

APR 29 2009



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**Section of Legal Education
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April 28, 2009

Dr. Nathan O. Hatch
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Dean Blake D. Morant
Wake Forest University
School of Law
1834 Wake Forest Road
Winston-Salem, NC 27109

Dear President Hatch and Dean Morant:

Attached please find the decision of the Accreditation Committee at its meeting on April 16-18, 2009, with respect to Wake Forest University School of Law.

The Committee's Findings and Conclusions do not reflect a comprehensive checklist evaluation of each Standard and each facet of the institution. Indeed, this letter focuses, by the very nature of the process, essentially on concerns or possible aspects of non-compliance identified in the site evaluation report of the School or arising out of submissions or questionnaire answers by the School. Because the general impressions of different site teams are inherently noncomparable, the Accreditation Committee does not attempt to summarize all the information that could be gleaned from a site evaluation report, and recipients of this letter are encouraged, therefore, to consult the full site evaluation report for collegial advice and general impressions of the team. The site evaluation team does not make the official findings or conclusions for the Section of Legal Education and Admissions to the Bar of the American Bar Association. These are made by the Accreditation Committee and the Council of the Section.

A law school that is approved by the American Bar Association continues in that status pending final action by the Accreditation Committee and Council of the Section of Legal Education and Admissions to the Bar and pending review by the House of Delegates of the American Bar Association.

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President Hatch and Dean Morant
April 28, 2009

Please feel free to call me, Deputy Consultant Dan J. Freehling, or
Executive Assistant Cathy A. Schrage if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Hulett H. Askew". The signature is written in a cursive style with a large initial "H" and "A".

Hulett H. Askew
Consultant on Legal Education
to the American Bar Association

HHA/cs
Attachment

DECISION OF THE ACCREDITATION COMMITTEE
April 2009

The Accreditation Committee (the "Committee") at its April 16-18, 2009 meeting, considered the status of Wake Forest University School of Law (the "Law School"). The Committee had before it letters and exhibits from Dean Blake Morant, dated October 9, 2008, December 19, 2008, and April 7, 2009, and a letter and exhibit from Associate Dean Ronald F. Wright, dated September 23, 2008, which were submitted in response to the Committee's September 2008 request. The Committee also had before it the history of decisions made with respect to the School since its last regular site evaluation; the history is attached to this document as an appendix.

FINDINGS OF FACT:

(1) At its September 2008 meeting, in accordance with Rule 13(a), the Committee concluded that it had reason to believe that Wake Forest University School of Law had not demonstrated compliance with Standard 504(a), in that, while the Law School generally advises each applicant that there are character, fitness, and other qualifications for admission to the bar, it does not encourage applicants, prior to matriculation, to determine the requirements in the state or states in which the applicant intends to practice.

(2) The Committee also concluded that it had insufficient information available to make a determination as to the Law School's compliance with the following Standards:

- (a) Standard 301(a), regarding the requirement that the Law School shall maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession, in light of recently-adopted Interpretation 301-6, establishing the methods by which a law school can demonstrate compliance with Standard 301 with respect to bar passage.
- (b) Standard 302(a)(3) and (4), regarding whether the Law School requires that students take two different courses to meet the professional skills and the upper division writing requirements.
- (c) Standard 302(b)(2) and Interpretation 302-10, regarding the extent to which the Law School offers substantial opportunities for pro bono activities that include meaningful law-related service.
- (d) Standard 304(f) and Interpretation 304-6, regarding whether the Law School enforces policies insuring that individual

students satisfy the requirements on the limitation of employment.

- (e) Standard 405(c) and Interpretations 405-6 and 405-8, regarding whether the full-time faculty member who oversees the Elder Law Clinic has at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom, and whether she is afforded perquisites reasonably similar to other full-time faculty members.
- (f) Standard 510, regarding whether the Law School takes reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and prior to graduation.
- (g) Standard 701 and Interpretations 701-1 and 701-2(2), regarding whether the Law School has suitable space for its Appellate Advocacy Clinic.

Issue of Compliance with Standard 504(a)

(3) With respect to whether the Law School encourages applicants, prior to matriculation, to determine the requirements in the state or states in which the applicant intends to practice, the Law School has converted to a totally online application for admission, which now contains the specific language and admonition.

Request for Additional Information to Determine Compliance with Standard 301(a) and Interpretation 301-6

(4) With respect to whether the Law School maintains an educational program that prepares its students for admission to the bar in light of recently-adopted Interpretation 301-6, data collected for at least 70% of the Law School's graduates from 2003-2007 shows the following weighted first-time bar passage rates: 2003-86%; 2004-88%; 2005-93%; 2006-87%; 2007-86%.

(5) The following chart represents the breakout information on weighted first-time bar passage rates of 70% of the Law School's graduates in each of five previous calendar years (2003-2007).

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Wake Forest University School of Law

YEAR	TOTAL JD GRADS	70% OF TOTAL	JURISDIC	1ST TIME TAKERS	% IN JURISDIC	PASSERS	% PASSED	WEIGHTED AVERAGE
2007	162	113	NC	79	0.69	64	0.81	0.56
			GA	16	0.14	16	100	0.14
			NY	12	0.11	11	0.92	0.1
			SC	7	0.06	7	100	0.06
			TOTAL	114				0.86
2006	171	120	NC	91	0.72	80	0.88	0.63
			NY	15	0.12	14	0.93	0.11
			GA	14	0.11	12	0.86	0.09
			NJ	7	0.06	5	0.71	0.04
			TOTAL	127				0.87
2005	152	106	NC	79	0.72	73	0.92	0.66
			GA	14	0.13	14	100	0.13
			NY	9	0.08	9	100	0.08
			NJ	7	0.06	7	100	0.06
			TOTAL	109				0.93
2004	149	104	NC	86	0.77	77	0.9	0.69
			GA	10	0.09	9	0.9	0.08
			CA	8	0.07	5	0.63	0.04
			NY	8	0.07	8	100	0.07
			TOTAL	112				0.88
2003	159	111	NC	85	0.75	71	0.84	0.63
			GA	15	0.13	14	0.93	0.12
			NY	8	0.07	7	0.88	0.06
			MD	6	0.05	6	100	0.05
			TOTAL	114				0.86

Request for Additional Information to Determine Compliance with Standard 302(a)(3) and (4)

(6) With respect to whether the Law School requires that students take two different courses to meet the professional skills and the upper division writing requirements, the Law School confirms that the professional skills and writing requirements must be satisfied by separate courses. Additionally, the "degree audit" software used by the Registrar to confirm graduation requirements is programmed with this requirement. Finally, to ensure clarity, the Student Handbook has been amended to state that students must take different courses to satisfy the professional skills and upper level writing requirement.

Request for Additional Information to Determine Compliance with Standard 302(b)(2) and Interpretation 302-10

(7) With respect to whether the Law School offers substantial opportunities for pro bono activities that include meaningful law-related service, the Law School offers a considerable number of law-related activities, including: 1) the Innocence Project, which is directed by a part-time faculty member, and which provides students the opportunity to review cases of individuals who have been convicted and proffer recommendations for additional DNA testing or other possible exculpatory procedures; 2) Domestic Violence Advocacy Center (DVAC) partnered with Legal Aid Society, which pairs a trained student with a volunteer local attorney to assist the aggrieved party; 3) DVAC partnered with the Children's Advocacy Center in Winston-Salem to train students to work at the Center on matters related to children's rights; 4) Training by the local Guardian ad Litem organization to train law students as Guardians ad Litem; 5) When Duty Calls, which is a partnership between a local law firm, the bar, and Wake Forest law students to assist veterans in filing for their benefits; and 6) Teen Court, where law students are trained as teen court volunteers to work with teenagers involved in this courtroom process.

Request for Additional Information to Determine Compliance with Standard 304(f) and Interpretation 304-6

(8) With respect to whether the Law School enforces policies that insure that individual students satisfy the requirements on the limitation of employment, the Student Handbook has been revised to emphasize this Standard. Additionally, employers have been advised of this policy and the Executive Associate Dean for Academic Affairs will monitor student compliance with this directive. Students who violate this policy are subject to

a letter of reprimand that will be reported to jurisdictions in which they seek to take the bar examination.

Request for Additional Information to Determine Compliance with Standard 405(c) and Interpretations 405-6 and 405-8

(9) With respect to whether the clinician who directs the Elder Law Clinic has security of position reasonably similar to tenure and non-compensatory perquisites reasonably similar to those provided other full-time faculty members, this clinician has been employed at the Law School for 17 years on a rolling three-year contract. Under the terms of her contract which includes the guarantee of notice, she is entitled to continued employment a minimum of two years past the time of notice of termination. She also enjoys academic freedom that is extended to faculty members under contract.

With respect to whether the clinician enjoys non-compensatory perquisites reasonably similar to other full-time faculty members, she is eligible to attend all faculty meetings and vote on all matters except hiring, promotion and tenure of tenure-track faculty members. She is also eligible to serve on and chair law school committees.

Request for Additional Information to Determine Compliance with Standard 510

(10) With respect to whether the Law School takes reasonable steps to minimize student loan defaults, the Law School provides at least four counseling sessions, in a mixture of on-line and in-person interactions, which focus on the student's responsibility to repay student loans. The sessions take place: 1) shortly after matriculation; 2) during orientation; 3) in the student's final year; and 4) shortly before graduation.

Request for Additional Information to Determine Compliance with Standard 701 and Interpretation 701-1 and 702-2(2)

(11) With respect to whether the Law School has suitable space for its Appellate Advocacy Clinic, the Director of the Appellate Advocacy Clinic has been moved to a new office which will also be the depository of the files for the Clinic. Although the files that are reviewed by students are matters of public record, secured cabinetry will be provided for them. Additionally, a conference room, also with secured cabinetry, which is in close proximity to the Director's office, will be designated as the Clinical Conference Room. If the Clinic needs more space, it will be able to use an auxiliary building that previously housed the Continuing Legal Education program.

CONCLUSIONS:

(1) Based on the information provided by the Law School, the Committee concludes that Wake Forest University School of Law is in compliance with Standard 504(a), and therefore the Rule 13(a) proceeding has been terminated, in that the Law School generally advises each applicant that there are character, fitness, and other qualifications for admission to the bar, and that it encourages applicants, prior to matriculation, to determine the requirements in the state or states in which the applicant intends to practice. [See Finding of Fact (3).]

(2) The Committee concludes that the information provided by the Law School establishes that is in compliance with the following Standards:

- (a) Standard 301(a), in that the Law School maintains an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession, in light of recently-adopted Interpretation 301-6, establishing the methods by which a law school can demonstrate compliance with Standard 301 with respect to bar passage. [See Findings of Fact (4) and (5).]
- (b) Standard 302(a)(3) and (4), in that the Law School requires that students take two different courses to meet the professional skills and the upper division writing requirements. [See Finding of Fact (6).]
- (c) Standard 302(b)(2) and Interpretation 302-10, in that the Law School offers substantial opportunities for pro bono activities that include meaningful law-related service. [See Finding of Fact (7).]
- (d) Standard 304(f) and Interpretation 304-6, in that the Law School enforces policies insuring that individual students satisfy the requirements on the limitation of employment. [See Finding of Fact (8).]
- (e) Standard 405(c) and Interpretations 405-6 and 405-8, in that the full-time faculty member who oversees the Elder Law Clinic has at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom and is afforded non-compensatory perquisites

reasonably similar to other full-time faculty members. [See Finding of Fact (9).]

- (f) Standard 510, in that the Law School takes reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and prior to graduation. [See Finding of Fact (10).]
 - (g) Standard 701 and Interpretations 701-1 and 701-2(2), in that the Law School has suitable space for its Appellate Advocacy Clinic. [See Finding of Fact (11).]
- (3) Wake Forest University School of Law remains on the list of law schools approved by the American Bar Association.