PART ONE

BUILDING AN EFFECTIVE LAW SCHOOL: MISSION AND ACCOUNTABILITY
Chapter 1

CREATING AN EFFECTIVE LAW SCHOOL MISSION

A. THE ACCREDITATION CONTEXT AND THE LAW SCHOOL MISSION

By Judith Welch Wegner

1. Accreditation and Accountability: The Larger Context

Few law faculty members have experience with the process of accreditation apart from the American Bar Association (ABA)’s oversight of law schools. However, this larger context has been a substantial force driving recent changes in ABA requirements that promise to have major significance for legal education. For those who wonder whether ABA requirements will have staying power, the larger context in which they have been developed suggests that the answer is “yes.” Moreover, the larger context provides some important insights and resources that will prove helpful in complying with new ABA rules and taking advantage of the opportunities they provide for improving legal education.

Accreditation of institutions of higher education in the United States is driven in large part by a commitment to quality control for those institutions that wish their students to be eligible for federal financial aid, including federally supported student loans, on which law schools are heavily dependent. In the United States, six regional accreditors are responsible for reviewing the quality of colleges and universities to certify the eligibility of students to receive federal financial aid. While the focus of institution-wide reviews is not specifically on legal education (which regional accreditors understand is addressed by ABA accreditation), regional accreditors typically expect institution-wide efforts to monitor and enhance quality, something university leaders often demand from all campus units.

The framework for accreditation at the college level is rooted deeply in concern for accountability. A seminal early influence was the 1983 publication of A Nation at Risk: The Imperative for Educational Reform. This influential study reflected a spike in public perception that both K-12 and college students were not keeping up with those in other countries, and that as a result, the nation’s economic competitiveness might be at risk. Not long afterward, the federal government and accrediting organizations began to shift their emphasis to employ an outcomes-oriented approach to

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1 The reader for this section was Barbara Glesner Fines.

accreditation. In 1988, the United States Department of Education stated that accrediting entities needed to focus on “educational effectiveness,” and should require that schools document student achievement as evidence of effectiveness. By the 1990s, historical academic prerogatives were insufficient to hold back this growing tide. Accordingly, leaders in higher education turned their efforts to building greater expertise on how assessment of student outcomes could fruitfully be employed within their schools. Demands for more accountability again emerged in the first decade of the twenty-first century, when Secretary of Education Margaret Spellings commissioned a blue ribbon study that stressed accountability and measurement of learning outcomes at the college level.

In ensuing years, a number of important themes have dominated. Regional accreditors are now firmly committed to requiring universities to adopt evidence-based assessment practices in the interest of institutional accountability. Higher education institutions have themselves widely adopted performance metrics as a means of making strategic choices during times of limited resources. Both regional accreditors and university leaders have pressed for accountability and assessment practices to be embraced at the unit level. Worrisome levels of student debt, substantial increases in tuition, and concerns for returns on educational investments have further fueled calls for accountability.

Law schools and law teachers have tended to focus on ABA accreditation in isolation, without worrying about this broader context. In evaluating how to proceed


4 Assessment Processes, at 10.

5 Id.


8 The ABA’s accreditation power is primarily vested in the Council of the Section of Legal Education and Admission to the Bar, with the ABA’s House of Delegates playing only a limited role of concurring in proposed changes in standards recommended by the Council or referring proposals back to the Council. See ABA Standards and Rules of Procedure for Approval of Law Schools, STANDARDS, http://www.americanbar.org/groups/legal_education/resources/standards.html [hereinafter Standards], archived at http://perma.cc/F80W-7HCG. For a discussion of the Council’s and Board of Delegates’ role in making accreditation decisions relating to individual schools and in revising accreditation Standards, see Rule 2 (Council Responsibility and Authority with Regard to Accreditation Status), Rule 56 (Council Authority regarding revision of Standards), and Rule 57 (Concurrence by House of Delegates regarding revision of Standards), Revised Rules of Procedure for Approval of Law Schools (“Revised Rules of Procedure”) [hereinafter ABA,
in light of ABA accreditation changes discussed below, they need to understand that the ABA, like regional accreditors, draws its power in part from the authorization it periodically receives as a “specialized accreditor” from the federal Department of Education.  

That regime in turn affects how the ABA regulates law schools. The ABA also serves as the agent of state supreme courts, which delegate to the ABA their role in determining whether graduates of law schools outside their specific jurisdiction may sit for state bar exams and be admitted to practice in a given state. Practicing lawyers and state high court judges may therefore find some of the academic norms and priorities associated with accreditation to be rather mystifying, while at the same time recognizing that accreditation requirements provide an important pressure point in moving law schools toward responsiveness and reform.

The complex accreditation arena may therefore be difficult for anyone to navigate since it is so burdened with varying historical priorities; intertwines unexamined assumptions, language and culture from K-12 through graduate education; and is rooted in both the worlds of academia and law practice. Law schools and law teachers will need to learn how to navigate this arena, however, in order to appreciate fully the expectations and demands incorporated in recently adopted ABA accreditation standards.
2. Accreditation and Accountability: New ABA Requirements for Law Schools

The ABA Council of the Section of Legal Education and Admission to the Bar and the Section’s Standards Review Committee spent six years considering possible changes in the ABA Section’s accreditation requirements. This consideration reflected prior work that compared the ABA Section’s accreditation standards with common practices in other professional fields. The Council and its committees finished work on proposed revisions to accreditation Standards in spring 2014, after submitting proposals for notice and comment. Key changes were then submitted to the ABA House of Delegates, which concurred in their adoption in August 2014. A number of new or revised Standards bear directly on law schools’ obligations regarding assessment for accountability.

- Focus on Consumer Data

One of the earliest revisions to take effect modified Standard 509, which requires law schools to provide accurate consumer data to prospective student applicants, including data on employment and scholarships. In recent years, concerns had

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13 *Section of Legal Education and Admissions to the Bar, American Bar Association*, http://www.americanbar.org/groups/legal_education.html, archived at http://perma.cc/DH85-YYPM [hereinafter ABA Legal Education] and see ABA Standards. The one matter not approved by the ABA Board of Governors that was referred back to the Council of the Section of Legal Education and Admissions to the Bar concerned whether externships can be compensated. The ABA Section Council had initially reversed the recommendation of its Standards Review Committee, which had initially recommended allowing both academic credit and compensation for such opportunities.


15 Revised ABA Standard 509 requiring disclosures was adopted at the ABA House of Delegates meeting on August 6-7, 2012 effective immediately. See Amendments to Standard 509 (Consumer Information), Rule 16 (Sanctions), and Foreign Program Criteria, American Bar Association, http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/2012_revisions.authcheckdam.pdf. It requires law schools to publicize on their websites the following information: admissions data; tuition, costs and financial aid; conditional scholarships; enrollment information; numbers of faculty, administrators, and librarians; class sizes by category and year; employment outcomes; bar passage data; refund policies; current curriculum; and policies on transfers. See also Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools (August 13,
arisen that law schools were not accurately reporting important data, including applicant credentials, graduates’ jobs placements, and available scholarship support. In significant part, law schools’ failures in this realm arose from efforts to manipulate data submitted for U.S. News and World Report rankings, and to continue to maintain competitive standing during a period of softening admissions and placement markets. Pressured by recent law graduates such as those involved in the Law School Transparency initiative, the ABA moved relatively swiftly to require that all law schools report specified “consumer data” on-line using stringent definitions and reporting requirements. While other Standards revisions have taken much longer to finalize, the consumer disclosure requirements reflect a clear demand for accountability, and the use of accreditation protocols to foster more accurate and complete information. The ABA demonstrated a growing commitment to enforcing its requirements regarding consumer data, and has now sanctioned law schools believed to be out of compliance and developed an array of potential remedial actions including payment of financial penalties to be used to help underwrite costs of periodic audits of law school consumer data.

• Focus on Learning Outcomes

Historically, ABA accreditation requirements placed considerable emphasis on program inputs such as student credentials, faculty size and qualifications, library resources, adequacy of buildings and financial support. In keeping with the
recommendations of a special ABA committee on outcomes assessment that reported on trends in higher education accreditation generally. An additional focus on learning outcomes was added.

Under revised Standard 301, law schools must “establish and publish learning outcomes” designed to achieve overarching objectives that include preparing graduates for “effective, ethical and responsible” participation as members of the legal profession. Under revised Standard 302, the learning outcomes established must address the following areas, among others of the school’s choosing:

(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.

The loop must be closed and the school must actually measure and address its success or failure in achieving its professed learning outcomes as discussed below.

- **Focus on Competency**

  As just noted, learning outcomes must be identified and publicized, multifaceted in character, and related to credit hours of instruction. Significantly, learning outcomes must be framed in terms of demonstrated “competency” in the four areas listed in Standard 302. Students’ achievement of “competency” must also be central to law schools’ institutional evaluation efforts under Standard 315. “Competency” is not defined.

- **Expanded Mandates for Skills-Related and Experiential Education**

  The revised Standards also expand mandates for skills-related and experiential education in a number of respects. Schools will be required under Standard 302(d) to develop learning outcomes relating to “professional skills needed for competent and

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22 See Outcomes Measures.
23 ABA Standard 301(a) and (b).
24 ABA Standard 302.
25 ABA Standard 315.
ethical participation as a member of the legal profession.” An interpretation of that Standard specifies that the following professional skills are among those to be considered: “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.” Law schools may also adopt additional learning outcomes. Moreover, Standard 303 requires two writing experiences (one in the first year and one in a later year) both of which must be faculty-supervised (upping the ante for schools that have allowed student-operated moot court programs with limited faculty oversight to count as part of their writing instruction). In addition, schools must now require all students to take at least six credit hours of experiential course work in the form of simulation courses, clinical courses, or field placements. Such courses must be “primarily experiential” and must meet several other requirements: “(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302; (ii) develop the concepts underlying the professional skills being taught; (iii) provide multiple opportunities for performance; and (iv) provide opportunities for self-evaluation.” Schools must also provide students with “substantial opportunities” for “law clinics or field placement(s)” and “student participation in pro bono legal services, including law-related public service activities.” The revised Standards also include more extensive guidance on clinical and simulation courses and on externships and field placements outside the law school.

- Focus on Both Formative and Summative Assessment

A new standard has been added, entitled “Assessment of Student Learning”:

A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

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27 ABA Interpretation 302–1.
28 ABA Interpretation 302–2.
29 ABA Standard 303. An additional Guidance Memorandum on Standards 303 and 304 was promulgated by the ABA Section Council’s Managing Director as of March 15, 2015, and is available at http://www.americanbar.org/groups/legal_education/about_us/leadership/council_meetings.html.
30 Interpretation 303–1 states: “Factors to be considered in evaluating the rigor of a writing experience include: the number and nature of writing projects assigned to students; the form and extent of individualized assessment of a student’s written products; and the number of drafts that a student must produce for any writing experience.” See also Managing Director’s Guidance Memorandum on Standards 303 and 304, supra (dated March 15, 2015).
31 ABA Standard 303(b).
32 See ABA Standard 304 (simulation and clinical courses); Standard 305 (field placements and other study outside the classroom including moot court and law review); Managing Director’s Guidance Memorandum on Standards 303 and 304, supra (dated March 15, 2015).
33 ABA Standard 314.
A related interpretation defines formative and summative assessment. A second interpretation adds several disclaimers, including a limitation stating that a given law school need not apply multiple assessments in “any particular course,” an observation that assessments will likely differ from school to school, and a statement that law schools are not required by the Standards to use any particular form of assessment. The emphasis seems clearly to encourage using formative assessment to foster learning, as discussed elsewhere in this volume. In other respects, experimentation is left to law schools and their faculties.

- **Institutional Evaluation of Academic Program, Learning Outcomes, and Assessment Methods**

Historically, the ABA Standards required law schools to engage in periodic curriculum review and self-study prior to sabbatical accreditation re-inspections. New Standard 315 adds a different and more specific emphasis on what will be required. It states:

> The dean and faculty of a law school shall conduct ongoing evaluation of the law school’s academic program, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

In short, accreditation requirements will no longer be limited to review of curriculum or academic program, and law schools will be explicitly required to evaluate their adopted “learning outcomes” and “assessment methods.” Moreover, such an evaluation need not just be conducted, it must also be used to determine student competency levels and to make appropriate changes in the curriculum.

A variety of possible techniques are noted in Interpretation 315–1, with a statement that methods are likely to vary from school to school, and no particular

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34 Interpretation 314–1 reads as follows:

> 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.

Typically, summative assessments are used for the purpose of assigning a unit or final grade.

35 See ABA Interpretation 314–2.

36 For general discussions of assessment, see Chapter 4, Section D, *Outcomes Assessment for Improving Student Learning*, below, and Chapter 7, Section A, *An Institutional Culture of Assessment for Student Learning*, below. Assessment in specific contexts is discussed in relevant sections.

37 Under the previous version of the Standards, law schools were required to engage in a “self-study” prior to accreditation site visits (ABA Standard 202) and to engage in periodic curriculum review (Interpretation 302–8).

38 New ABA Interpretation 315–1 reads as follows:

> 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
method is mandated for any given school. In the face of these new and demanding requirements intended to use assessment to foster increased accountability, what might constitute “best practices” or even “good practices”? The following questions provide a starting point for evaluating how schools should respond to the changes in accreditation standards.

- **Lessons from Educational Theory.** Recent changes in ABA Standards reflect practices long-embraced in educational theory. How might law teachers explain to their colleagues the relevance of these practices and the important endorsement of these practices by regional accrediting agencies?

- **Changes in ABA Standards.** The ABA has recently adopted important changes in its accreditation standards applicable to law schools, relying in part on practices in other professional fields. How might law faculty summarize the most important such changes and explain their implications to their colleagues? How might such changes affect practices in American law schools?

- **Assessment Plans.** What are the most important steps to be taken in developing assessment plans for individual law schools? What are the most vexing steps? What process might be employed to develop assessment plans effectively in individual law schools?

- **Learning Outcomes.** What learning outcomes might best be formulated for your law school? What issues may be raised in gaining broad agreement to possible learning outcomes? How might frameworks adopted in other parts of the world provide templates worth considering?

### 3. Conclusion

The ideas in this section should be helpful when considering a law school’s aspirations for its students, its faculty, and its various constituents. As law schools prepare lawyers to serve clients and to seek justice, they must consider their mission. That is the focus of the next section.
B. MISSION STATEMENTS THAT ACCURATELY DEFINE, DISTINGUISH, AND REFLECT THE LAW SCHOOL’S PRAXIS
By Vanessa Merton & Irene Scharf

A law school can best achieve excellence and have the most effective academic program when it possesses a clear mission, a plan to achieve that mission, and the capacity and willingness to measure its success or failure. Absent a defined mission and the identification of attendant student and institutional outcomes, a law school lacks focus and its curriculum becomes a collection of discrete activities without coherence.

1. Introduction

In every field of both nonprofit and for-profit endeavor, including the practice of law, it is taken for granted that a well-conceived mission is necessary for long-term survival. Those inside the organization need to understand and communicate about institutional goals; outside observers need benchmarks of accountability and ways to distinguish organizations from their peers. A recent study by educational policy consultants concluded that having “a shared and lived sense of purpose” . . . “ensuring that resources, schedules, professional development, student services, curriculum, co-curricular activities, and other school systems are in full support of the school’s mission” leads to high-performing schools where “all of the oars are in the water and rowing in the same direction.”

While that image may be difficult to map on to the average law school, this study’s recommendations for transforming a Mission Statement from a dusty plaque into a meaningful guide bear consideration: 1) ascertain whether all stakeholders are aware of the Mission Statement; 2) highlight the Mission Statement’s conscious, pervasive...
implementation in each school decision; and 3) continually try to better align day-to-
day choices with the mission, or else rewrite the Mission Statement to be more
congruent with the actual operation of the school. Frequent revision in light of
concrete achievements will ensure that schools honor and actually deliver on the goals
their Mission Statements proclaim.

The two most prominent examinations of contemporary legal education, Best
Practices for Legal Education\(^8\) and Educating Lawyers: Report of the Carnegie
Foundation for the Advancement of Teaching,\(^9\) highlight the importance of a carefully
crafted and articulated Mission Statement, and concur that Mission Statements can
play an important role in 21st century U.S. law schools.\(^10\)

2. The Value of Law School Mission Statements

The value of Mission Statements was a pervasive theme of Best Practices, which
could serve as a starting point for any law school’s mission development, as it defines
aspirations not only for student preparation for practice, but also for bar examination
success, outcome-measured instruction, and acquisition of essential professional
proficiency. It details a variety of methods to attain these goals, living up to its
subtitle: A Vision and a Road Map. But its most important contribution is the
reiterated declaration that law schools need to make choices, and communicate those
choices to their constituents.\(^11\)

Likewise, Carnegie “discovered that faculty attention to the overall purposes and
effects of a school’s educational efforts is surprisingly rare. . . . Few schools have
made the overall practices and effects of the educational effort a subject for serious

\(^8\) Roy Stuckey and Others, Best Practices for Legal Education: A Vision and a Road Map (2007)
[hereinafter Best Practices].

\(^9\) William M. Sullivan, Anne Coley, Juditı̈ n Welch Wegner, Lloyd Bond & Lee S. Shulman, Educating

\(^10\) Best Practices, text at notes 103–05 and passim. Carnegie champions the views of Professor Gregory
Munro “that the faculty and institution as a whole need to be clear about the institution’s purpose and
mission.” . . . “[G]oal setting in any large educational institution is complex and difficult, and in many law
schools, the missions are multiple . . . .however, goal setting for a law school can help focus the educational
mission by bringing into sustained dialogue and argument . . . faculty and administration [and] . . . by
identifying the ‘functions that the law school should serve’ and . . . devising an alignment of teaching
methods, outcomes, and assessment procedures in light of these functions.” In one of its more emphatic final
recommendations, Carnegie enthusiastically adopts Munro’s directive:

The law school must become intentional about its own aims, educational processes, and identity.
Like good students, good law schools should also be constantly learning and assessing their
progress. They should be developing greater institutional intentionality. This is an aim we endorse
and commend.

Carnegie Report at 181–82.

\(^11\) It is true that Best Practices is far from neutral about the core content of a law school mission. It
argues that self-evidently, the universal goal of legal education is preparation of students to enter the legal
profession. “It is why law schools exist.” Id. at 39, citing ABA Standards and Rules of Procedure for Approval
of Law Schools, Standard 301(a), Standards, http://www.americanbar.org/groups/legal_education/resources/
standards.html, archived at http://perma.cc/8UA3-TFX6 [hereinafter ABA Standards].
study.”\textsuperscript{12} The \textsc{report} concluded that law schools must achieve far greater “institutional intentionality,” a useful term defined as “commitment to a set of orienting values that define the institution and direct its further development.”\textsuperscript{13} This section explores the characteristics of effective Mission Statements and urges law schools to revisit their missions and to adopt clear, specific, and well-articulated Mission Statements.

3. Requiring Law School Mission Statements

The American Bar Association not only requires law schools to adopt Mission Statements but also to allocate resources to fulfill them.\textsuperscript{14} A recent review of the available United States law school Mission Statements reveals a fair number of

\begin{footnotesize}
\textsuperscript{12} \textsc{Carnegie Report} at 189–90.
\textsuperscript{13} \textit{Id.} at 180–81.
\textsuperscript{14} See ABA Standards:
Standard 204. SELF STUDY

Before each site evaluation visit the law school shall prepare a self-study comprised of (a) a completed site evaluation questionnaire, (b) a statement of the law school’s mission and of its educational objectives in support of that mission, (c) an assessment of the educational quality of the law school’s program, (d) an assessment of the school’s continuing efforts to improve educational quality, (e) an evaluation of the school’s effectiveness in achieving its stated educational objectives, and (f) a description of the strengths and weaknesses of the law school’s program of legal education. (Emphasis added.)

Interpretation 204–1: The evaluation of the school’s effectiveness and description of its strengths and weaknesses should include a statement of the availability of sufficient resources to achieve the school’s mission and its educational objectives. (Emphasis added.)

Standard 105. ACQUIESCENCE FOR MAJOR CHANGE IN PROGRAM OR STRUCTURE

(a) Before a law school makes a major change in its program of legal education or organizational structure, it shall obtain the acquiescence of the Council for the change. A major change in program or structure that requires application for acquiescence includes:

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(11) A significant change in the mission or objectives of the law school; (Emphasis added.)

Standard 316. BAR PASSAGE

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(c) A school found out of compliance . . . may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of: . . . (8) Other factors, consistent with a law school’s demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school’s efforts to improve them. (Emphasis added.)

Standard 501. ADMISSIONS

(a) A law school shall maintain sound admission policies and practices consistent with the Standards, its mission, and the objectives of its program of legal education. (Emphasis added.)

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. . . .

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
schools – more than thirty, all but a few ABA-approved – that have no Mission Statements. Another 20 have one-sentence mission statements, and another dozen have two sentences. However, according to ABA accreditation archives, there is no record of a sanction based on failure to produce an adequate written Mission Statement or any Mission Statement at all.

Building on the strong endorsement of the use of Mission Statements in BEST PRACTICES, this chapter suggests some “best practices” for both the content and development of law school Mission Statements.

4. Characteristics of Effective Law School Mission Statements

a. Clarity, Specificity, Honesty

A law school Mission Statement is an accurate description of the relative value placed on different components of the school’s ongoing activity. Arguably, the acid test of its quality is that a potential student should be able to say, “Based on the

information literacy skills of students, provide access . . . to the library’s collection and other information resources, . . . and create other services to enable the law school to carry out its program of legal education and accomplish its mission.

Interpretation 606-4: Cooperative agreements may be considered when determining whether faculty and students have . . . access to the resources necessary to enable the law school to carry out its program of legal education and accomplish its mission. (Emphasis added.)

Somewhat surprisingly, the Association of American Law Schools does not require member schools to adopt Mission Statements, but Bylaws Article 6, Requirements of Membership, does subscribe to a set of “Core Values” described by a recent Association president as intended to:

provide guidance in the Association’s activities and to our member schools. The core values of AALS emphasize excellent classroom teaching across a rigorous academic curriculum . . . focus on the importance of faculty scholarship, academic freedom, and diversity of viewpoints . . . establish an expectation that member schools will value faculty governance and instill in our students commitments to justice and to public service . . . in an environment free of discrimination and rich in diversity . . .


15 Merton & Scharf, Your Mission.

16 While the intensive confidentiality of the accreditation process makes this difficult to assess, it appears to be the case, based on review of public sanctions at http://www.americanbar.org/groups/legal_education/resources/accreditation/accreditation_archives.html, archived at http://perma.cc/4U49-W93N, and telephone interview with Barry A. Currier, Managing Director of Accreditation and Legal Education, ABA Section of Legal Education and Admissions to the Bar (Feb. 14, 2014), as well as other sources (e.g., AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, REPORT OF THE ACCREDITATION POLICY TASK FORCE (2007); REPORT OF THE COMMISSION TO REVIEW THE SUBSTANCE AND PROCESS OF THE AMERICAN BAR ASSOCIATION’S ACCREDITATION OF AMERICAN LAW SCHOOLS (1995); Robert W. Bennett, Reflections on the Law School Accreditation Process, 30 WAKE FOREST L. REV. 379 (1995); Henry Ramsey, Jr., The History, Organization and Accomplishments of the American Bar Association Accreditation Process, 30 WAKE FOREST L. REV. 267 (1995)).

Mission Statement, if I am looking for X, Y, and Z, I should attend this law school, but if I want to concentrate on A, B, and C, this is not the law school for me.” To achieve that, the Mission Statement must capture the raison d’être of the school, its unique advantages, and the guarantees it offers students.\textsuperscript{18}

Honesty is always best, goes the adage, so this ought to require little elaboration. Yet contemporary critics of legal education denigrate the authenticity and candor of many law school Mission Statements.\textsuperscript{19} While some give clear guidance as to “who we are,” others frustrate that purpose with vague generalizations.\textsuperscript{20}

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\textsuperscript{18} Examples of schools whose Mission Statements offer such specificity include: small size (William & Mary, Cincinnati), largest law school in America (Cooley), affordability (Birmingham, Cooley), “caring environment” (Barry), progressive social change/just society (People’s College of Law, Hamline), specializes in law of certain jurisdictions (Hawaii, Montana), and most elaborately, to “teach the laws of men in the light of the laws of God” and foster legal careers grounded in and governed by a particular religion and its ethical dictates (Ave Maria, Baylor, Campbell, Brigham Young, Regent, Catholic, Gonzaga, etc.).

\textsuperscript{19} George Critchlow, in particular, offers a trenchant and darkly hilarious exegesis of the gap between the express goals set forth in most law school Mission Statements and the reality of the institutional agendas:

[The stated mission of many law schools is trumped by the real mission — to become famous (highly ranked). . . . While many legal educators occupy their time thinking about how to attract students, establish goals and allocate resources based on a mission defined by things such as public service, ethics, professionalism, good teaching, or preparing students to be “practice-ready,” it may be that the only mission statement necessary for less famous law schools is “Our mission is to become famous”. . . .]

George Critchlow, \textit{Kim Kardashian and Honey Boo Boo: Models for Law School Success (or Not),} 45 \textit{Connew. L. Rev.} 1319, 1320, 1323 (2013) [hereinafter Critchlow, \textit{Models}. \textit{See also} Bethany Rubin Henderson, \textit{ Asking the Lost Question: What is the Purpose of Law School?}, 53 \textit{J. Legal Educ.} 48, 53 (2003) [hereinafter Henderson, \textit{Purpose}] (law school deans surveyed doubt that their law schools’ mission statements accurately embody actual criteria used for institutional decisions); Richard A. Matasar, \textit{Defining Our Responsibilities: Being an Academic Fiduciary,} 17 \textit{J. Contemp. Leg. Issues} 67 (2008) [hereinafter Matasar, \textit{Academic Fiduciary}] (“ . . . every school owes to its customers to clearly define the school’s preferred mission and style. This is a fundamental requirement of fairness and truth . . . It is incumbent on every school to be truthful in its announced mission to the actual way it practices education . . . [M]issions and values should be made transparent to its constituents, especially students and prospective students.”).

\textsuperscript{20} As noted above, about 12% of American law schools have adopted one- or two-sentence Mission Statements, such as a pledge “to educate leaders who contribute to the advancement of justice and the well being [sic] of society.” \textit{Harvard Law School’s Mission, Values}, Harvard Law School, http://www.law.harvard.edu/about/administration/hr/careers/mission.html, \textit{archived at} http://perma.cc/9VNS-J6gA. It is hard to contend that these offer serious guidance either to prospective students or to institutional decision-makers weighing conflicting priorities.
b. Prioritizing Among Values and Goals

Although law school Mission Statements are far from identical, review of those available reveals three near-universal themes: 1) “Challenging, Rigorous, Excellent,” 2) “Diverse,” and what might be called 3) “The Classic Threesome,” i.e., the trifecta of dazzling teaching, cutting-edge scholarship, and outstanding public service. Few would dispute that all are worthy goals; the problem is the tendency to ignore the tensions among them. A strong Mission Statement must embody choices among an array of goals; it will accomplish little if it does not anticipate and prioritize difficult choices.

A few law schools identify excellence in teaching, for example, as a higher or even the highest priority. For others, scholarship and theoretical research rank highest. Most often, the Classic Threesome — teaching, scholarship, and some form of public service — allegedly command equal precedence within Mission Statements, although many doubt that this calculus holds in practice.

c. Description vs. Prescription; Institutional Characteristics vs. Desired Outcomes

Developing an effective Mission Statement requires a series of decisions about not only specific priorities, but also overall tone, orientation, and framework. Some Mission Statements may be written in the present tense as purely descriptive testimonials of fact, e.g., identifying a school as “the premier public interest law school

\[\text{21} \quad \text{Temple's Mission Statement focuses almost entirely on diversity objectives, as do the Statements of San Francisco Law School and Massachusetts School of Law. Iowa has adopted a separate Diversity Vision Statement. See Merton & Scharf, Your Mission.}\]

\[\text{22} \quad \text{Campbell University Norman A. Wiggins School of Law demonstrates that it is possible, in a Mission Statement, to provide clear direction about the correct emphasis to give the various competing functions of legal education:}\]

The faculty of the School of Law is a community of scholars who make teaching their priority and are readily accessible to students. They devote substantial time to serving students as mentors, coaches, and professional role models. All faculty have open-door office policies and are willing to consult regularly with students one-to-one. Our professors are deeply committed to the search for knowledge through meaningful legal scholarship, but never at the expense of their devotion to the academic success and professional development of each student.

\[\text{See also the Mission Statements of University of Akron Law School, University of LaVerne College of Law, and Mercer University School of Law. See Merton & Scharf, Your Mission.}\]

\[\text{23} \quad \text{For example, see Boston College Law School, UCLA Law School, and the University of Chicago Law School. “What sets Chicago apart from other law schools is its unabashed enthusiasm for the life of the mind — the conviction that ideas matter, that they are worth discussing, and that legal education should devote itself to learning for learning’s sake.” Mission Statement of University of Chicago School of Law. See Merton & Scharf, Your Mission.}\]

\[\text{24} \quad \text{See, e.g., Mission Statements of University of Idaho School of Law; University of Tennessee School of Law; Benjamin N. Cardozo School of Law-Yeshiva University; University of Kansas School of Law, University of Pittsburgh School of Law; and University of Wisconsin School of Law. See Merton & Scharf, Your Mission.}\]

\[\text{25} \quad \text{A far more detailed taxonomy, with a chart of examples in all categories, may be found in Your Mission.}\]
in the country. Others are neither historical nor contemporaneous descriptions, but focus on the future, vowing that the law school “will” achieve its objectives, such as one school which vowed that it: “will educate its students to meet the challenges of a legal profession and society that are increasingly global, technologically sophisticated, and diverse. In fulfilling this vision, the law school will educate its students to become lawyers of competence, conscience, and compassion. The Law School will also advance knowledge and justice through scholarship and service.”

Another approach employs language of resolute aspiration: “seeking,” “striving,” and “trying” are the verbs of choice. Perhaps a Mission Statement conveys much the same information regardless of the tense used, but drafters may decide that there is a subtle difference between an emphatic affirmation that a law school will inevitably fulfill its objectives and a declaration of intent to continue working toward them.

More recently adopted Mission Statements embrace alternative pedagogy as an institutional end in itself. Thomas M. Cooley Law School asserts that it provides, “new technology, new modes of delivery of legal education, new programs and classes to prepare for practice.” Lincoln University School of Law mentions “streaming video and interactive chat” as a favored instructional modality, and University of New Hampshire Law School’s Mission Statement promises “active practice-based learning in small, cooperative, interactive, learning environments.”

Other law schools emphasize desired outcomes more than features of their institutions. Among the outcome-based Mission Statements, a significant group promotes the cause of social justice. This group aims to produce lawyers who desire to practice law in the public interest, particularly advocacy for the underrepresented. Religious schools often invoke social justice as an important element of their ideal values.

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27 See, e.g., “Founded in 1869, the Notre Dame Law School is the oldest Roman Catholic law school in the nation . . . Notre Dame Law School brings together centuries of Catholic intellectual and moral tradition, the historic methods and principles of the common law, and a thorough engagement with reality of today’s legislative, regulatory, and global legal environment. See also Mission Statements of University of Virginia School of Law and Villanova University School of Law.
29 For example, Quinnipiac’s “We seek to imbue our students with the knowledge, skills and attitudes necessary for competent and ethical service in the legal profession. Accordingly, we will strive . . . to educate attorneys who prepare carefully, think independently and creatively, reason critically, act with compassion and respect for others, and express themselves cogently, both orally and in writing. We will also strive to inspire our students to embrace the professional ethic of service and to appreciate the value of ‘practical wisdom.’ Our Mission, Quinnipiac University School of Law, http://www.quinnipiac.edu/academics/colleges-schools-and-departments/school-of-law/about-us/our-mission', archived at http://perma.cc/DT7B-KV6S.
30 See Merton & Scharf, Your Mission.
31 See Charleston, CUNY, John Marshall, JFK, No. Carolina Central, Northern Illinois, St. Thomas, People’s College of Law. BEST PRACTICES, text at note 84: “All professional values deserve attention by law schools, but teaching students to strive to seek justice may be the most important goal of all.” See Merton & Scharf, Your Mission.
perhaps most surprising are the outcome-oriented Mission Statements that focus on what might be called "self-actualization" or "humanistic lawyering." These Mission Statements utilize concepts and terminology that have only recently become associated with a critical perspective on the profession.

Finally, several schools have adopted goals that focus on outcomes not merely for graduates, but for the institution itself, such as one school's mission to "be recognized as one of the top 100 law schools in the United States" (one can only wonder, by whom?) or another school's aspiration to become the "best public law school in the nation."

5. Meaningful Mission Statements

Even mission statements that satisfy all of the characteristics of good mission statements described above are likely to be irrelevant if they are not created with wide input and used in significant institutional decisions.

a. Mission Statement Development

Perhaps the most inspiring description of the right mindset for crafting an evocative yet meaningful Mission Statement comes from a nonprofit executive who compared the task to composing a haiku:

Mission Statements represent the reduction of a complex vision into a few carefully chosen words . . . similar to poems that capture concrete images with metaphysical implications in just 17 syllables. . . . Your organization's mission statement deserves to be elegant, precise, and even poetic because these words embody the reason [it] exists. The mission statement will be your north star when sailing stormy boardroom seas; when discussion gets contentious, we look to the mission statement for clarity. These few words will guide future generations of our . . . leaders. Outside the organization, we can use a strong mission statement to communicate the core of our work. . . . If you are writing or rewriting your organization's mission statement, approach

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32 For example, St. John's University School of Law promises that its graduates will make it their business to search out the causes of economic and social injustice and find solutions. See Merton & Scharf, Your Mission.

33 The University of Washington asserts "we develop our students' intellectual sophistication, professional and leadership skills, and moral courage so that they not only do things right, they also do the right thing. To help our students and alumni achieve what is best for themselves, their families, their clients, and society, we assist them in identifying their values and goals, and in charting a life in the law that is balanced and fulfilling." Other examples of this humanistic perspective include the Mission Statements of John F. Kennedy University College of Law and Campbell University Norman A. Wiggins School of Law. See Merton & Scharf, Your Mission.

the process as if you were composing a purposeful poem, keeping each word’s denotations and connotations in mind.\textsuperscript{35}

Who should be responsible for crafting the text of this critical document? While the ultimate authority — whether Board of Trustees or Visitors or Directors, Provost or President or Dean — will formally adopt and promulgate a document, the most effective Mission Statements are likely built through a process that includes the broadest array of stakeholders.\textsuperscript{36}

Law schools encompass a considerable range of personnel statuses; at first it might seem reasonable to limit participation to tenured, tenure-track, or at least full-time faculty, on the assumption that adjuncts and others lack sufficient allegiance to the institution. But in many law schools, that would mean excluding the faculty primarily responsible for the experiential and skills development curriculum, including that most fundamental law school course: legal research, analysis, and writing. It would also omit the faculty most deeply embedded in current practice who regularly interact with judges, adversaries, and other practitioners about the school’s students and graduates, through clinics, externships, simulation courses, advocacy competitions, and professionalism programs. It is therefore a best practice to include stakeholders who represent a considerable range of faculty, regardless of personnel status.

Is it even clear that only faculty should participate in the process? Many administrators — center, program and institute directors; admissions, alumni/ae relations, and career development deans and directors; library, marketing, and technology specialists, et al. — could contribute valuable perspectives to the prioritizing of Mission Statement components. Law schools should consider the potential benefit of participation by current students; by graduates from different parts of the profession; and by some of the “consumers” of their output: practitioners, judges, and perhaps even clients. No law school seems to identify the participants in its mission definition process, let alone the rationale for choosing those participants, but that might be a salutary exercise in itself.

One school, facing fiscal emergency, included its entire community — students, faculty, and staff — in a successful drafting process. The constituents caucused separately but then coalesced into a Mission and Goals Committee instructed to “dream and envision and engage in creative conflict” and make decisions based on “cohesiveness and consensus rather than majority rule.” Finally, institution-wide forums generated a closing round of input. The result was a Mission Statement that is “broad, flexible, and timely enough to allow for growth and development, but specific enough to provide direction for the Institutional Planning and Steering Committee.”\textsuperscript{37}

The maintenance phase of a successful Mission Statement entails identifying methods for ongoing assessment of the law school’s capacity to progress toward its


\textsuperscript{36} \textit{Carnegie Report} at 181.

stated goals, the Statement’s congruence with law school choices, and the need for revision and adjustment.

b. Mission Statement Implementation in Significant Institutional Decisions

Commentators on the use of Mission Statements in education almost universally bemoan their neglect and irrelevance. If Mission Statements are to have meaning and utility in law schools, administrators and faculty need to incorporate these Statements pervasively into their culture. One intriguing example is a relatively new law school that maintains the practice of starting every major meeting, including but not limited to faculty meetings, with an explicit review of its adopted mission and values. Perhaps schools could better imbue their institutions with their specific missions by having incoming students, during Orientation, read and discuss the significance of the Statements with faculty. Challenging as it may be to formulate a Mission Statement, the tougher imperative is to integrate it into the daily decision-making that cumulatively defines an institution and determines its future.

6. The Substance of Mission Statements: Maintaining Focus on Future Clients of Law School Graduates

The new wisdom in this era of thousand-flowered, multi-centered academic institutions is that “it’s all good,” and there’s no need to limit academic ingenuity in devising curriculum. Regulation and accreditation have been too stringent is the constant refrain, and law schools should adopt whatever objectives seem right for them, with choices faulted only for lack of clarity. It is suggested that it is impossible to identify one objective that is non-negotiable, one key idea that ought to drive the choices and decisions of all law schools.

Yet the popular image of a law school, however inaccurate, is that of a place where people learn what is necessary to practice law, not merely to study, critique, or develop it. Unless a law school explicitly rejects that function, a primary mission for

38 See Critchlow, Models; Henderson, Purpose; Matasar, Academic Fiduciary.

39 This practice is followed at Charlotte Law School, founded in 2006 and recently ABA-approved. E-mail from Cynthia Adcock, Professor, Charlotte School of Law, to Vanessa Merton, Professor, Pace University School of Law (Oct. 12, 2013, 15:49 EDT) (on file with authors). See CHARLOTTE SCHOOL OF LAW, http://www.charlottelaw.edu/about/our-mission, archived at http://perma.cc/797J-PLEP.

law schools necessarily emerges: preparation to ensure the adequate representation of future clients.\textsuperscript{41}

The American Bar Association, through its Task Force charged with examining the viability of U.S. legal education, shares the concern that law schools do not accord sufficient primacy to the mission of preparing students to represent clients. In 2014, the Task Force went well beyond prior pronouncements of the ABA Section Council to echo \textit{Best Practices} and \textit{Carnegie} on the outcome measures applicable to law schools:

The educational programs of a law school should be designed so that graduates will have (a) some competencies in delivering (b) some legal services . . . What particular set of competencies a school . . . should ensure is a matter for the school to determine. However, a law school's judgment in this regard should be shaped in reference to: (a) the fact that most students attend law school desiring to practice; (b) available studies of competencies sought by employers or considered broadly valuable for long-term professional success; and (c) the mission and strengths of the particular school.\textsuperscript{42}

While the Task Force left room for law schools to maneuver by qualifying its admonition with reference to each school's particular mission, its prescription makes each law school's Mission Statement all the more important.

\section*{7. Conclusion}

It might be said that mission definition is comparatively easy because it need not cost a law school anything. In reality, recent developments in the legal profession and legal education make the creation or reinvention of a law school Mission Statement potentially quite costly. If a Mission Statement's purpose is to “put law students first,” in Roy Stuckey's words,\textsuperscript{43} there are in essence two ways to go. One is to maintain the status quo, \textit{e.g.}, to keep the bulk of full-time faculty doing what they have always done, teaching the same courses in more or less the same ways, and receiving the same additional compensation for producing scholarship (even though that is an intrinsic part of the law professor's job). This way, all that has been lacking in the law school's educational program, everything in the way of positive change, remains an “add on” that must await new resources.

Alternatively, law schools can shift assets — mainly tenured/tenure-track faculty — to reclaim a greater proportion of faculty time for direct engagement with students and their most acute needs. This approach mirrors the Final Report of the ABA Task Force: “The Task Force recommends that universities and law faculties move to

\textsuperscript{41} \textit{Best Practices}, text at note 1.

\textsuperscript{42} \textit{Final Report and Recommendations of ABA Task Force on the Future of Legal Education} 26 (January 2014) [hereinafter ABA Final Report].

\textsuperscript{43} Roy Stuckey in TaxProfBlog, Advice for Chemerinsky, http://taxprof.typepad.com/taxprof_blog/2007/10/roy-stuckey-ad.html (series of responses from “luminaries” of legal education to the question: What is the single best idea for reforming legal education you would offer Dean Erwin Chemerinsky as he builds the new law school at UC-Irvine?); see also \textit{Best Practices}, text at note 5 (need for a student-centered rather than faculty-centered mission).
reconfigure the faculty role and promote change in faculty culture, so as to support whatever choices law schools make to adapt to the changing environment in legal education.  

A clear, specific, well-articulated Mission Statement can have a profound impact on institutional culture. During this period of intense deliberation about the role of higher education in general and legal education in particular, one way law schools can heed the ABA Task Force’s call, and implement BEST PRACTICES, is to revisit and renew their Mission Statements.

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44 ABA Final Report at 28.