

written report to the Council, that may be done on a confidential basis if necessary, identifying all actions taken by it, including a list identifying all law schools on report or under review, and for each law school, identifying the areas of actual or apparent non-compliance and the length of time the law school has been on report or under review;

(I) require the Council to send an annual report to the Board, that may be done on a confidential basis if necessary, on its accreditation activities during the preceding year, including a list identifying all law schools on report or under review, and for each law school, identifying the areas of actual or apparent non-compliance and the length of time the law school has been on report or under review;

(J) require Council approval and Board receipt of annual and site inspection questionnaires before they are sent to law schools;

(K) publish annually in *The ABA Journal* and the Section's *Review of Legal Education in the United States*:

(1) all proposed Standards, Interpretations, Rules, and Policies, and the name(s) of the sponsors of each; and

(2) the date, place, and names of the evaluators for each law school and foreign program inspected; and

(L) hire, by October 31, 1995, an outside independent consultant who is an expert on education and accreditation and who is not a legal educator, to assist in validating all Standards and Interpretations, as required by the Department of Education, and develop a plan for validation by December 31, 1995.

VII

Special Commission

The ABA shall:

(A) establish a Special Commission to Review the Substance and Process of the ABA's Accreditation of American Law Schools to determine whether the Standards, Interpretations, and Rules, and their enforcement governing the following subjects should be revised:

- (1) faculty teaching-hours;
- (2) leaves of absence, compensated or otherwise, for faculty and other staff;
- (3) the calculation of the faculty component of student-faculty ratios;
- (4) physical facilities;
- (5) the allocation of resources to a law school by the law school or its parent university; and
- (6) the treatment of bar preparation courses;

(B) require that the Special Commission complete its review no later than February 29, 1996. The

Special Commission shall file its report with the Board. Upon completing its review, the Board shall file its report with the Court and the United States setting out its analysis and any proposed revisions; and

(C) allow the United States 90 days in which to review the Special Commission's report and determine whether to challenge any of the proposals. The United States may challenge any such proposal and, if the ABA chooses to defend it, the challenge will be decided by this Court applying a Rule of Reason antitrust analysis.

VIII

Compliance Program

The ABA is ordered to maintain an antitrust compliance program which shall include designating, within 30 days of the entry of this Final Judgment, an Antitrust Compliance Officer with responsibility for accomplishing the antitrust compliance program and with the purpose of achieving compliance with this Final Judgment. The Antitrust Compliance Officer shall, on a continuing basis, supervise the review of the current and proposed activities of the ABA's law school accrediting activities to ensure that they comply with this Final Judgment. The Antitrust Compliance Officer shall be responsible for accomplishing the following activities:

(A) reviewing the ABA's Standards, Interpretations, Rules, and practices, and identifying and recommending the elimination of any provisions or activities that violate or are inconsistent with Sections IV or VI above to the Board or to the ABA's House of Delegates within 90 days of entry of this Final Judgment;

(B) distributing a copy of this Final Judgment within 30 days of entry to:

(1) all members of the Board and officers of the ABA, the Section and the Law Student Division;

(2) all members of the Council, Accreditation Committee and Standards Review Committee;

(3) all university presidents with ABA-approved law schools, the deans of all ABA-approved law schools, the Chief Justices or Judges of the highest Courts of the States and other admitting jurisdictions, and to make a best effort to notify the deans of all state-accredited law schools; and

(4) all persons serving on site inspection teams during the term of this Final Judgment;

(C) causing this Final Judgment to be published in the next issue of *The ABA Journal* and the *Student Lawyer* following the entry of the Final Judgment;

(D) providing the United States, during the term of the Final Judgment, a copy of all proposed changes to these Standards, Interpretations and Rules before they are acted on by the House of Delegates, and a copy of all Standards, Interpretations and Rules adopted by the House;

(E) briefing annually the Section's Officers, all members of the Council, Committee and Standards Review Committee, the Consultant and the Consultant's staff, and all participants at site inspectors' workshops on the meaning and requirements of this Final Judgment;

(F) obtaining from all Section officers, all members of the Council, Accreditation committee and Standards Review Committee, and the Consultant and the Consultant's staff an annual written certification that they: (1) have read, understand, and agree to abide by the terms of this Final Judgment; and (2) are not aware of any violation of this Final Judgment that they have not reported to the Antitrust Compliance Officer; and

(G) obtaining from the Executive Director of The ABA, the Consultant and the Consultant's staff, an annual written certification that they have been advised and understand that their failure to comply with the Final Judgment may result in conviction for contempt of court.

IX

Certification

(A) Within 90 days after the entry of this Final Judgment, the ABA shall certify to the United States whether it has designated an Antitrust Compliance Officer and has distributed the Final Judgment in accordance with Section VIII above.

(B) For 10 years after the entry of this Final Judgment, on or before its anniversary date, the Antitrust Compliance Officer shall certify annually to the Court and the United States whether the ABA has complied with the provisions of Section VIII.

(C) At any time, if the Antitrust Compliance Office learns of any past, current or anticipated violation of Sections IV or VI of this Final Judgment, the ABA shall, within 45 days after such knowledge is obtained, take action, or where appropriate initiate action, to terminate or modify the activity so as to comply with this Final Judgment.

X

Plaintiff Access

(A) To determine or secure compliance with this Final Judgment, duly authorized representatives of the