring itself back into compliance with the Standards. Additionally, the Law School shall post this statement or a link to the statement on the Law School's website in a form and place acceptable to the Managing Director's Office. This statement shall also be published on the website of the Section of the Legal Education and Admissions to the Bar.

(5) Pursuant to Rules 9 and 12(b), the fact finder shall produce a report regarding the above matters to the Managing Director. The report will be delivered to the Law School, which shall have 30 days to submit a response. The Committee will then evaluate the Law School's compliance with Standards 202(a) and (b), 301(a), 501(a) and (b), and Interpretations 501-1 and 501-2 based on the record, the fact finder's report, and the Law School's response. If, after considering the fact finder's report and the Law School's response, the Committee concludes that the Law School is not in compliance with Standards 202(a) and (b), 301(a), 501(a) and (b), and Interpretations 501-1 and 501-2, the Committee or Council may take any appropriate action pursuant to Rules 12(b) and 16-18.

(6) Pursuant to U.S. Department of Education regulation 34 C.F.R. § 602.26(b)(1), Section of Legal Education and Admissions to the Bar Rules 53(c)(4) and (5), and Internal Operating Procedure 4, the Managing Director is directed to provide public notification of this Decision of the Council to place the Law School on probation and to impose specific remedial action on the Law School within 24 hours of the time the Managing Director notifies the Law School of the Council's Decision.