



AMERICANBARASSOCIATION

Legal Education and
Admissions to the Bar

Memorandum

To: Interested Parties and Entities

From: Bridget Mary McCormack, Council Chair
William Adams, Managing Director of Accreditation and Legal Education

Date: August 30, 2023

Re: Matters for Notice and Comment: Standards Revisions related to Academic Freedom and Freedom of Expression, Learning Outcomes and Assessment, and Library and Information Resources

At its meeting on August 17-18, 2023, the Council of the Section of Legal Education and Admissions to the Bar (the “Council”) approved for Notice and Comment proposed revisions related to Academic Freedom and Freedom of Expression (new Standard 208), Learning Outcomes and Assessment (Standards 301, 302, 314, 315, and 403) and Library and Information Resources (Chapter 6 of the Standards).

All proposed revisions and accompanying explanations are published on the Section’s website at https://www.americanbar.org/groups/legal_education/resources/notice_and_comment/. We solicit and encourage written comments on all the proposals listed above. Please address all written comments to Bridget Mary McCormack, Council Chair and send to Fernando Mariduen a at Fernando.Mariduen a@americanbar.org by September 29, 2023. Written comments received after September 29, 2023, may not be included in the materials considered by the Council at its November 2023 meeting.

Part 1: Academic Freedom and Freedom of Expression – Creation of Standard 208

Summary: This proposed Standard addresses the interrelated topics of academic freedom and freedom of expression. The development of the law and effective legal education require free and robust inquiry, exposition, and the exchange of ideas. Proposed Standard 208 seeks to ensure that law schools properly protect academic freedom for teachers and freedom of expression more broadly.

Existing Standard 405(b) requires a law school to have “an established and announced policy with respect to academic freedom and tenure” and identifies as an example Appendix 1 to the Standards. This Appendix is the “1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of

University Professors. The current standards do not otherwise address academic freedom or freedom of expression.

Proposed Standard 208 would: (1) move the discussion of academic freedom from Standard 405(b), more specifically address the scope and application of a school's required policy, and decouple the issue of academic freedom (which will apply to all those teaching in the law school) from security of position (which applies only as specified in Standard 405); (2) add a new discussion of freedom of expression modeled on policies adopted by law schools and universities nationwide; and (3) place the Standard in Chapter 2 (Organization and Administration) because these requirements, like others in that chapter, concern the law school's operation generally and are not specific to topics addressed in other chapters, such as Chapter 3 (Program of Legal Education) or Chapter 4 (Faculty).

The SRC has discussed these issues over the last year. In August 2022, a proposed revision to Standard 405(b) would have required a law school to "adopt, publish, and adhere to" a policy with respect to academic freedom and tenure, rather than merely to establish and announce such a policy. This proposal, which was part of a package with changes to Standard 206, was withdrawn before consideration by the ABA House of Delegates. In September 2022, the Council hosted a roundtable on the topics of Academic Freedom and Freedom of Expression. The SRC subsequently developed draft Standard 208. Also in the background, although not influencing the SRC's proposed draft Standard 208, were the widely publicized disruption of a speech at Stanford Law School in March 2023 and a letter that month to the Council from the U.S. House Committee on Education and the Workforce asking the Council to investigate the school's compliance with Standard 405(b).

The SRC's convictions following this review are summed up in proposed Interpretation 208-6: "*Effective legal education and the development of the law require the free, robust, and uninhibited sharing of ideas reflecting a wide range of viewpoints. Becoming an effective advocate or counselor requires learning how to conduct candid and civil discourse in respectful disagreement with others while advancing reasoned and evidence-based arguments. Concerns about civility and mutual respect, however, do not justify barring discussion of ideas because they are controversial or even offensive or disagreeable to some.*"

Standard 208. ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

- (a) A law school shall adopt, publish, and adhere to written policies that protect academic freedom. A law school's academic freedom policies shall:
 - (1) Apply to all full and part-time faculty, as well as to all others teaching law school courses;
 - (2) Apply to conducting research, publishing scholarship, engaging in law school governance, participating in law related public service activities, and exercising teaching responsibilities, including those related to client representation in clinical programs; and
 - (3) Afford due process, such as notice, hearing, and appeal rights, to assess any claim of a violation of the academic freedom policies.

- (b) A law school shall adopt, publish, and adhere to written policies that encourage and support the free expression of ideas. A law school's free expression policies must:
 - (1) Protect the rights of faculty, students, and staff to communicate ideas that may be controversial or unpopular, including through robust debate, demonstrations, or protests; and

- (2) Proscribe disruptive conduct that hinders free expression by preventing or substantially interfering with the carrying out of law school functions or approved activities, such as classes, meetings, interviews, ceremonies, and public events;
- (c) Consistent with this Standard, a law school may:
- (1) Restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, or that unjustifiably invades substantial privacy or confidentiality interests.
 - (2) Reasonably regulate the time, place, and manner of expression.
 - (3) Adopt policies on academic freedom and freedom of expression that reflect the law school's mission, including a religious mission, so long as such policies are not in violation of the law and are clearly disclosed in writing to all faculty, students, and staff prior to their affiliation with the law school.

Interpretation 208-1

Standard 208 applies to both public and private law schools.

Interpretation 208-2

A law school may, when appropriate, differentiate among students, faculty, and staff in its policies on freedom of expression.

Interpretation 208-3

Standard 208(a) does not preclude a law school from identifying the courses that will be taught, requiring courses to cover particular content, or requiring faculty, students, or staff to clarify in appropriate circumstances that their views are not statements by or on behalf of the law school.

Interpretation 208-4

This Standard does not prevent a law school from applying disciplinary action for conduct identified in Standard 208(b)(2).

Interpretation 208-5

Subsection (c) recognizes that law schools may restrict speech consistent with the First Amendment of the United States Constitution.

Interpretation 208-6

Effective legal education and the development of the law require the free, robust, and uninhibited sharing of ideas reflecting a wide range of viewpoints. Becoming an effective advocate or counselor requires learning how to conduct candid and civil discourse in respectful disagreement with others while advancing reasoned and evidence-based arguments. Concerns about civility and mutual respect, however, do not justify barring discussion of ideas because they are controversial or even offensive or disagreeable to some.

Part II: Learning Outcomes and Assessment and Instructional Role of Faculty – Revisions to Standards 301, 302, 314, 315, and 403

This proposal makes several changes with respect to Learning Outcomes and Assessment so law schools better understand what they are expected to do in these areas. It also clarifies the percentage of the first one-third of each student's coursework that full-time faculty must teach and requires annual education on effective teaching for the full-time faculty.

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

Summary: This revision moves subpart (b) to Standard 302 so that all Standards related to learning outcomes are in Standard 302.

Redline: Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

~~(a) A law school shall 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.~~

~~(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.~~

Standard 302. LEARNING OUTCOMES

Summary: This revision requires law schools to establish and publish program and course learning outcomes. The revision also requires school to align their course learning outcomes for required courses to requirements for licensure, any other assessments or measures jurisdictions have adopted as a prerequisite for admission to practice, and the law school's mission. Finally, the revision requires school to ensure that course learning outcomes for required courses are consistent among all sections of the course with respect to those outcomes that relate to licensure, any other assessments or measures jurisdictions have adopted as a prerequisite for admission to practice, and the law school's mission, while allowing faculty members to add additional learning outcomes.

Redline: Standard 302. LEARNING OUTCOMES

~~(a) A law school shall establish and publish learning outcomes for its program of legal education and for the courses it offers that shall, at a minimum, include competency in the following:~~

~~(a) Knowledge and understanding of substantive and procedural law;~~

~~(b) Legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context;~~

~~(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and~~

~~(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.~~

(b) The course learning outcomes shall be specific and measurable. They shall describe the knowledge, skills, and abilities that students will be able to demonstrate upon successful completion of the course. For courses required by a law school, the law school shall demonstrate that the learning outcomes align with the professional skills and knowledge necessary for competent and ethical participation as a member of the

legal profession, any assessments or measures jurisdictions have adopted as a prerequisite for admission to practice, and the law school's mission.

(c) A law school shall deliver a consistent curricular experience to its students by ensuring that every section/offering of a course required by the law school adopts the same learning outcomes identified in subpart (b) for the substantive law or skills that will be taught. A faculty member may add content and adopt additional course learning outcomes beyond the minimum required by the law school.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Standard 314. ASSESSMENT OF STUDENT LEARNING

Summary: This revision strengthens Standard 314 by requiring certain assessments and feedback.

Redline: Standard 314. ASSESSMENT OF STUDENT LEARNING

(a) A law school shall utilize both formative and summative assessment methods ~~in~~ throughout its curriculum to measure student achievement of course learning outcomes, and improve student learning, and provide meaningful feedback to students.

(b) All courses in the first one-third of the credit hours earned by students in the JD program shall include at least one formative assessment. The formative assessments shall include feedback that allows students to evaluate their performance relative to the learning outcomes in the course. The law school shall provide academic support for students who fail to attain a satisfactory level of achievement on the formative assessments.

Interpretation 314-1

Formative assessment methods are measurements at different points during a ~~particular~~ course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a ~~particular~~ course or at the culmination of any part of a student's legal education that measure the degree of student learning in that course.

Interpretation 314-2

The feedback on formative assessments required to allow students to evaluate their performance may include written faculty comments, model answers, or individual or group review sessions.

Interpretation 314-23

A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular assessment method.

Standard 315: EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

Summary: The revision specifies how a law school's evaluations of its program of legal education, learning outcomes, and assessments should be used. The new Interpretation defines program of legal education.

Redline: Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

(a) ~~The dean and the faculty of a~~ A law school shall conduct ongoing evaluation of ~~the law school's~~ its program of legal education, learning outcomes, and assessment methods; The faculty shall be engaged in using and shall use the results of ~~theis~~ theis evaluation to determine the degree of student attainment of competency in the learning outcomes, ~~and~~ and to make appropriate changes to improve the curriculum, ~~and to enhance the student learning experience.~~

(b) A law school shall review, and if appropriate, revise its program and course learning outcomes at least every five years based on empirical data analyzing developments in legal practice and information obtained from its graduates and their employers.

Interpretation 315-1

Assessment of the program of legal education includes assessing: (1) student services including academic advising and counseling, financial aid and debt counseling, career counseling, and provision of law student well-being resources; (2) library and information resources; (3) promotion of an inclusive and equitable learning environment, and (4) facilities, equipment, and technology.

Interpretation 315-12

Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; evaluation of student learning portfolios; student evaluation of the sufficiency of their education; student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge; bar exam passage rates; placement rates; surveys of attorneys, judges, and alumni; and assessment of student performance by judges, attorneys, or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods or to hire any external consultants to collect or analyze the data.

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

Summary: This change provides clarity to the Standard's requirement that the full-time faculty teach "substantially all of the first one-third of each student's coursework." The change also requires faculty to engage in annual educational activities.

Redline: Standard 403. INSTRUCTIONAL ROLE OF FACULTY

(a) Absent extraordinary circumstances, ~~The~~ full-time faculty shall teach at least 80 percent ~~substantially~~ all of the first one-third of each student's coursework. The full-time faculty shall also teach during the academic year either (1) more than half of all of the credit hours actually offered by the law school, or (2) two-thirds of the student contact hours generated by student enrollment at the law school.

(b) A law school shall ensure effective teaching by all persons providing instruction to its students.

(c) To ensure effective teaching, a law school shall require its full-time faculty to participate annually in educational activities that promote effective teaching, including but not limited to, workshops on pedagogy, learning, course design, classroom management, and assessment.

Part III: Library and Information Resources – Revising and Re-Organizing Chapter 6

Summary: Chapter 6 of the Standards (Library and Information Resources) has been substantially streamlined and re-organized. Parts of this chapter were internally repetitive or may have been better placed with Standards relating to assessment or equipment and technology, so parts of Standards in this Chapter may have been moved or deleted. This Chapter was also arranged more thematically so that similar parts of the Chapter were grouped together in the same Standard. Also, the touchpoint for all the work of the library is now that it is sufficient for the law school to operate in compliance with the Standards and to carry out its program of legal education.

Several substantive changes were made to the Standards in Chapter 6. The part of former Interpretation 606-1 that suggested that a law library collection that consisted of a single format could violate the Standards has been deleted. Former Interpretations 606-3 and 606-4 on off-site storage and cooperative agreements were eliminated, except for the last sentence of Interpretation 606-4, which was moved to new Interpretation 604-2. The purpose of these revisions is to give law libraries flexibility to use technology, information resources, and collection formats most appropriate for their law schools. Furthering flexibility for law libraries, there is no longer a requirement of a core collection (former Standard 606(a)) that must consist of the materials enumerated in former Standard 606(b); revised Standard 604(a) instead requires reliable and efficient access to a collection of materials and information resources that is complete, current, and in sufficient quantity or with sufficient continuing access.

Additionally, while the requirement that a law library director be full-time was removed in Standard 603(b), this was not intended to suggest that the law library director could be a part-time law school employee. The intent behind this change was to allow the law library director to have other responsibilities such as teaching law school courses, jointly managing the law school's law library and a county law library, or other duties in addition to directing the law library. Also, Standard 603(d) specifies that the law faculty appointment with security of position for the law library director means security "reasonably similar to tenure." Further, there were also places where "law library director" was replaced with "law library" to indicate the involvement of the director and library staff in making decisions about the law library.

A few parts of Chapter 6 were moved to other Chapters. These were as follows:

- The law library assessment that was formerly in Standard 601(a)(3) was moved to Chapter 3; this new language can be seen in Part II of this memo. Assessment of the law library should be part of a law school's ongoing evaluation of its program of legal education (see revised Standard 315, *supra*).
- The law library's implementation of appropriate technology that was formerly in Standard 601(a)(4) was moved to Interpretation 701-1 so that all law school technology-related considerations can be in the same location in the Standards. Similarly, the requirement that the law library have suitable space and adequate equipment to access and use all information in whatever formats are in the collection that was formerly Standard 606(e) was deleted due to overlap with Standard 702(a)(2). However, language was added to Standard 702(a)(2) to specifically require equipment "needed to access and use all materials in the collection."

Because of the extent of streamlining, reorganization, and deletions being recommended, a redline version of the changes to the Chapter is not being offered due to the difficulty in following and interpreting the changes. However, a copy of former Chapter 6 is included here as Appendix A.

Standard 601. GENERAL PROVISIONS

A law school shall maintain a law library and information resources sufficient to operate in compliance with the Standards, carry out its program of legal education, and support scholarship and research.

Standard 602. LAW LIBRARY SERVICES

A law library shall provide the appropriate range and depth of reference, instruction, bibliographic, and other information resource services sufficient for the law school to operate in compliance with the Standards and to carry out its program of legal education.

Standard 603. LAW LIBRARY PERSONNEL

(a) A law library shall have staff sufficient in expertise and number to provide the appropriate library and information resource services to students and faculty in a reliable, efficient, and effective way. If the law school offers Distance Education Courses, evening or weekend courses, or a part-time program, it shall ensure law library staffing meets the needs and schedules of students enrolled in these courses or programs.

(b) A law library shall have a director whose principal responsibilities are managing the law library and providing information resources in appropriate formats to faculty and students.

(c) A director of a law library shall have appropriate academic qualifications and shall have knowledge of and experience in law library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of position reasonably similar to tenure.

(e) The selection and retention of law library personnel shall be determined by the law school.

Interpretation 603-1

Factors relevant to the number and expertise of librarians and information resource staff needed to meet this Standard include the number of faculty and students, research programs of faculty and students, any graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing information resource services.

Interpretation 603-2

Having a director of a law library with a law degree and a degree in library or information science is an effective method of assuring that the individual has appropriate qualifications and knowledge of and experience in library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards. A law school not having a director with these credentials bears the burden of demonstrating that it is in compliance with Standard 603(c).

Standard 604. LAW LIBRARY COLLECTION

(a) The law library shall provide reliable and efficient access to a collection of materials and information resources that is complete, current, and in sufficient quantity or with sufficient continuing access for the law school to operate in compliance with the Standards and to carry out its program of legal education.

(b) The choice of format, ownership, and means of reliable access for any part of the law library's collection shall be sufficient for the law school to operate in compliance with the Standards and to carry out its program of legal education.

(c) The law library shall formulate and periodically update a written plan for development of the collection.

Interpretation 604-1

The appropriate mixture of collection formats depends on the needs of the law library and the law school; it need not entail a mixture that includes physical books.

Interpretation 604-2

Reliable access to information resources may be provided through:

(a) databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access;

(b) authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge; or

(c) participation in a formal resource-sharing arrangement through which materials are made available, via electronic or physical delivery, in an efficient and effective way to users.

Standard 604 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region.

Standard 605. ADMINISTRATION OF THE LAW LIBRARY

(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library, control the use of its resources, and determine the sufficiency of its personnel.

(b) A law school shall provide on a consistent basis sufficient financial resources to the law library to enable it to fulfill its responsibilities of support to the law school.

(c) A law library shall develop and maintain a direct, informed, and responsive relationship with the faculty, students, and administration of the law school.

(d) The law library and the dean, in consultation with the faculty, shall determine library policy.

(e) The law library and the dean are responsible for the provision of library and information resource services and the development, maintenance, and updating of the collection.

Interpretation 605-1

This Standard envisions law library participation in university library decisions that may affect the law library. While it is preferred that the law school administer the law library, a law library may be administered as part of a university library system if the dean, the law library, and the faculty of the law school are responsible for the determination of law library policies, priorities, personnel matters, and funding requests.

Redline: Standard 701. GENERAL REQUIREMENTS

- (a) A law school shall have facilities, equipment, technology, and technology support that enable it to operate in compliance with the Standards and carry out its program of legal education.
- (b) A law school is not in compliance with the Standards if its facilities, equipment, technology, or technology support have a negative and material effect on the school’s ability to operate in compliance with the Standards; or to carry out its program of legal education.

Interpretation 701-1

In determining whether technology and technology support comply with this Standard, among the factors to be considered are:

- (1) *the hardware and software resources and infrastructure available to support the teaching, scholarship, research, service, and administrative needs of students, faculty, and staff of the law school;*
- (2) *the law library’s implementation of technology to enable it to fulfill its responsibilities of support to the law school;*
- ~~(2)~~ *(3) staff support and space for staff operations; and*
- ~~(3)~~ *(4) the law school’s financial resources and overall ability to maintain and, as appropriate, adopt new technology.*

Redline: Standard 702. FACILITIES

- (a) A law school’s facilities shall include:
 - (1) suitable class and seminar rooms in sufficient number to permit reasonable scheduling of all classes, skills offerings, and seminars;
 - (2) a law library that is suitable and sufficient in size, location, and design in relation to the law school’s programs and enrollment to accommodate the needs of the law school’s students and faculty and the law library’s services, collections, staff, operations, and equipment needed to access and use all materials in the collection;

...

CHAPTER 6

Library and Information Resources

Standard 601. GENERAL PROVISIONS

- (a) A law school shall maintain a law library that:
- (1) provides support through expertise, resources, and services adequate to enable the law school to carry out its program of legal education, accomplish its mission, and support scholarship and research;
 - (2) develops and maintains a direct, informed, and responsive relationship with the faculty, students, and administration of the law school;
 - (3) working with the dean and faculty, engages in a regular planning and assessment process, including assessment of the effectiveness of the library in achieving its mission and realizing its established goals; and
 - (4) remains informed on and implements, as appropriate, technological and other developments affecting the library's support for the law school's program of legal education.
- (b) A law school shall provide on a consistent basis sufficient financial resources to the law library to enable it to fulfill its responsibilities of support to the law school and realize its established goals.

Standard 602. ADMINISTRATION

- (a) **A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.**
- (b) **The director of the law library and the dean, in consultation with the faculty, shall determine library policy.**
- (c) **The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.**
- (d) **The budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget.**

Interpretation 602-1

This Standard envisions law library participation in university library decisions that may affect the law library. While it is preferred that the law school administer the law library, a law library may be administered as part of a university library system if the dean, the director of the law library, and the faculty of the law school are responsible for the determination of basic law library policies, priorities, and funding requests.

Standard 603. DIRECTOR OF THE LAW LIBRARY

- (a) **A law school shall have a full-time director of the law library whose principal responsibilities are managing the law library and providing information resources in appropriate formats to faculty and students.**
- (b) **The selection and retention of the director of the law library shall be determined by the law school.**
- (c) **A director of a law library shall have appropriate academic qualifications and shall have knowledge of and experience in law library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.**
- (d) **Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.**

Interpretation 603-1

Having a director of a law library with a law degree and a degree in library or information science is an effective method of assuring that the individual has appropriate qualifications and knowledge of and experience in library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards. A law school not having a director with these credentials bears the burden of demonstrating that it is in compliance with Standard 603(c).

Standard 604. PERSONNEL

The law library shall have a staff sufficient in expertise and number to provide the appropriate library and information resources services to the school.

Interpretation 604-1

Factors relevant to the number and expertise of librarians and information resource staff needed to meet this Standard include the number of faculty and students, research programs of faculty and students, whether there is a dual division program in the school, any graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing information resource services.

Standard 605. SERVICES

A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.

Interpretation 605-1

Factors relevant to determining whether services are appropriate under Standard 605 include the extent to which services enhance the research and bibliographic and information literacy skills of students, provide access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offer interlibrary loan and other forms of document delivery, produce library publications and manage the library's web site, and create other services to enable the law school to carry out its program of legal education and accomplish its mission.

Standard 606. COLLECTION

- (a) **The law library shall provide a core collection of essential materials through ownership or reliable access. The choice of format and of ownership in the library or a particular means of reliable access for any type of material in the collection, including the core collection, shall effectively support the law school's curricular, scholarly, and service programs and objectives, and the role of the library in preparing students for effective, ethical, and responsible participation in the legal profession.**
- (b) **A law library core collection shall include the following:**
- (1) **all reported federal court decisions and reported decisions of the highest appellate court of each state and U.S. territory;**
 - (2) **all federal codes and session laws, and at least one current annotated code for each state and U.S. territory;**
 - (3) **all current published treaties and international agreements of the United States;**
 - (4) **all current published regulations (codified and uncoded) of the federal government and the codified regulations of the state or U.S. territory in which the law school is located;**
 - (5) **those federal and state administrative decisions appropriate to the programs of the law school;**
 - (6) **U.S. Congressional materials appropriate to the programs of the law school;**
 - (7) **significant secondary works necessary to support the programs of the law school; and**
 - (8) **those tools necessary to identify primary and secondary legal information and update primary legal information.**

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- (c) **In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,**
- (1) **meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;**
 - (2) **supports the teaching, scholarship, research, and service interests of the faculty;**
 - (3) **serves the law school's special teaching, scholarship, research, and service objectives; and**
 - (4) **is complete, current, and in sufficient quantity or with sufficient continuing access to meet faculty and student needs.**
- (d) **The law library shall formulate and periodically update a written plan for development of the collection.**
- (e) **The law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.**

Interpretation 606-1

The appropriate mixture of collection formats depends on the needs of the library and the law school. A collection that consists of a single format may violate Standard 606.

Interpretation 606-2

Reliable access to information resources may be provided through:

- (a) *databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access;*
- (b) *authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge; or*
- (c) *participation in a formal resource-sharing arrangement through which materials are made available, via electronic or physical delivery, to users within a reasonable time.*

Interpretation 606-3

Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.

Interpretation 606-4

Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to enable the law school to carry out its program of legal education and accomplish its mission. Standard 606 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region.