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**CONSULTANT ON  
LEGAL EDUCATION TO THE  
AMERICAN BAR ASSOCIATION**

Hulett H. Askew  
Chicago, IL

**DEPUTY CONSULTANT**

Dan J. Freehling  
Chicago, IL

**ASSOCIATE CONSULTANT**

Camille deJorna  
Chicago, IL

**ASSISTANT CONSULTANT**

Charlotte (Becky) Stretch  
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**EXECUTIVE ASSISTANT**

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Chicago, IL

**AMERICAN BAR ASSOCIATION**

**Section of Legal Education  
and Admissions to the Bar**

**Office of the Consultant on  
Legal Education to the  
American Bar Association**

321 N. Clark Street  
Chicago, IL 60654-7598  
(312) 988-6738

FAX: (312) 988-5681

E-mail: [legaled@abanet.org](mailto:legaled@abanet.org)

<http://www.abanet.org/legaled>

January 26, 2011

Dr. M. Duane Nellis  
President  
University of Idaho  
Administration Building Room 105  
P.O. Box 443151  
Moscow, ID 83844-3151

Dean Donald L. Burnett, Jr.  
University of Idaho  
College of Law  
Sixth and Idaho Streets  
P.O. Box 442321  
Moscow, ID 83844

Dear President Nellis and Dean Burnett:

Attached please find the decision of the Accreditation Committee at its meeting on January 20-22, 2011, with respect to the Boise Satellite campus of the University of Idaho College of Law.

The Committee's Findings and Conclusions do not reflect a comprehensive checklist evaluation of each Standard and each facet of the institution. Indeed, this letter focuses, by the very nature of the process, essentially on concerns or possible aspects of non-compliance identified in the site evaluation report of the School or arising out of submissions or questionnaire answers by the School. Because the general impressions of different site teams are inherently noncomparable, the Accreditation Committee does not attempt to summarize all the information that could be gleaned from a site evaluation report, and recipients of this letter are encouraged, therefore, to consult the full site evaluation report for collegial advice and general impressions of the team. The site evaluation team does not make the official findings or conclusions for the Section of Legal Education and Admissions to the Bar of the American Bar Association. These are made by the Accreditation Committee and the Council of the Section.

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President Nellis and Dean Burnett  
January 26, 2011

A law school that is approved by the American Bar Association continues in that status pending final action by the Accreditation Committee and Council of the Section of Legal Education and Admissions to the Bar and pending review by the House of Delegates of the American Bar Association.

Please feel free to call me, Deputy Consultant Dan J. Freehling, or Executive Assistant Cathy A. Schrage if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Hulett H. Askew". The signature is fluid and cursive, with the first name being the most prominent.

Hulett H. Askew  
Consultant on Legal Education  
to the American Bar Association

HHA/cs  
Attachment

cc: Associate Dean Michael Chiorazzi

## DECISION OF THE ACCREDITATION COMMITTEE

January 2011

The Accreditation Committee (the "Committee"), at its January 20-22, 2011 meeting, considered the status of the Satellite campus of the University of Idaho College of Law (the "Law School") in Boise, Idaho, the home of a program for third-year students. The Committee had before it the November 29, 2010 fact finding report submitted by Associate Dean Michael Chiorazzi, pursuant to Rule 21(h) of the ABA Rules of Procedure, following his visit to the third-year program in Boise on October 31-November 2, 2010, together with the response to the report by Dean Donald L. Burnett, Jr., submitted via electronic mail communication on December 1, 2010. The history of decisions made with respect to the Law School's Boise Satellite program is attached to this document as an appendix.

### FINDINGS OF FACT:

(1) At its June 2010 meeting, the Committee recommended that the Council of the Section of Legal Education and Admissions to the Bar grant acquiescence in the Law School's application to establish a third-year program in Boise, to commence in the fall of 2010. The Law School sought approval of the third-year program to further effectuate the statewide mission of the University of Idaho, to expand the Law School's presence in Boise, which is the state's center of government, commerce, and law. The Law School also hoped to be able to improve its overall program of legal education and to increase its total applications and enrollment of Idaho citizens by having locations in both Moscow and Boise. Finally, the Law School hopes to someday have a full three-year program in Boise and the third-year program is step in creating that program.

(2) In August 2010, the Council approved the Committee's recommendation, expressing concern regarding the levels of library staffing, collection access, and services available to students at the Satellite campus. The Council requested the Law School to provide updated information regarding those matters to the site visitor.

(3) Twenty-nine students are participating in the third-year program in Boise. The Law School predicts that there will be 30 students enrolled next year. The record does not yet reflect the impact of the Boise program on applications or enrollments as this is the first year of the program's operation.

(4) Students may take up to 42 credits in Boise; students may take up to 18 credits per semester and six credits during the summer, thus making it possible to take up to 42 credits in Boise after completion of four semesters of study in Moscow.

(5) The third-year program is focused on business law and entrepreneurship. During the fall semester, the Law School offered seven courses in Boise, which included two clinics and externships. Two of the courses were taught by adjunct faculty. One course being taught in Boise is also being offered via distance technology to the Law School's home campus in Moscow. The technology is effective and students in both locations were engaged in the class. During the spring semester, the Law School will offer six courses, including one clinic and externships.

(6) There are two full-time tenure-track faculty in Boise and a half-time externship coordinator. Next year, the Law School will add another full-time faculty member and in year three, the externship coordinator will become full-time.

(7) The teaching observed in a class being taught by a professor in Boise to students in Boise and Moscow was excellent, with very effective use of the technology on all levels. The students in both locations were engaged.

(8) Students commented positively on their externship placements and the operation of the externship program.

(9) Faculty members in Boise participate in faculty meetings and committee work via teleconference and occasionally through visits to Moscow.

(10) The Boise adjunct faculty are accomplished practitioners and bankruptcy judges who report that they have found the students to be engaged and well prepared. The record before the Committee is unclear regarding the provisions made by the Law School for orientation, guidance, monitoring, and evaluation of adjunct faculty.

(11) Students stated that access to all student services in Boise was excellent. Student services staff in Moscow have reached out to and been available to students in Boise. To the extent possible, services offered in Moscow are offered in Boise. For example, a voluntary bar review course that is offered in the spring in Moscow will also be offered in Boise.

(12) The Law School has worked with the initial group of students to accommodate participation in law review and moot court. In the future, the Law School plans to offer at least six moot court team spots for the 30 students in the Boise program and, depending on interests and qualifications, possibly more.

(13) Students reported concern about interviews and career services. The Law School plans to add a career services staff member in Boise in the near future and it is a priority for the program.

(14) The Associate Dean for Boise Programs, Lee Dillion, directs the program. He has effectively administered the program. He effectively manages the logistics of the existing program as well as the proposed expansion of the program into a three-year Satellite campus.

(15) Dean Donald L. Burnett is very committed to the success of the project and together with the Boise and Moscow staff has worked to make the transition to the Boise program as problem-free as possible. President M. Duane Nellis is committed to the program and has identified it as a priority of his administration.

(16) The program is housed in the Boise Water Center, a modern, multiuse facility. The program space is more than adequate for existing needs. Faculty and administrative offices are more than adequate. There is a large lobby that serves as a lounge, and a place to eat, study, and socialize. Students have 24 hour access to the facility. Each student has an individual carrel with drawers that lock in an area that is well lit and inviting.

(17) The classrooms are modern with excellent technology (smart podium, teleconferencing equipment, computer, projector, document camera, DVD/VHS player, and audio enhancement equipment), excellent lighting, good seating and desk space, excellent sight lines, and adequate in size for the third-year program (most easily fitting 40 students). The audio and visual connections between Boise and Moscow used in conducting a class with students located in both locations were excellent.

(18) The facility is accessible to persons with disabilities, there is adequate parking for students, and it has multi-use space that will serve the Law School well for events and programs.

(19) The facility has excellent networking and is wireless. Information technology staff are on site and available to assist students with questions or problems.

(20) The program will remain in its current facility until the old Ada County Courthouse (the Idaho Law Learning Center) is up to code and available for occupancy. At that point, the Law School operation in the Idaho Water Center will move to the Idaho Law Learning Center. That facility is situated across from the State House and the State Bar offices. It has the potential to be renovated into an outstanding law school facility.

The Supreme Court, Governor and legislature, as well as the local bar, all favor such a use of the facility. It is anticipated the move will take place in 2013, the year the Law School hopes to open a full (three-year program) in Boise.

(21) The Water Center Law Library is a room with computers, Lexis and Westlaw printers, and a photocopier/scanner. It houses a small hornbook and looseleaf collection to meet the classroom and clinical needs of students. Once the library is expanded into the new fifth floor space, as planned, the collection will continue to be expanded. There is a small library for the clinics.

(22) There is a library support person on staff and the Law School's Library Director has visited the program several times. The library has met student needs for onsite materials. The needs of those in the clinics have been met. Some students have used the State Supreme Court Library, which is available to students during normal hours of operation (10:00 a.m.-4:00 p.m., Monday through Friday).

(23) The planned merging of the State Law Library with the Boise Program will allow for the greater availability of services as the program continues and is expanded. The administration of the State Law Library is enthusiastic about the merging. It will allow for longer hours of operation and both students and the public will be better served. The space, which adjoins the current Water Center space, is a wonderful, well lit space which will only require minor renovations to become a convenient and welcoming space.

(24) The lease for the space currently housing the State Law Library collection in the Key Bank Building expires on March 31, 2011. The Judiciary, Department of Administration, and other current users of the fifth Floor Idaho Water Center space are currently working out the details of when the Key Bank collection will be moved to the Idaho Water Center. The move will have to occur before March 31, 2011. This collection will be combined with the collection that currently supports the Third Year in Boise curriculum.

(25) In addition, there is a collection in the basement of the Supreme Court Building (primarily superseded state materials and old state reporters and codes) which will remain there until the summer of 2013. It will be a closed collection but Idaho law staff will be able to retrieve materials from that collection.

(26) The closed collection will remain in the Supreme Court building until the program and the other collections all move to the Idaho Law Learning Center and are fully merged.

**CONCLUSIONS:**

(1) The Committee concludes, with regard to the Boise Satellite campus, that the University of Idaho College of Law's:

- (a) Students attending the Boise Satellite campus have reasonable access to full-time faculty, library resources and staff, and other support services that are adequate to support the program that the Law School offers at the Satellite campus, and are reasonably equivalent to the resources and services offered to similarly situated students at the Law School's main campus. [See Findings of Fact (5)-(6), (8), (11)-(12), (14)-(19), (21)-(22), and (25).
- (b) Students attending the Boise Satellite campus have access to the Law School's co-curricular activities and other educational benefits on a roughly proportional basis. [See Findings of Fact (5)-(6), (8), and (11)-(13).]
- (c) The physical facilities and technological capacities at the Boise Satellite campus are adequate to support the curriculum offered at, and the students attending the Boise Satellite campus. [See Findings of Fact (14)-(19).]

(2) The University of Idaho College of Law, by having an increased presence in Boise, has already realized many of the benefits of the major change, having extended its statewide mission; increased its presence in the state's center of government, commerce, and law; and taken a substantial step towards establishing a planned three-year program in Boise.

(3) In addition, the Committee directs the Law School's attention to the following particular Standards in regard to the Boise Satellite campus:

- (a) Standard 301(b), regarding the continuing obligation, as the Boise program continues, to ensure that all students have reasonably comparable opportunities to take advantage of the Law School's educational programs, co-curricular programs, and other educational benefits. [See Findings of Fact (8), (11)-(13), and (22).]

- (b) Standard 403(c), regarding the Law School's continuing obligation to provide adjunct faculty with orientation, guidance, monitoring, and evaluation. [See Finding of Fact (10).]
  - (c) Standard 511, regarding the Law School's continuing obligation to provide all its students, regardless of enrollment option, with basic student services, including, but not limited to, active career counseling service to assist students in making sound career choices and obtaining employment. [See Finding of Fact (13).]
  - (d) Standard 601(a), regarding the Law School's continuing obligation, in light of the proposed library merger, to maintain a library that is an active and responsive force in the educational life of the Law School. [See Findings of Fact (14)-(26).]
- (4) The University of Idaho College of Law remains on the list of law schools approved by the American Bar Association.