

July 13, 2009

Hulett H. Askew
Consultant on Legal Education to the
American Bar Association
321 North Clark Street
Chicago, IL 60610-4714

Re: DePaul College of Law Accreditation

Electronically transmitted, hard copy to follow.

Dear Mr Askew:

The undersigned sixteen tenured members of the full-time faculty at DePaul University College of Law are filing this report pursuant to Rule 24(b) of the Rules of Procedure for Approval of Law Schools. That rule provides that:

Any person may file with the Consultant on Legal Education a written report alleging non-compliance with the Standards for the Approval of Law Schools by an approved law school.

Regretfully, we must notify you that recent actions by the Provost of DePaul University do not comply with Standard 206 and related interpretations regarding appointment of the law school dean. Specifically, Standard 206(d) provides:

(d) The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean.

Interpretation 206-1 provides:

The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.

Standard 106(7) provides that the term “Dean” includes an acting or interim dean.

The relevant facts are as follows:

- On June 16, 2009, Dean Glen Weissenberger wrote the Consultant on Legal Education to the American Bar Association “to apprise the Accreditation Committee that it currently has information about the law school’s Retention Margin that is inaccurate. This matter has been central to the law school’s accreditation since the 2001 inspection.”
- On June 18, 2009, without prior notice to, or consultation with, the law school faculty, DePaul Provost Helmut Epp sent an email to the law faculty stating as follows:

I write today to inform you that there will be a change in leadership at the College of Law effective immediately. At my recommendation, the

president and I have removed Glen Weissenberger as dean and hired a new interim dean who will be announced soon.

- On June 22, 2009, DePaul publicly announced that Illinois Appellate Judge Warren Wolfson had been appointed Dean of the DePaul College of Law. At a meeting that day, Provost Epp informed the faculty that Judge Wolfson had been given a two year contract to serve as interim dean and that the search for a new dean would commence in the summer of 2010. Judge Wolfson's deanship would begin in August, 2009.
- At the June 22 meeting, Provost Epp also stated that the decision to dismiss Dean Weissenberger and the arrangements to hire Judge Wolfson had been made *months* ago. Provost Epp indicated that he was aware of the ABA rules regarding consulting the law faculty about decanal appointments, but averred that he acted in extraordinary circumstances. The extraordinary circumstance cited was the Provost's concern that the faculty would not approve his action and thus impede his plan to change the law school dean.

This report does not relate to the retention margin agreement and funding issues raised in Dean Weissenberger's letter of June 16. We assume that you are adequately apprised of these matters and will take the appropriate actions. Nor does it relate to the legality or appropriateness of the dismissal of Dean Weissenberger. We assume that he will raise these issues with the ABA and in other appropriate venues.

The sole focus of this report is the Provost's action in appointing an interim dean without allowing the faculty to advise, consult, and make recommendations to the university administration regarding the dean selection. The facts indicate that the university administration decided, in secret, to appoint a new dean at least two months before this action was publicly announced and four months before that dean's tenure would begin. No good cause for lack of consultation with the faculty has been shown. We believe that these actions negate all statements relating to faculty governance in the recently submitted Site Visit report and require re-evaluation of this key issue.

In effect, the university administration has secretly appointed a dean to replace a dean whose dismissal directly relates to a report to the ABA on noncompliance with its accreditation standards. The appointment has been made without any opportunity for the faculty or others in the law school community to discuss the appointee's views on any aspect of legal education, including the issues relating to the dismissal of our former dean. No one in the law school community has been informed about the appointment process or any discussions between the appointee and administration regarding the future direction of the law school.

We strongly believe that this appointment process is severely flawed and does not comply with ABA Standard 206 governing dean selection. ABA accreditation is not merely an academic issue—it is the gateway to the legal profession. As such, the faculty of every law school is obligated to ensure that compliance with accreditation standards is accurately reported.

Our recent Site Visit clearly shows that DePaul is an excellent law school that fully deserves to be accredited. However, recent actions by the university administration are troubling and suggest its intention to make significant changes at the law school.

Exclusion of the faculty from the selection of the interim dean appears to be part of that process.

Although the College of Law is a unit of the larger DePaul University, it is subject to special accreditation standards designed to ensure an able and ethical legal profession. These accreditation standards differ substantially from those applicable to many other units of a university. We seek your aid in explaining to the university administration the details of the law school accreditation standards and the importance of adhering to them. We ask for appropriate remedial action.

As required by Rule 24(d) of the Rules of Procedure for Approval of Law Schools: We authorize the Consultant on Legal Education to disclose this report and our identities to the law school discussed in this report. Please address any responses to this report to Professor Jerold Friedland.

We look forward to hearing from you.

Sincerely,

Jerold Friedland
Susan Bandes
Craig Boise
Len Cavise
Sumi Cho
Alberto Coll
Patty Gerstenblith
Steven Greenberger
Michael Jacobs
Steven Landsman
Margit Livingston
Bruce Ottley
Stephen Siegel
Jeffrey Shaman
Terry Smith
Mark Weber