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CONFESSIONS OF A SELF-STUDY COORDINATOR: A GUIDE FOR THE PERPLEXED

DANIEL GORDON*

INTRODUCTION: SLEEPING COWBOY AWAKENED

The author of this article remained addicted to Westerns on television and in theaters as a child during the 1950s. He remembers a recurring image in the Westerns of that era: a couple of unshaven townspeople sitting on a rustic wooden bench outside the sheriff's office with their faces partially covered by cowboy hats as they slept slumping in a sitting position on the bench. When the sheriff left or entered his office, one or more of these people might lift his or their hats and open one eye greeting the sheriff with a "howdy sheriff."

In August, 2003, at the start of the 2003-04 academic year, the author of this article served as one of these somnolent sheriff's office props at his law school, and something unusual and out of character occurred. The sheriff walked out of the sheriff's office, shook him awake, stood him up from the ever present bench, pinned a badge on him, and deputized him. In this case, the new Dean of the author's law school walked up to the author on the first day of school and told the author to prepare a Self-Study for an American Bar Association ("ABA") sabbatical visit to occur in February, 2005.¹ The new deputy was shocked, befuddled, dismayed, and frightened with the prospect of coping with what appeared to be a group of marauders intending to visit town, the ABA inspection team. What follows are some thoughts about the ABA sabbatical inspection in the context of a Self-Study coordinator.

WAKE UP TO THE CHALLENGE AND THE OPPORTUNITY

The ABA requires that all ABA fully accredited law schools subject themselves to a site evaluation in the third year following the granting of

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1. This analogy is more apt than the reader would think as the new Dean served as Florida's Broward County Sheriff before serving for sixteen years as the Florida Attorney General. <http://www.state.fl.us/itflorida/bobbutworth.html>

full approval by the ABA and every seventh year thereafter.² The American Association of Law Schools (“AALS”) also determines whether member law schools continue to fulfill the obligations of AALS membership,³ including continuing to meet the AALS requirements of membership.⁴ The AALS provides for law school visitation⁵ and the AALS executive committee possesses the power to sanction a law school that fails to meet AALS standards.⁶ The ABA requires that the Dean and faculty of a law school write a Self-Study, which not only includes a mission statement for the law school but also includes a description of the school’s program of legal education, an evaluation of the school’s strengths and weaknesses in the context of its mission, the establishment of goals to improve the school’s program, and the identification of the means to accomplish its unrealized goals.⁷ The Self-Study must pay special attention to how a law school maintains an educational program that prepares the school’s graduates for admission to the bar, trains them to effectively and responsibly participate in the legal profession, and ensures that all of its students have reasonably comparable opportunities to take advantage of the school’s programs.⁸ This Self-Study must be submitted by a law school before a regular or special site evaluation.⁹ A law school can be deemed by the ABA Accreditation Committee to be out of compliance with the ABA standards of approval for law schools.¹⁰ In addition to the ABA Self-Study, AALS member schools must also submit a separate AALS inspection questionnaire.

A Self-Study Coordinator faces a challenging and daunting task. First, the Self-Study Coordinator needs to keep her or his eyes on two sets of standards, ABA and AALS, if her or his school is also an AALS member. An AALS member school will host a seven member site visit team with one member playing two roles, AALS reporter and ABA team member, under the supervision of the ABA team chairperson. The

2. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS., Rule 12 (2006), available at <http://www.abanet.org/legaled/standards/2006-2007StandardsBookMaster.PDF>

3. ASSOCIATION OF AMERICAN LAW SCHOOLS (AALS) 2004 HANDBOOK, Bylaws, art. 2, §2-2(b), available at http://www.aals.org/about_handbook_bylaws.php [hereinafter AALS HANDBOOK].

4. AALS HANDBOOK, Bylaws, art. 6.

5. AALS HANDBOOK, Bylaws, art. 5, §5-8.

6. AALS HANDBOOK, Regulations, ch.4, §4.13, ch. 7, §7.2(b).

7. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS., Standard 202 (2006), available at <http://www.abanet.org/legaled/standards/2006-2007StandardsBookMaster.PDF>.

8. *Id.* at Standard 301.

9. *Id.* at Interpretation 202-1.

10. *Id.* at Rule 13(a).

messages in the Self-Study must meet the needs ultimately of both the ABA Accreditation Committee and AALS membership review process. Second, the Self-Study has to meet a number of ABA institutional objectives. Not only must the Self-Study describe the law school educational program consistently with the ABA Annual Questionnaire and the ABA Site Evaluation Questionnaire, aimed specifically at the site visit, but the Self-Study must evidence a dynamic self-reflective planning process in which the law school faculty and administration participate. The Self-Study must evaluate strengths and weaknesses, establish goals, and identify law school institutional resources to be devoted to accomplishing unrealized goals.¹¹ The Self-Study “should provide the school’s perception of its problems and prospects.”¹²

The focus on strengths and weaknesses requires openness and honesty. Because the ABA Standards require the identification of weaknesses, the Self-Study Coordinator must expect the ABA site visit team to search for weaknesses. As such, the Self-Study Coordinator has the unenviable task of leading “a careful, hard-nosed examination of the school to determine what a team is likely to find in terms of weaknesses.”¹³ In fact, the ABA site visiting team should report about not only the Self-Study process but also the law school’s evaluation of strengths and weaknesses and the plan represented in the Self-Study for accomplishing unrealized goals.¹⁴ If the Self-Study fails as a planning document, the law school could be deemed as non-compliant with the ABA standards, requiring a law school furnish further data and take action to remedy the deficiency.¹⁵ A law school’s Self-Study coordinator could be placed in the burdensome position of rewriting a Self-Study after repeating portions of the Self-Study process.

In addition to creating a successful planning process and document, the Self-Study coordinator needs to meet the informational needs of the site evaluation visiting team, including the AALS reporter. The Self-Study coordinator should remember that the team visit lasts no more than three or

11. *Id.* at Standard 202.

12. Accreditation Information, *Overview of the ABA Accreditation and Site Visit Process and the Conduct of the Site Visit* at 6 (Aug. 2006), <http://www.abanet.org/legaled/accreditation/sitevisit/Conduct%20Memo%202006.pdf>.

13. Steven R. Smith, *Preparation at the Law School for the Site Visit 2* (A.B.A. Site Evaluation Orientation Workshop, Feb. 2004).

14. Accreditation Information, *Suggested Format for an ABA Site Team Report* at 3 (Aug. 2006), <http://www.abanet.org/legaled/accreditation/sitevisit/Format%20Memo%202006.pdf>.

15. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS., Rule 13(a) (2006), available at <http://www.abanet.org/legaled/standards/2006-2007StandardsBookMaster.PDF>.

four days, and that the team must cover every aspect of the law school program in order to provide a full report to the ABA Accreditation Committee. The Self-Study needs to be structured so that the team members can efficiently and effectively complete their tasks. Again, an incomplete, unhelpful Self-Study could result in the law school not meeting ABA standards, which could potentially require an appearance at a hearing before the ABA Accreditation Committee.¹⁶

The nature of the Self-Study requires significant faculty participation in not only the drafting of a Self-Study but the reflective planning process that surrounds and supports the drafting of a Self-Study. A law school facing a site visit must remember that the contents of a Self-Study must include input from the faculty or the Self-Study cannot be considered a faculty and dean's Self-Study as required by the ABA.¹⁷ The team that visited the author's law school not only requested a verbal description of the Self-Study process from the author, as Self-Study coordinator, in an open introductory meeting with select law school administrators and faculty, but the team chair discussed the process directly with the author and the team members discussed aspects of the Self-Study process with the author's faculty colleagues. Overall, the Self-Study coordinator should be a tenured member of the faculty who expects to devote many hours, even many hundreds of hours to the Self-Study process and drafting efforts.¹⁸ A law school must fight the temptation to produce a Self-Study in the Dean's Office, because such a process risks weak faculty involvement. The Self-Study coordinator must be tenured because the process involves critical review of law school programs and outputs. The Self-Study coordinator must possess the ability to speak frankly about institutional problems with administrators and faculty colleagues.

The Self-Study not only involves diverse challenges but also provides some opportunities to the Self-Study coordinator. First, this is a valuable opportunity to learn about every aspect of a law school's program, providing the Self-Study coordinator with the privilege of becoming one of the few members of a law school community to obtain an overview of the whole. Second, this is an opportunity to make a contribution to the improvement of the law school program by honestly identifying weaknesses and serving as a leader in urging reform and progressive

16. *Id.* at Rule 13(b).

17. *Id.* at Standard 202.

18. The author of this article approximates that he devoted over one thousand hours to the Self Study process between September, 2003 and February, 2005.

change. If faculty governance has value, the Self-Study coordinator position promises the potential for added value.

A SURVIVAL GUIDE: HOW ONE SELF-STUDY COORDINATOR COPED INSTITUTIONALLY

The context of St. Thomas University School of Law posed a challenge for the author of this article after he was appointed Self-Study Coordinator. The faculty was burdened with course overloads and multiple service assignments because the School of Law student-to-faculty ratio was high.¹⁹ The author feared that a faculty committee would be viewed as an added burden and would fail to function well. As a result, in September, 2004, the author, with permission from the Dean, assigned various members of the Faculty with disparate writing and reporting tasks. The author requested existing factual and analytical memoranda and reports in addition to drafts of subsections of the future Self-Study. The author requested that each participant provide a list of program objectives, weaknesses, and strengths. The response was very positive, as the already overworked faculty were grateful that existing memoranda and reports would be utilized in an analytical fashion for planning purposes, as opposed to being ignored or filed. The author served as a collection agent, utilizing aggressive hocking methods.²⁰ As data and subsections were received, they were synthesized into Self-Study sections and distributed to faculty and administrators for feedback. Again, support for the Self-Study process grew rapidly as a variety of faculty and administrators saw their work product utilized and liberally acknowledged. The author of this article took responsibility for the faculty, the students, and law school finance sections in addition to planning components. A lot of time was devoted by the Self-Study Coordinator to synthesis. A firm first draft took five months to complete. Then, the author of this article was challenged to create a climate of productive conversation among the faculty. The author sought to avoid polarization based on opinions regarding certain issues or on faculty friendship groups. The February 2004 faculty meeting provided the best opportunity to achieve an open discussion without polarization. The author bluntly reported the perceived weaknesses of the law school, and the

19. The October 1, 2004 faculty student ratio was reported at 32.2 to 1. ABA-LSAC, OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 606 (Wendy Margolis et al. eds., 2005). Subsequent to the Self-Study process, this ratio was discovered to be an overstatement.

20. Luckily, the architectural structure of St. Thomas made it impossible to avoid the author, who takes special pleasure in hocking and nagging. Thought might be given to the hocking and nagging skills of various faculty members in determining which tenured faculty member should serve as the Self-Study coordinator.

faculty quickly created a consensus on six prioritized weaknesses and resultant goals for the future. After the meeting, faculty discussed with the Dean a seventh prioritized weakness and goal. Faculty quickly supported this discussion. At the March 2004 faculty meeting the Associate Dean for Student Services reported that the administration found budgetary resources to achieve goals (or at least start the process of achieving goals). Every monthly faculty meeting, from late 2003 through the January 2005 meeting, devoted time, energy and discussion to the seven prioritized weaknesses and goals. The Self-Study document consistently focused on the weaknesses, goals and actions taken to remedy the problems and achieve the enumerated goals. Law school resources were made available to achieve goals. Faculty debate became devoted to achieving the goals. Faculty and administrators used the Self-Study process and document to rally around goals that reflected perceived academic and institutional needs.

The capstone of the process came in early October when the chair of the ABA visiting team made a pre-inspection visit to St. Thomas to discuss the then-existing Self-Study draft and the upcoming visit.²¹ The Chair provided us with critical feedback about the existing draft and the process. Weaknesses in the Self-Study document were quickly corrected, but more importantly, a weakness in the Self-Study reflection and planning process was addressed. At the October 2004 faculty meeting the Faculty prioritized the goals, first by discussing which goals should take budgetary precedence and then, by completing a written survey developed by the Self-Study coordinator to decide the same issue. Two of the seven priorities quickly emerged as the most compelling.

COPING ON A PERSONAL LEVEL: CONSPICUOUS DEVOTION, DISMISSED EGO, AND CONCEALED WEAPONRY

A Self-Study coordinator needs to adopt some survival strategies in order to successfully complete the Self-Study process and the corresponding document. First, the coordinator must surrender to the process and acknowledge that the process will require the expenditure of time, effort, and interpersonal skills. In fact, one way to attract faculty colleagues to the process is for the Self-Study coordinator to demonstrate

21. A pre-inspection visit by the chair of the inspection team was suggested at the ABA Site Evaluation Workshop on February 21, 2004 in Rosemont, Illinois. Such a visit provided the chair and ultimately the team with advance knowledge of critical issues assisting the team in completing the inspection. The visit to St. Thomas proved invaluable to the Self Study coordinator, faculty colleagues, and the Dean and associate deans. In addition, the visit primed the St. Thomas community for the forthcoming visit, proving to be a psychological plus.

conspicuous devotion to the process. A Self-Study coordinator needs to keep the process moving in a transparent fashion, inviting community members to show respect for his or her sincere effort. At least, this will keep, people who might, for political purposes, place roadblocks in the way of the process from doing so, hopefully out of respect for the hard work and tangible output.

Second, the Self-Study coordinator should depersonalize the process in a conspicuous fashion by assuring that all efforts benefit the institution as a whole and not one group of actors. The author of this article quickly informed his colleagues that he would omit any mention of his achievements, including his own scholarship, in the Self-Study.²² By doing so, he established an environment of self sacrifice, again inviting colleagues to participate for the good of the institution and not their own agendas.

Finally, the Self-Study coordinator needs to forge some personal relations with her or his colleagues, allowing herself or himself to depend on others for feedback and criticism. These are the Self-Study coordinator's concealed weapons. During the summer of 2004, the Dean appointed a Self-Study Committee to finalize the Self-Study process and document. The author became chairperson of the Committee, and most members of the Committee met with the Dean as a group in the weeks preceding the inspection visit. However, the author of this article never called a meeting of the Committee. Instead, the author consistently continued the same consultative process with the faculty over the seventeen month Self-Study process. The author utilized members of the Committee as concealed weapons on a one-to-one basis. The Associate Dean for Academic Affairs, who has replaced the original sheriff as Dean, became a strong champion of the process, providing the Dean's office with support at every turn. The faculty director of the skills program also provided general support and feedback about the document and the process. The best concealed weapon was a former dean of St. Thomas. He had also served over the years on a number of ABA inspection teams, even chairing one team. This colleague religiously read and critiqued every word of the Self-Study and provided critical feedback. So long as he did not balk, the author knew the process headed in the correct direction. A couple of other

22. Upon the arrival of the inspection team, the author of this article wrote in an addendum, "To reinforce the impersonal nature of the Self-Study and to assure his faculty colleagues that he intended no personal slight if he omitted unintentionally or reported incorrectly faculty personal data, Professor Daniel Gordon omitted his personal data from the Self-Study." The author provided his personal data in the addendum.

colleagues provided constant critical feedback, and that feedback strengthened the process and the document.

CONCLUSION: SLEEPING COWBOY HAPPY TO BE AWAKE

This is one sleeping cowboy who is glad the sheriff, or in actual terms the Dean, awakened and deputized him. The process was a daunting one, but the author learned about his law school. However, even more importantly, the author helped to galvanize his colleagues and his administration to improve the educational program of his law school. The process was, in colloquial terminology, a pain, but sometimes pain can lead to something good. At the December 2004 faculty meeting, when the final draft of the Self-Study was discussed and approved, the author commended his colleagues for their solidarity and collegiality. Fortunately, like the seven year itch, this process takes place only once every seven years. Most importantly, the process does come to an end. That wooden bench outside the Sheriff's office is still there but it just does not seem as inviting for slumping and snoozing after working on a Self-Study.

Self-Study Subsections	Source	Work Product²³
University History	SACS Self-Study Committee	SACS Self-Study
Law School History	Faculty Chair of Ad Hoc Planning Committee	Planning Report
1998 ABA Inspection	ABA Accreditation Committee	Action Letter
Law School Mission	Law School Catalogue	
Law School Plan	Faculty Chair of Ad Hoc Planning Committee	Report
Institutional Measurements	Faculty Ad Hoc Committee	SACS Self-Study Addendum
Diversity Index	US News	US News Article
Bar Passage	Faculty Chair of Ad Hoc Bar Passage Committee	Report
Bar Passage	Associate Dean for Academic Affairs	Reports

23. This table repeatedly refers to the Southern Association of Colleges and Schools (SACS) Guided Self-Study, http://www.sacscasi.org/region/selfstudy/Overview_of_SACS_CASI_Guided_Self-Study.pdf. SACS is the regional accrediting agency for St. Thomas University. <http://www.sacscasi.org/region/welcome.html>. The year before the ABA visit, St. Thomas University hosted a ten year accreditation visit by SACS.

Placement	Former and New Placement Directors	Reports
Structuring Curriculum	Faculty Chair of Curriculum Committee	Reports updated for Self-Study
Writing Requirements	Writing Faculty	Self-Study Subsection
Skills Training	Faculty Director of Skills Faculty Director of Immigration Clinic	Self-Study Subsection
LLM Programs	Lead Faculty in LLM Programs	Self-Study Subsections
Academic Support	Faculty member responsible for Academic Support	Reports
Tenure, Promotion, Retention	Faculty Chair of Tenure Committee	Self-Study Subsection
Alumni Office	Alumni Director	Self-Study Subsection
Placement Services	Former and Current Placement Directors	Self-Study Subsection
Law Library	Law Librarian with staff with feedback from Faculty Chair of Library Committee	Self-Study Section
University Finances	University Independent auditors and SACS Self-Study Committee	Annual Audit and SACS Self-Study
University Indebtedness	University Independent auditor and SACS Self-Study Committee	Annual Audit and SACS Self-Study
Budgeting and Financial Control	SACS Self-Study Committee	SACS Self-Study
Fundraising	Development Director	Self-Study Subsection

