

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

LINCOLN MEMORIAL UNIVERSITY	)	
DUNCAN SCHOOL OF LAW,	)	
Plaintiff,	)	Case No. 3:11-CV-608
v.	)	Hon. Thomas A. Varlan
	)	Magistrate Judge C. Clifford Shirley
	)	
THE AMERICAN BAR ASSOCIATION,	)	
Defendant.	)	
	)	

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**DEFENDANT AMERICAN BAR ASSOCIATION’S RESPONSE TO  
PLAINTIFF’S SUPPLEMENTAL STATUS REPORT**

On July 31, 2012, plaintiff Lincoln Memorial University Duncan School of Law (the “School”) filed a supplemental status report notifying the Court that it has appealed the Council’s decision of July 5, 2012 to the American Bar Association (“ABA”) Appeals Panel. (Doc. 64.) The ABA confirms its receipt of the School’s appeal. A notice of the School’s appeal is posted on the Section’s website, which states:

Lincoln Memorial University Duncan School of Law has appealed the Council’s denial of its application for provisional approval on remand from the Appeals Panel. The Council’s decision on remand is stayed pending the Appeals Panel’s decision on the second appeal under Rule 10 of the Rules of Procedure for Approval of Law Schools.<sup>1</sup>

The Appeals Panel will issue a written statement of its decision and the basis for that decision no later than November 13, 2012. *See* ABA Rule of Procedure 10(f), (i).

In the School’s prior status report, filed on July 12, 2012, the School notified the Court of

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<sup>1</sup> Available at [www.americanbar.org/groups/legal\\_education.html](http://www.americanbar.org/groups/legal_education.html) (last visited August 7, 2012) (Council School Actions).

its intent to appeal the Council's July 5 decision and proposed that "the current stay [of this case] should remain until after the second decision of the Panel has been made." (Doc. 62.) The ABA agrees and therefore respectfully requests that the stay in this case be continued pending resolution of this second appeal, to allow the Appeals Panel a full opportunity to consider the School's claims, avoid premature interference with its processes, and provide a complete administrative record for judicial review. The ABA will file an updated status report on or before November 30, 2012 informing the Court of the Appeals Panel's decision.

Dated: August 7, 2012

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on August 7, 2012, I properly served all parties by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and U.S. Mail.

By: s/ Howard H. Vogel (0001015)