officers and the Section itself have been controlled by academic faculty and Deans and lawyers and judges who had been deans and academics. Many on the Council and the Accreditation Committee have served previously in leadership positions in the Association of American Law Schools, (''AALS'') the trade association of law schools. Indeed the AALS has been routinely allocated one position on each site evaluation team.

I believe that persons representing other aspects of legal education have been excluded from leadership in the Section or are grudgingly accepted into the Section's Committees and the Council only after making major political demands and efforts. For example, in the early 1980's clinical and professional skills teachers sought to be involved in the Section of Legal Education but were repeatedly rebuffed. Finally, out of desperation, a group of these teachers ran an alternative slate for election to the Council and for the officer positions. Only then were these groups invited to participate.

Even then, only a handful of accreditation site visit teams included a skills teacher or a clinical teacher. After many efforts to urge the increased use of persons knowledgeable in these areas and several resolutions from the Skills Training Committee did the Section of Legal Education begin to send out skills and clinical teachers on a regular basis. Recently the Section has assigned a clinical teacher to nearly every team. The Section's Wahl Commission has also recognized the importance of including skills and teachers on the teams. I urge the Justice Department to strengthen the consent decree by assuring that there is truly outside regulation apart from the academic faculty and deans. Maybe a different Section of the ABA or a new entity should conduct the accreditation of legal education.

But whoever does accreditation should be much more vigorous than the ABA has been. Yet the Justice Department seems to take the position that there has been over-enforcement. The reality is that the ABA has been a ''paper tiger'' and has not sufficiently pushed to improve legal education to train our students to be prepared to practice. The ABA has been a ''paper tiger'' by not adopting and enforcing Accreditation Standards which relate to providing adequate education in skills and values needed by lawyers. Indeed only after a concerted initiative by certain members of the House of Delegates did the Section agree to amend the Accreditation Standards to require that each Law School ''shall maintain an educational program that is designed to * * * prepare them [students] to participate effectively in the legal profession.'' Before this change, the ABA only required that schools have a program designed ''to qualify its graduates for admission to the bar.'' Many aspects of law schools that do not directly relate to teaching such as scholarly, theoretical research have been the basis for strong action, but the quality and type of teaching has not been as carefully and thoroughly addressed in the accreditation process.

In my areas of concern and interest, the official action taken by the Council and the Accreditation Committee has been grossly inadequate to improve the legal education of American law students. Although clinical education has been the most significant change in law school teaching methods in the last 30 years, it is not even mentioned once in the Accreditation Standards. The Justice Department seems satisfied with the current state of legal education. Apparently it has not examined the many reports and studies which show a widespread dissatisfaction about the lack of training for practice. Such reports include the Cranton Report and the Report on the Future of the In-House Clinic. If an evidentiary hearing were held, the Justice Department would find that legal education is still mired in the past with large lecture classes, a bar examination orientation or esoteric theoretical courses of interest only to the faculty. The schools have been slow to change. The ABA has been responsible for what little progress toward teaching more about lawyering skills, using live client representation, preparing students to do *pro bono* to serve the poor and offering well-supervised externships have come through the ABA's House of Delegates and grudgingly from the Section of Legal Education.

Years ago, Chief Justice Burger summarized the conclusion earlier reached by many knowledgeable persons, that the trial bar was ''incompetent.'' Yet still many schools limit the number of courses a student can take in litigation skills, including interviewing, counseling, pre-trial, trial and post-trial, trial and post-trial skills (sometimes to as few or six credits on a quarter system). Some schools still do not provide a live client clinic even though educational literature shows that this method of close supervision and collaboration with a law professor in serving a real client is the best way to teach students in a service profession and to teach adult learners. Yet many schools still do not provide credit for clinical instruction or severely limit the amount of credit that can be earned for clinical work.

II. My Appeal Within the American Bar Association

When the possibility of a consent decree was raised, I opposed it because I did not believe it was in the public interest. I was allowed to attend the Board of Governors meeting when it was considered, but was not given the privilege of the floor. Upon the advice of the legal counsel of the ABA that I could challenge the actions of the Board of Governors by appealing to the Secretary of the ABA, I filed two appeals with the Secretary. President Bushnell ruled that the appeals were mooted by the agreement to enter into the Consent Decree. I have decided not to pursue these appeals further, not because they are moot as indicated in president Bushnell's letter, but because I have sadly and regretfully concluded that the Board of Governors' decisions were justified in part.

I challenged the Board's actions because (i) they were taken in violation of proper procedures required by the controlling ABA governing documents and due process of law and (ii) the actions including the consent decree were not in the public interest of effective accreditation of law schools—the responsibility assigned to the American Bar Association by the highest courts of the states; and (iii) were not in the best interest of the ABA. Based on the positions taken by the Council and officers of the Section of Legal Education this spring and summer, I have reluctantly concluded that the Board of Governors was justified in deviating from the normally required procedures because of the emergency nature of the matters under consideration.

Recent decisions by the officers and the Council of the Section show that the Board of Governor's decision to enter into the consent decree was correct. The Council has acknowledged that the consent decree is justified by its failure to present a theory of the case or otherwise defend its accreditation practices (within the ABA or publicly) from the Justice Department's accusations. As far as I am aware, I have never been a party to any effort to raise salaries of faculty and Deans for any reason other than to improve the quality of legal education.

I now also believe that the reforms adopted were partially justified but do not go nearly far enough. Through the years, the Council of the Section of Legal Education has failed to include enough ''outsiders,'' (such as adjuncts, legal writing instructors, clinical teachers, practicing lawyers, younger lawyers, judges and public members) and has unduly relied on full-time *academic* faculty and deans and those allied with them. I urge the Justice Department to recognize that the process needs substantial additional diversification to include more clinical teachers, adjunct faculty, externship supervisors, writing instructors, younger lawyers, law students and judges and practicing lawyers who have not been full-time *academics* or deans previously. I agree with the conclusion in the competitive impact statement that the accreditation process has been captured by the deans and faculty of American law schools. I disagree though that it was captured by all types of full-time faculty. Rather the ''guild'' is composed of the academics and deans and those aligned with the academics.

III. Student/Faculty Ratio

The Justice Department is correct that the student-faculty ratio did not allow adequate consideration of the importance of many at the institution who teach and hold lesser status than full-time tenured faculty. Thus, as noted in the impact statement, the groups excluded from the count, included many important teachers in the skills area:

(1) Adjunct professors who often provide all or nearly all the teaching staff for skills courses;

(2) Clinical teachers who hold short-term contracts or are not accorded security of position similar to tenure; and

(3) Legal research and writing instructors who are nearly all employed on one-year contracts.

The purpose of the ratio, though, has been well-intended—to move towards smaller classes and increased student-faculty contact. Other circumstances have undercut accomplishing those purposes, such as the imposition of very low teaching load limits on academics by the schools and by the ABA and the increasingly extensive outside