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AMERICANBARASSOCIATION

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September 9, 2019

Chancellor Patrick D. Gallagher
University of Pittsburgh
4200 Fifth Avenue
Fifth and Bigelow
Pittsburgh, PA 15260

Dean Amy J. Wildermuth
University of Pittsburgh
School of Law
3900 Forbes Avenue
Barco Law Building
Room: LAW 202
Pittsburgh, PA 15260

Dear Chancellor Gallagher and Dean Wildermuth:

This letter transmits the decision of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council"), adopted at its August 22-24, 2019 meeting, with respect to the University of Pittsburgh School of Law (the "Law School").

A law school that is approved by the American Bar Association continues in that status unless and until the Council takes formal action to remove that approval.

Please call me or Managing Director Barry Currier if you have any questions.

Sincerely yours,

William E. Adams, Jr.

William E. Adams, Jr.
Deputy Managing Director

WENjrc
Attachment

cc: Barry A. Currier

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AMERICANBARASSOCIATION

Legal Education and Admissions to the Bar

DECISION OF THE COUNCIL OF THE SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR OF THE AMERICAN BAR ASSOCIATION

August 2019

At its August 22-24, 2019 meeting, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council") considered the status of the University of Pittsburgh School of Law (the "Law School"). The Council had before it a June 25, 2019, letter from the Dean Amy J. Wildermuth (the "Dean's Response"). The Council also had before it the history of decisions regarding the Law School since its last regular site evaluation; the history is attached to this document as an appendix.

BACKGROUND:

(1) At its November 2018 meeting, the Council concluded pursuant to Rule 11(a)(3), that it had reason to believe the Law School had not demonstrated it was in compliance with Standard 601 (a), with respect to the requirement that a law library, working with the Dean and faculty, engage in a regular planning and assessment process, including assessment of the library in achieving its mission and realizing its established goals.

(2) In accordance with Rule 11(a)(2), the Council requested additional information to enable it to determine the Law School's compliance with the following Standards:

(a) Standard 206(b), with respect to the requirement that, consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having an adjunct faculty that is diverse with respect to gender, race, and ethnicity.

(b) Standard 304(a), with respect to the requirement that simulation courses, law clinics, and field placements must integrate legal ethics and provide opportunities for student self-evaluation.

(c) Standard 304(d), with respect to the requirement that field placement courses (including practicums designated as field placements) include the following: a written understanding among the student, faculty member, and a person in authority at the field placement; a method for selecting, training, evaluating, and communicating with site supervisors; and evaluation of each student's educational achievement by a faculty member.

(d) Standard 603(d), with respect to the requirement that except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

FINDINGS OF FACT:

Issue of Compliance with Standard 601(a)

(1) The Law School has implemented a strategic planning and assessment process for the library. The process requires annual planning and assessment to support major projects that will help the library achieve its mission and realize its goals. The process starts off each year with the appointment of a Strategic Planning Committee by February 1, that will consist of two librarians and the library Director. The committee is charged with evaluating project proposals and deciding which have merit or, by necessity, must be completed within the next academic year. The strategic plan will be distributed to the Law School's Budget and Planning Committee and to the Dean for comment no later than May 1. Agreement as to the scope and nature of the strategic plan should be reached by May 15 and then the work will commence. An annual report will be created discussing the completion of the projects, with a target date of September for distribution.

Request for Additional Information to Determine Compliance with Standard 206(b)

(2) During the spring 2019 semester, the Dean's office worked with the Diversity and Inclusive Excellence Committee, the Appointments Committee, and the Curriculum Committee to develop a comprehensive policy for adjuncts. The faculty adopted the policy at its May 2, 2019 meeting. When there is an opening for an adjunct, the policy requires the Associate Dean for Academic affairs to solicit candidates from all permanent faculty at the Law School, the Law School's Committee on Diversity and Inclusive Excellence, the Director and/or Assistant Director of Equity and Inclusive Excellence at the Law School, and affinity groups within the Allegheny Bar County Association including at a minimum the Asian Attorneys Committee, the Committee on Law and Disability, the Hispanic Attorneys Committee, the Homer S. Brown Division, the LGBT Rights Committee, the Women in the Law Division, and the Young Lawyers Division Diversity Committee. The Associate Dean for Academic Affairs then delivers the names of all nominees to the chair of the Diversity Committee for review. The final candidates list will be provided to the Appointments Committee for its evaluation.

Request for Additional Information to Determine Compliance with Standard 304(a)

(3) In May 2019, faculty teaching simulation courses, law clinics, or field placements at the Law School received a memo on self-evaluation that described methods by which students may be guided in self-evaluation. The memo also required that student self-evaluation opportunities be set forth in the syllabus and that each faculty member submit a one-page form by July 1 (for fall 2019 courses) identifying the self-evaluation method used. The Dean's Response notes that the Law School has already received a sizable portion of the forms.

Request for Additional Information to Determine Compliance with Standard 304(d)

(4) The Law School has reviewed its list of practicums to determine which should be properly classified as field placements. Those that will be so classified as of 2019-2020 received an email from the Vice Dean on October 23, 2018, informing them that they would need to comply with the ABA field placement requirements moving forward and those that did not comply would be removed from the course curriculum on a prospective basis. Professors were required to

attend a compliance workshop discussing the requirements of Standard 304(d), held on April 24, 2019, given by current Externship Co-Directors. Two courses were removed from the course curriculum.

Request for Additional Information to Determine Compliance with Standard 603(d)

(5) The library Director holds a library faculty position with security of position at the University. In addition, the library Director was appointed as an adjunct member of the law faculty with a term, which is renewable, of five years, as evidenced by a letter dated March 29, 2019, and signed by the library Director on April 1, 2019.

CONCLUSIONS:

(1) In accordance with Rule 11 (a)(1), the Council concludes that the information provided by the Law School is sufficient to demonstrate compliance with the following Standards:

(a) Standard 206(b). [See Finding of Fact (2).]

(b) Standard 304(a). [See Finding of Fact (3).]

(c) Standard 304(d). [See Finding of Fact (4).]

(d) Standard 601 (a). [See Finding of Fact (1).]

(e) Standard 603(d). [See Finding of Fact (5).]

(2) The University of Pittsburgh School of Law remains an approved law school.

APPENDIX

HISTORY

ACTIONS TAKEN BY THE COUNCIL
UNIVERSITY OF PITTSBURGH SCHOOL OF LAW

NOVEMBER 2018

At its November 15-17, 2018 meeting, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council") considered the status of the University of Pittsburgh School of Law (the "Law School"). The Council had before it the sabbatical site evaluation report submitted following the site evaluation conducted on March 25-28, 2018. The Council also had before it a letter from Dean Amy J. Wildermuth (the "Dean's Response"), dated July 25, 2018, submitted in response to the site evaluation report, as well as other information provided by the Law School and any decisions made by the Council with respect to the Law School since its last regular site evaluation visit.

CONCLUSIONS:

(1) In accordance with Rule 11(a)(1), based on its review of the materials delineated above, the Council finds that the Law School is in compliance with all Standards except as stated below in Conclusions (2) and (3).

(2) In accordance with Rule 11(a)(3), the Council concludes that it has reason to believe that the University of Pittsburgh School of Law has not demonstrated that it is in compliance with the Standard 601 (a), with respect to the requirement that a law library, working with the Dean and faculty, engage in a regular planning and assessment process, including assessment of the library in achieving its mission and realizing its established goals. [See Finding of Fact (4).]

(3) In accordance with Rule 11(a)(2), the Council concludes that it presently has insufficient information to make a determination as to the Law School's compliance with the Standards in the following respects:

(a) Standard 206(b), with respect to the requirement that, consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having an adjunct faculty that is diverse with respect to gender, race, and ethnicity. [See Finding of Fact (1).]

(b) Standard 304(a), with respect to the requirement that simulation courses, law clinics, and field placements must integrate legal ethics and provide opportunities for student self-evaluation. [See Finding of Fact (2).]

(c) Standard 304(d), with respect to the requirement that field placement courses (including practicums designated as field placements) include the following: a written understanding among the student, faculty member, and a person in authority at the field placement; a method for selecting, training, evaluating, and communicating with site supervisors; and evaluation of each student's educational achievement by a faculty member. [See Finding of Fact (3).]

(d) Standard 603(d), with respect to the requirement that except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position. [See Finding of Fact (5).]

FINDINGS OF FACT:

The above Conclusions by the Council concerning the Law School's compliance with the Standards are based on the following Findings of Fact:

(1) Standard 206(b). The Law School noted that it had made substantial efforts to increase diversity of the adjunct faculty, including reaching out for suggestions to minority bar associations in the area and contacting prominent graduates who are persons of color. However, minority representation on the adjunct faculty had decreased in recent years. In 2016-2017, there were 135 adjuncts, six of whom were persons of color (4.4 percent). In 2017-2018, there were 116 adjuncts and three were persons of color (2.5 percent). The Dean noted that efforts to increase diversity among the adjunct faculty have not been as successful as efforts to increase diversity among the permanent faculty. She reported that the Law School planned to revamp its policy for adjunct selection and would present the policy and other options to the faculty in fall 2018 for near term action. There is no indication as to what the new policy would be and whether any new policy for adjunct selection has been adopted by the faculty.

(2) Standard 304(a). The site team found that for simulation courses, law clinics, and field placements, it was unclear that every offering included self-evaluation. It appeared onsite that some faculty included self-evaluation, but others did not.

(3) Standard 304(d). The site team found that; for the practicums that the Law School designated as field placements, the professor of each practicum is responsible for that practicum's field placement. From the syllabi and course descriptions, each practicum has a classroom component. In some practicums, the classroom component is taught by the person who supervises the field placement, while in some practicums the classroom component is taught by a faculty member and there is a separate site supervisor.

While each practicum provides opportunities for student performance and direct supervision of student performance by a faculty member or site supervisor, it is not clear who supervises student performance or who provides feedback regarding student performance when the faculty member is not the site supervisor. Further, it does not appear that there is a written understanding among the student, faculty member, and a person in authority at the field placement or that there is a uniform method for selecting, training, evaluating, and communicating with site supervisors.

(4) Standard 601 (a). Site team discussions with the Interim Director and the Dean indicate that the library has not, working with Dean and the faculty, engaged in regular planning and assessment.

(5) Standard 603(d). The Interim Director of the library does not hold a law faculty appointment. The Interim Director holds appointment in the library faculty within the University

faculty. The University of Pittsburgh provides a tenure-like system of employment security for librarians called "expectation of continuing employment." The Dean's Response states that the Interim Director's lack of a J.D. degree does not preclude him from an appointment on the law faculty. However, the Dean's Response does not explain why the Interim Director does not hold a law faculty appointment with security of faculty position nor does it offer any extraordinary circumstances that would excuse compliance with the requirement of the Standard. The Interim Director received this status in 2013, but he holds his appointment as Interim Director at the pleasure of the Dean. In her Response, the Dean reports that the Law School is working with the University to *remove* "Interim" from the Interim Director's title.

RESPONSE REQUESTED:

(1) The Council requests that the President of the University of Pittsburgh and the Dean of the Law School submit a report by July 1, 2019, with all *relevant* information necessary to demonstrate compliance with the Standards noted in Conclusions (2) and (3) *above.*

(2) Specifically, as to Conclusion (2), the Council requests that the Law School provide information to demonstrate that the law library, 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.

(3) Specifically, as to Conclusions (3)(a)-(d), the Council requests that the Law School *provide* the following:

(a) Information to demonstrate by concrete action, consistent with sound educational policy and the Standards, its commitment to diversity and inclusion by having an adjunct faculty that is *diverse* with respect to gender, race, and ethnicity, including the specific steps the Law School plans to take or has taken to adopt and implement a policy to demonstrate its commitment.

(b) Information demonstrating that simulation courses, law clinics, and field placements provide opportunities for student self-evaluation.

(c) Information demonstrating that field placements that are practicums include the requirements of Standard 304(d).

(d) Information to demonstrate compliance with the requirements of Standard 603(d).

(4) Upon review of the information provided by the Law School in response to Conclusions (2) and (3), the Council may, in accordance with Rule 11 (a)(4), determine that the Law School is not in compliance with the Standards and proceed pursuant to Rule 13.