American Bar Association
Section of Legal Education and Admissions to the Bar
Standards Review Committee

Chapter 3 - PROGRAM OF LEGAL EDUCATION

REDLINE -- DRAFT after July 2011 Meeting

Strike-outs and underlines show changes from the current standards.

Standard 301. OBJECTIVES

~~(a)~~ A law school shall maintain a~~n~~ rigorous educational program that prepares its students for (1) admission to the bar~~,~~ and (2) effective, ethical and responsible participation in the legal profession.

~~(b) A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school's educational program, co-curricular programs, and other educational benefits.~~

Interpretation 301-1
The Standards in this chapter are designed to ensure that the law school's educational program is rigorous and prepares its students both to be admitted to the bar and then, once admitted, to participate effectively, ethically, and responsibly in the legal profession.

Interpretation 301-2
Satisfying the requirements of 301-6 is not, alone, sufficient to comply with this or any other of the Standards. To demonstrate how well it prepares its students for admission to the bar but also how well it prepares them for effective, ethical and responsible participation in the legal profession, the law school will need to use a variety of additional means to demonstrate compliance with these standards.

~~***Interpretation 301-1***~~
~~*A law school shall maintain an educational program that prepares its students to address current and anticipated legal problems.*~~

~~***Interpretation 301-2***~~
~~*A law school may offer an education program designed to emphasize certain aspects of the law or the legal profession.*~~

~~***Interpretation 301-3***~~
~~*Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the rigor of its academic program, including its assessment of student performance, and the bar passage rates of its graduates.*~~

~~***Interpretation 301-4***~~
~~*Among the factors to consider in assessing compliance with Standard 301(b) are whether students have reasonably comparable opportunities to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors.*~~

~~***Interpretation 301-5***~~
~~*For schools providing more than one enrollment or scheduling option, the opportunities to take advantage of the school's educational program, co-curricular activities, and other educational benefits for students enrolled under one option shall be deemed reasonably comparable to the opportunities of students enrolled under other options if the opportunities are roughly proportional based upon the relative number of students enrolled in various options.*~~

Interpretation 301-6

A. A fully approved law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the law school demonstrates that it meets any one of the following tests:

1) That for students who graduated from the law school within the five most recently completed calendar years:

(a) 75 percent or more of these graduates who sat for the bar passed a bar examination, or

(b) in at least each of three of these calendar years, 75 percent of the students graduating and sitting for the bar have passed a bar examination.

In demonstrating compliance under sections (1)(a) and (b), the law school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

2) That in at least each of three or more of the five most recently completed calendar years, the law school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance under section (2), the law school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

B. When seeking full approval, a provisionally approved law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the law school demonstrates that it meets one of the following three tests:

1). That for students who graduated from the law school since provisional approval was received, at least 75 percent of these graduates who sat for a bar examination have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(a)).

OR

2). That in each of at least two calendar years since the law school received provisional approval, at least 75 percent of the graduates who took a bar examination in those same years have passed a bar examination prior to the time in which the law school is considered by the Council for full approval. (301-6(A)(1)(b)).

OR

3). In each of at least two calendar years since the law school received provisional approval, the school's annual first-time bar passage rate in the jurisdictions reported by the law school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions. (301-6(A)(2)).

~~B~~. C. A law school shall be out of compliance with the bar passage portion of 301(a) if it is unable to demonstrate that it meets the requirements of paragraph A (1) or (2) or B (1), (2), or (3).

~~C~~. D. A law school found out of compliance under paragraph C and that has not been able to come into compliance within the two year period specified in Rule 13(b) of the Rules of Procedure for Approval of Law Schools, may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of:

(i) The law school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it.

(ii) The length of time the law school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it.

(iii) Actions by the law school to address bar passage, particularly the law school's academic rigor and the demonstrated value and effectiveness of its academic support and bar preparation programs: value-added, effective, sustained and pervasive actions to address bar passage problems will be considered in the law school's favor; ineffective or only marginally effective programs or limited action by the law school against it.

(iv) Efforts by the law school to facilitate bar passage for its graduates who did not pass the bar

on prior attempts: effective and sustained efforts by the law school will be considered in the school's favor; ineffective or limited efforts by the law school against it.

(v) Efforts by the law school to provide broader access to legal education while maintaining academic rigor: sustained meaningful efforts will be viewed in the law school's favor; intermittent or limited efforts by the law school against it.

(vi) The demonstrated likelihood that the law school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the law school has undertaken counseling and other appropriate efforts to retain its well-performing students.

(vii) Temporary circumstances beyond the control of the law school, but which the law school is addressing: for example, a natural disaster that disrupts operations or a significant increase in the standard for passing the relevant bar examination(s).

(viii) Other factors, consistent with a law school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.

Standard 302. ~~CURRICULUM~~ LEARNING OUTCOMES

(a) A law school shall ~~require that each student receive substantial instruction in:~~ identify, define, and disseminate each of the learning outcomes it seeks for its graduating students and for its program of legal education.

(b) The learning outcomes shall include competency as an entry-level practitioner in the following areas:

(1) knowledge and understanding of ~~the~~ substantive law, legal theory and procedure ~~generally regarded as necessary to effective and responsible participation in the legal profession~~;

(2) the professional skills of:
- **(i) legal analysis and reasoning, critical thinking, legal research, problem solving, written and oral communication in a legal context; and**
- **(ii) the exercise of professional judgment consistent with the values of the legal profession and professional duties to society, including recognizing and resolving ethical and other professional dilemmas.**

(3) a depth in and breadth of other professional skills ~~generally regarded as necessary~~ sufficient for effective, ~~and~~ responsible and ethical participation in the legal profession; ~~and~~

(4) knowledge, understanding and appreciation of the following values:
- **(i) ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;**

(ii) the legal profession's values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and respect for the rule of law; and

(iii) responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them.

(5) any other learning outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the school's mission and goals.

Interpretation 302-1

Training with respect to individual skills can be delivered in a variety of ways and the Standard does not require individual classes with respect to individual professional skills.

Interpretation 302-2

For the purposes of Standard 302(b)(3), a law school shall determine in which other professional skills its graduating students shall have competency, in a way that fulfills the mission of and uses effectively the strengths and resources available to the law school. Interviewing, counseling, negotiation, fact development and analysis, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation are among the professional skills that could fulfill Standard 302(b)(3).

Interpretation 302-3

A law school may determine tracks for students, such that graduates from different tracks have proficiency in differing bundles of professional skills.

Interpretation 302-4

The level of competency required is the level of competency that an entry level practitioner must have for effective, ethical and responsible participation in the legal profession. The level of competency of an entry-level practitioner may take into account the particular practice settings for which the law school prepares its students.

Standard ~~302~~ 303. CURRICULUM

(a) A law school shall offer a curriculum that is designed to produce graduates who have attained competency in the learning outcomes identified in Standard 302 and which, in addition, requires every student to complete satisfactorily at least;

(1) one course of at least two semester hours (or equivalent quarter hours) in professional responsibility that includes ~~requires~~ substantial instruction in the history, goals, structure, values and responsibilities of the legal profession and its members;

(2) **~~writing in a legal context, including at least~~ one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year, both of which are faculty supervised; and**

(3) **one or more faculty-supervised, rigorous course(s) totaling at least three semester hours (or equivalent quarter hours) after the first year. The course or courses must integrate doctrine, theory, skills and legal ethics and engage students in performance of one or more professional skills identified in Standard 302(b)(3). The course or courses shall be: (i) simulation course(s); (ii) live client clinic(s); or (iii) field placement(s) complying with Standard 305(e).**

(b) A law school shall provide ~~offer~~ substantial opportunities to students for:

(1) live-client clinics or other real-life practice experiences; appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence; and

(2) ~~student~~ participation in pro bono legal services or law-related public service activities. ~~; and~~

~~(3) small group work through seminars, directed research, small classes, or collaborative work;~~.

Interpretation ~~302-1~~ 303-1

Factors to be considered in evaluating the rigor of writing instruction include: the number and nature of writing projects assigned to students; the opportunities for a student to receive ~~has to meet with a writing instructor for purposes of~~ individualized assessment of the student's written products; the number of drafts that a student must produce of any writing project; and the form of assessment used ~~by the writing instructor.~~

Interpretation 303-2

The course(s) described in Standard 303(a)(3) should have the following characteristics: development of concepts and theories underlying the skills being taught; multiple opportunities for students to perform tasks with appropriate feedback and self-evaluation; and evaluation of the students' performance by a qualified faculty member.

~~Interpretation 302-2~~

~~Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302(a)(4).~~

Interpretation ~~302-10~~ 303-3

~~Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities~~. Pro bono opportunities ~~should at a minimum,~~ involve the rendering of meaningful law-related service to persons of limited means ~~or to~~, organizations that serve such persons or other public service organizations not able to afford legal representation. Law-related service includes, among other things, activities providing information about justice, the law or the legal system to those who might not otherwise have such information and activities enhancing the capacity of the law and legal institutions to do justice. ~~; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program. Law-related~~ P~~p~~ro bono and public service opportunities need not be structured to accomplish any of the ~~professional skills training~~ outcomes required by Standard 302(a)~~(4)~~. While most existing law school law-related pro bono programs include only activities for which students do not receive academic credit, this Standard ~~302(b)(2)~~ does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4

A law school's curriculum should encourage reflection by students on their values and experiences and on the values and responsibilities of the legal profession.

~~Interpretation 302-3~~

~~A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be "substantial," instruction in professional skills must engage each student in skills performances that are assessed by the instructor.~~

~~Interpretation 302-4~~

~~A law school need not accommodate every student requesting enrollment in a particular professional skills course.~~

~~Interpretation 302-5~~

~~The offering of live client or real-life experience may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client or other real-life practice experience.~~

~~Interpretation 302-6~~

~~A law school should involve members of the bench and bar in the instruction required by Standard 302(d) (2).~~

~~***Interpretation 302-8***~~ ***(concepts now part of Standard 303)***
~~*A law school shall engage in periodic review of its curriculum to ensure that it prepares the school's graduates to participate effectively and responsibly in the legal profession.*~~

~~***Interpretation 302-9***~~
~~*The substantial instruction in the history, structure, values, rules, and responsibilities of the legal profession and its members required by Standard 302(d)(2) includes instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association.*~~

Standard 304. ASSESSMENT OF STUDENT LEARNING

A law school shall apply a variety of formative and summative assessment methods across the curriculum to provide meaningful feedback to students.

Interpretation 304-1
Formative assessment methods are measurements at different points during a particular course or over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessments methods are measurements at the culmination of a particular course or the culmination of any part of a student's legal education that measures the degree of student learning.

Interpretation 304-2
A law school need not apply a variety of assessment methods in each individual course; instead a law school shall apply a variety of assessment methods and activities over the course of a student's education. Assessment methods are likely to be different from school to school and law schools are not required by Standard 304 to use any particular activities or tools.

Interpretation 304-3
Law schools should encourage development of one's ability to assess his or her performance, professionalism and level of competence.

Standard 305. INSTITUTIONAL EFFECTIVENESS

In measuring its institutional effectiveness pursuant to Standards 202 and the rigor of its education program pursuant to Standard 301, the dean and faculty of a law school shall:

(a) conduct regular, ongoing assessment of whether its learning outcomes, curriculum and delivery, assessment methods and the degree of student attainment of competency in the learning outcomes are sufficient to ensure that its students are prepared to participate effectively, ethically, and responsibly as entry level practitioners in the legal profession; and

(b) use the results of ~~the~~ this review ~~in subsection (a)~~ to improve its curriculum and its delivery with the goal that all students attain competency in the learning outcomes.

Interpretation 305-1

As part of measuring institutional effectiveness, law schools should gather a variety of types of qualitative and/or quantitative evidence, as appropriate, to measure the degree to which its students, by the time of graduation, have attained competency in its learning outcomes.

Interpretation 305-2

The following methods, when properly applied and given proper weight, are among the acceptable methods to measure the degree to which students have attained competency in the school's student learning outcomes: review of the records the law school maintains to measure individual student achievement pursuant to Standard 304, evaluation of student learning portfolios, student evaluation of the sufficiency of their education, student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge, bar exam passage rates, placement rates, surveys of attorneys, judges, and alumni, and assessment of student performance by judges, attorneys or law professors from other schools. The methods to measure the degree of student achievement of learning outcomes are likely to be different from school to school and law schools are not required by this standard to use any particular methods.

Standard ~~303~~ 306. ACADEMIC STANDARDS AND ACHIEVEMENTS

(a) A law school shall ~~have~~ publish and adhere to sound academic standards, including clearly defined standards for good standing, ~~and~~ graduation and dismissal.

~~(b) A law school shall monitor students' academic progress and achievement from the beginning of and periodically throughout their studies.~~

(b) A law school shall publish and adhere to due process policies that are fairly and consistently applied for taking any action that adversely affects the good standing or graduation of a student.

(c) A law school shall provide a system of academic advising to students that communicates effectively the school's academic standards and graduation requirements, and that provides guidance regarding course selection and sequencing. Academic advising shall provide students with opportunities to plan a program of study consistent with that student's goals.

(d) A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession.

(e) ~~(c)~~ A law school shall not continue the enrollment of a student whose inability ~~to do satisfactory work~~ <u>performance reasonably indicates</u> ~~is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.~~ <u>that the student will not successfully complete the course of study at the law school and be admitted to the bar.</u>

~~***Interpretation 303-1***~~
~~*Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.*~~

~~***Interpretation 303-2***~~
~~*A law school shall provide academic advising to students to communicate effectively to them the school's academic standards and graduation requirements, and guidance regarding course selection and sequencing. Academic advising should include assisting each student with planning a program of study consistent with that student's goals.*~~

~~***Interpretation 303-3***~~
~~*A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.*~~

<u>Standard 307. REASONABLY COMPARABLE OPPORTUNITIES</u>

~~[301(b)]~~ A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school's ~~educational program~~ <u>academic programs and student services including courses taught by full-time faculty,</u> co-curricular programs, and other educational benefits.

Interpretation ~~301-4~~ <u>307-1</u>
Among the factors to consider in assessing compliance with Standard 307 are whether students have reasonably comparable opportunities to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors.

Interpretation ~~301-5~~ <u>307-2</u>
For schools providing more than one enrollment or scheduling option, the opportunities to take advantage of the school's educational program, co-curricular activities, <u>student services</u> and other educational benefits for students enrolled under one option shall be deemed reasonably comparable to the opportunities of students enrolled under other options if the opportunities are roughly proportional based upon the relative number of students enrolled in various options.

Standard <u>308</u> ~~304~~. COURSE OF STUDY AND ACADEMIC CALENDAR

(a) A law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods, examinations, and breaks, but such time does not count toward the 130-day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 83 semester credit hours, or 129 quarter credit hours ~~58,000 minutes of instruction time,~~ except as otherwise provided. At least ~~45,000~~ 64 of these ~~minutes~~ semester credit hours or the equivalent in quarter credit hours shall be by attendance in regularly scheduled class sessions at the law school. ~~To achieve the required total of 58,000 minutes of instruction, a law school must require at least 83 semester hours of credit or 129 quarter hours of credit.~~ A credit hour must be at least 700 minutes of instruction per semester credit, exclusive of examination time, or 450 minutes of instruction per quarter hour, exclusive of examination time.

(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

(d) A law school shall ~~require regular and punctual~~ publish its policy requiring regular class attendance.

(e) Except in extraordinary circumstances, a~~A~~ law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that school for graduation (or a proportionate number for schools on other academic schedules, such as a quarter system).

~~(f) A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.~~

Interpretation 308-1 ~~304-1~~
This Standard establishes a minimum period of academic instruction as a condition for graduation. Equal division is not required. The Standard accommodates deviations from a conventional semester system, ~~including~~ such as quarter systems and trimesters~~., and mini-terms~~.

Interpretation 308-2 ~~304-2~~
A law school may not count more than five class days each week toward the 130-day requirement. Only class days that are part of the mandatory school calendar can be counted toward the 130 day requirement. For example, voluntary winter intersession or summer programs do not count toward the 130 day requirement.

Interpretation 308-3 ~~304-3~~
In calculating the ~~45,000 minutes~~ 64 semester credits of "regularly scheduled class sessions" for the purpose of Standard ~~304~~ 308(b), the time may include:

(a) coursework at a law school for which a student receives credit toward the J.D. degree by the law school, so long as that work itself meets the requirements of Standard 308 ~~304~~;

(b) coursework for which a student receives credit toward the J.D. degree that is work done in a foreign study program that qualifies under Standard 311 ~~307~~;

(c) law school coursework that meets the requirements of Standard 310(c) ~~306(c)~~;

(d) in a seminar or other upper-level course other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(e) in a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.

~~A law school shall not include in t~~The ~~45,000 minutes~~ 64 semester credits required by Standard 308(b) ~~304(b)~~ to be by attendance in regularly scheduled class sessions at the law school does not include any other coursework such as~~, including but not limited to~~ (i) work qualifying for credit under Standard 309 ~~305~~;(ii) coursework completed in another department, school or college of the university with which the law school is affiliated or at another institution of higher learning; and (iii) co-curricular activities such as law review, moot court, and trial competitions.

Interpretation 308-4 ~~304-4~~

Law schools may find the following examples useful.~~ Law schools on a conventional semester system typically require 700 minutes of instruction time per "credit," exclusive of time for an examination. A quarter hour of credit requires 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 58,000 minutes of instruction time, a law school must require at least 83 semester hours of credit, or 129 quarter hours of credit.~~ If a law school on a semester system offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of instruction in 10 classes. If a law school on a quarter system offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 308(a) ~~304(a)~~ and the ~~58,000-minute~~ 83 semester credit hour requirement of Standard 308(b) ~~304(b)~~ ~~should~~ shall be understood as separate and independent requirements.

Interpretation 308-5 ~~304-5~~

Credit for a J.D. degree ~~shall~~ is only to be given for course work taken after the student has matriculated in a law school. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.

Interpretation 308-6 ~~304-6~~
A law school ~~shall~~ must demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling and~~,~~ attendance~~, and limitation on employment~~.

Interpretation 308-7 ~~304-7~~
Subject to the provisions of this Interpretation, a law school shall require a student who has completed work in an LL.M. or other post J.D. program to complete all of the work for which it will award the J.D. degree following the student's regular enrollment in the school's J.D. program. A law school may accept transfer credit as otherwise allowed by the Standards.

A law school may award credit toward a J.D. degree for work undertaken in a LL.M. or other post J.D. program offered by it or another law school if:

> *(a) that work was the successful completion of a J.D. course while the student was enrolled in a post-J.D. law program;*
>
> *(b) the law school at which the course was taken has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. students in the course, and*
>
> *(c) the law school accepting the transfer credit will require that the student successfully complete a course of study that satisfies the requirements of ~~Standards 302(a)-(b)~~ Standard 303 and that meets all of the school's requirement for the awarding of the J.D. degree.*

Interpretation 308-8
Whenever a student is permitted on the basis of extraordinary circumstances to exceed either the 84 month program limitation in Standard 308(c) or the 20 percent enrollment limitation of 308(e), the law school shall place in the student's file a statement signed by the dean, associate dean or registrar, explaining the extraordinary circumstances leading the law school to permit an exception to this program or enrollment limitation. Such extraordinary circumstances, for example, might include an interruption of a student's legal education because of an illness or family exigency.

Standard 309 ~~305~~. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 309 ~~305~~ and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

> **(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;**
>
> **(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;**
>
> **(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;**
>
> **(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;**
>
> **(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more semester ~~academic~~ credit hours (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;**
>
> **(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;**
>
> **(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more ~~academic~~ semester credit hours (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.**

Interpretation 309-1 ~~305-1~~
Activities covered by Standard 309(a) ~~305(a)~~ include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

Interpretation 309-2 ~~305-2~~
The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

Interpretation 309-3 ~~305-3~~
A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

Interpretation 309-4 ~~305-4~~
(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

Interpretation 309-5 ~~305-5~~
Standard 309 ~~305~~ by its own force does not allow credit for distance education courses.

Standard 310 ~~306~~. DISTANCE EDUCATION

(a) ~~(b)~~ Distance education is an educational process in which more than one-third of the instruction of the course is characterized by: (1) the separation~~,~~ in time or place, or both, between instructor and student; and (2) the use of technology to ~~provide~~ deliver instruction. ~~It includes courses offered principally by means of:~~
~~(1) technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;~~
~~(2) audio or computer conferencing;~~
~~(3) video cassettes or discs; or~~
~~(4) correspondence.~~

(b) ~~(a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such~~ Distance education credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(c) A law school shall have the technological capacity, staff, information resources, and facilities needed to provide the support and the training needed for instructors and students involved in distance education at the school.

(d) A law school shall establish mechanisms to assure that faculty who teach distance

education courses, and students who enroll in them, have the skills, training, and access to the technology necessary to enable them to participate effectively.

~~(c)~~(e) A law school may award credit for distance education and may count that credit toward the ~~45,000 minutes of instruction~~ 64 semester credits (or their equivalent) required by Standard 308(b) ~~304(b)~~ if:

> **(1) there is regular ~~ample~~ interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration so as to provide students in distance education courses opportunities to interact with instructors and other students that are comparable to opportunities for such interaction in non-distance learning settings; ~~and~~**
>
> **(2) there is ~~ample~~ regular monitoring and feedback of student effort and accomplishment as the course progresses, and**
>
> **(3) The outcome standards for the course are consistent with Standard 303.**

~~(d)~~(f) A law school shall not grant a student more than a total of 15 semester credit hours (or equivalent) ~~one-sixth of the total credit hours required for four credit hours in any term, nor more than a total of 12 credit hours,~~ toward the J.D. degree for courses qualifying under this Standard.

~~(e)~~(g) ~~No student~~ A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to ~~28 hours~~ one year of full time instruction toward the J.D. degree.

~~(f)~~(h) No credit otherwise may be given toward the J.D. degree for any distance education course.

(i) A law school shall establish a process that is effective for verifying the identity of students taking distance education courses and protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

Interpretation 310-1 ~~306-1~~
To allow the Council and the Standards Review Committee to review and adjust this Standard, law schools shall report each year on the distance education courses that they offer.

Interpretation 310-2 ~~306-2~~
Distance education presents special opportunities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.

~~***Interpretation 306-3***~~
~~*Courses in which two-thirds or more of the course instruction consists of regular classroom*~~

~~*instruction shall not be treated as "distance education" for purposes of 306(d) and (e) even though they also include substantial on-line interaction or other common components of "distance education" courses so long as such instruction complies with the provisions of subsections (1) and (2) of Standard 306(c).*~~

Interpretation 310-3 ~~306-4~~
Law schools ~~shall~~ should ~~take steps to~~ provide students in distance education courses opportunities to interact with instructors and other students that is comparable to ~~equal or exceed the~~ opportunities for such interaction with instructors and students in non-distance learning ~~in a traditional classroom~~ settings.

~~***Interpretation 306-5***~~
~~*Law schools shall have the technological capacity, staff, information resources, and facilities required to provide the support needed for instructors and students involved in distance education at the school.*~~

~~***Interpretation 306-6***~~
~~*Law schools shall establish mechanisms to assure that faculty who teach distance education courses and students who enroll in them have the skills and access to the technology necessary to enable them to participate effectively.*~~

Interpretation 310-4 ~~306-7~~
Faculty approval of credit for a distance education course ~~shall~~ must include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement of ~~Interpretation 304-4~~ Standard 308(b) that requires 700 minutes of instruction for each credit awarded. If the course is being offered asynchronously, class discussion time on a discussion board may be used in calculating the class time.

Interpretation 310-5 ~~306-8~~
A law school that offers ~~more than an incidental amount of~~ credit for distance education shall ~~adopt a written plan for distance education at the law school and shall~~ periodically review the educational effectiveness of its distance education courses and programs, particularly methods of instruction and student interaction appropriate to the courses offered.

Interpretation 310-6 ~~306-9~~
"Credits" in this Standard means semester hour credits as provided in ~~Interpretation 304-4~~ Standard 308(b). Law schools that use quarter hours of credit ~~shall~~ should convert these credits in a manner that is consistent with the provisions of Interpretation 308-4 ~~304-4~~.

Interpretation 310-7
Methods to verify student identity as required in 306(g) include, but are not limited to: (i) a secure login and pass code; (ii) proctored examinations; and (iii) new or other technologies and practices that are effective in verifying student identity.

Standard 311 ~~307~~. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY

A law school may grant credit for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council. The total credits for student participation in such studies or activities may not exceed one third of the credits required for the J.D. degree.

Interpretation 311-1 ~~307-1~~
In addition to studies or activities covered by Criteria adopted by the Council, a law school may grant credit for (a) studies or activities in a foreign country that meet the requirements of Standard 309 ~~305~~ and (b) brief visits to a foreign country that are part of a law school course approved through the school's regular curriculum approval process.

The three Criteria adopted by the Council are: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools; and Criteria for Student Study at a Foreign Institution.

Standard 312 ~~308~~. DEGREE PROGRAMS IN ADDITION TO J.D.

A law school may not establish a degree program other than its J.D. degree program without obtaining the Council's prior acquiescence. A law school may not establish a degree program in addition to its J.D. degree program unless the school ~~is~~ has been fully approved. The additional degree program may not detract from a law school's ability to maintain a J.D. degree program that meets the requirements of the Standards.

Interpretation 312-1 ~~308-1~~
Reasons for withholding acquiescence in the establishment of an advanced degree program include:

(1) Lack of sufficient full-time faculty to conduct the J.D. degree program;

(2) Lack of adequate physical facilities, which has a negative and material effect on the education students receive;

(3) Lack of an adequate law library to support both a J.D. and an advanced degree program; and

(4) A J.D. degree curriculum lacking sufficient diversity and richness in course offerings.

Interpretation 312-2 ~~308-2~~
Acquiescence in a degree program other than the first degree in law is not an approval of the program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association.

EFFECTIVE DATE

The effective date of new Standards 302, 303 and 304 is three years from the date of adoption. The effective date of new Standard 305 is five years from the date of adoption. Prior to three years after the date of adoption, law schools may elect, for the purpose of their sabbatical inspections, to be evaluated under either (a) existing Standard 302; (b) new Standards 302, 303 and 304; or (c) new Standards 302, 303, 304, and 305. From the period of three years after the date of adoption to five years after the date of adoption, law schools may elect whether or not to be evaluated under Standard 305.

TRANSITION

In the initial phases of implementation of the outcome measures standards set forth in Standards 301-304, compliance will be assessed based upon evaluating the seriousness of the school's efforts to establish and assess student learning outcomes, not upon attainment of a particular level of achievement for each learning outcome. Among factors to consider assessing compliance with these standards are whether a school has demonstrated faculty engagement in the identification of the student learning outcomes it seeks for its graduates; whether the school is working effectively to identify how the school's curriculum encompasses the identified outcomes, and to integrate teaching and assessment of those outcomes into its curriculum; and whether the school has identified when and how students receive feedback on their development of the identified outcomes,

In the initial phases of implementation of the institutional effectiveness standard set forth in Standard 305, compliance will be assessed based on the seriousness of the law school's efforts to engage in an ongoing process of gathering information about its students' progress toward achieving identified outcomes and whether it is using the information gather to regularly review, assess and adapt its program of legal education.

Chapter 3 - PROGRAM OF LEGAL EDUCATION

CLEAN COPY -- DRAFT after July 2011 Meeting

Standard 301. OBJECTIVES

A law school shall maintain rigorous educational program that prepares its students for (1) admission to the bar and (2) effective, ethical and responsible participation in the legal profession.

Interpretation 301-1
The Standards in this chapter are designed to ensure that the law school's educational program is rigorous and prepares its students both to be admitted to the bar and then, once admitted, to participate effectively, ethically, and responsibly in the legal profession.

Interpretation 301-2
Satisfying the requirements of 301-6 is not, alone, sufficient to comply with this or any other of the Standards. To demonstrate how well it prepares its students for admission to the bar but also how well it prepares them for effective, ethical and responsible participation in the legal profession, the law school will need to use a variety of additional means to demonstrate compliance with these standards.

Interpretation 301-6

A. A fully approved law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the law school demonstrates that it meets any one of the following tests:

1) That for students who graduated from the law school within the five most recently completed calendar years:

(a) 75 percent or more of these graduates who sat for the bar passed a bar examination, or

(b) in at least each of three of these calendar years, 75 percent of the students graduating and sitting for the bar have passed a bar examination.

In demonstrating compliance under sections (1)(a) and (b), the law school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

2) That in at least each of three or more of the five most recently completed calendar years, the law school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance under section (2), the law school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

B. When seeking full approval, a provisionally approved law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the law school demonstrates that it meets one of the following three tests:

1). That for students who graduated from the law school since provisional approval was received, at least 75 percent of these graduates who sat for a bar examination have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(a)).

OR

2). That in each of at least two calendar years since the law school received provisional approval, at least 75 percent of the graduates who took a bar examination in those same years have passed a bar examination prior to the time in which the law school is considered by the Council for full approval. (301-6(A)(1)(b)).

OR

3). In each of at least two calendar years since the law school received provisional approval, the school's annual first-time bar passage rate in the jurisdictions reported by the law school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions. (301-6(A)(2)).

~~B~~. C. A law school shall be out of compliance with the bar passage portion of 301(a) if it is unable to demonstrate that it meets the requirements of paragraph A (1) or (2) or B (1), (2), or (3).

~~C~~. D. A law school found out of compliance under paragraph C and that has not been able to come into compliance within the two year period specified in Rule 13(b) of the Rules of Procedure for Approval of Law Schools, may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of:

(i) The law school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it.

(ii) The length of time the law school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it.

(iii) Actions by the law school to address bar passage, particularly the law school's academic rigor and the demonstrated value and effectiveness of its academic support and bar preparation programs: value-added, effective, sustained and pervasive actions to address bar passage problems will be considered in the law school's favor; ineffective or only marginally effective programs or limited action by the law school against it.

(iv) Efforts by the law school to facilitate bar passage for its graduates who did not pass the bar on prior attempts: effective and sustained efforts by the law school will be considered in the school's favor; ineffective or limited efforts by the law school against it.

(v) Efforts by the law school to provide broader access to legal education while maintaining academic rigor: sustained meaningful efforts will be viewed in the law school's favor; intermittent or limited efforts by the law school against it.

(vi) The demonstrated likelihood that the law school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the law school has undertaken counseling and other appropriate efforts to retain its well-performing students.

(vii) Temporary circumstances beyond the control of the law school, but which the law school is addressing: for example, a natural disaster that disrupts operations or a significant increase in the standard for passing the relevant bar examination(s).

(viii) Other factors, consistent with a law school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.

Standard 302. LEARNING OUTCOMES

(a) A law school shall identify, define, and disseminate each of the learning outcomes it seeks for its graduating students and for its program of legal education.

(b) The learning outcomes shall include competency as an entry-level practitioner in the following areas:

(1) knowledge and understanding of substantive law, legal theory and procedure;

(2) the professional skills of:

(i) legal analysis and reasoning, critical thinking, legal research, problem solving, written and oral communication in a legal context; and

(ii) the exercise of professional judgment consistent with the values of the legal profession and professional duties to society, including recognizing and resolving ethical and other professional dilemmas.

(3) a depth in and breadth of other professional skills sufficient for effective, responsible and ethical participation in the legal profession;

(4) knowledge, understanding and appreciation of the following values:

(i) ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;

(ii) the legal profession's values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and respect for the rule of law; and

(iii) responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them.

(5) any other learning outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the school's mission and goals.

Interpretation 302-1

Training with respect to individual skills can be delivered in a variety of ways and the Standard does not require individual classes with respect to individual professional skills.

Interpretation 302-2

For the purposes of Standard 302(b)(3), a law school shall determine in which other professional skills its graduating students shall have competency, in a way that fulfills the mission of and uses effectively the strengths and resources available to the law school. Interviewing, counseling, negotiation, fact development and analysis, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation are among the professional skills that could fulfill Standard 302(b)(3).

Interpretation 302-3

A law school may determine tracks for students, such that graduates from different tracks have proficiency in differing bundles of professional skills.

Interpretation 302-4

The level of competency required is the level of competency that an entry level practitioner must have for effective, ethical and responsible participation in the legal profession. The level of competency of an entry-level practitioner may take into account the particular practice settings for which the law school prepares its students.

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that is designed to produce graduates who have attained competency in the learning outcomes identified in Standard 302 and which, in addition, requires every student to complete satisfactorily at least;

(1) one course of at least two semester hours (or equivalent quarter hours) in professional responsibility that includes substantial instruction in the history, goals, structure, values and responsibilities of the legal profession and its members;

(2) one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year, both of which are faculty supervised; and

(3) one or more faculty-supervised, rigorous course(s) totaling at least three semester hours (or equivalent quarter hours) after the first year. The course or courses must integrate doctrine, theory, skills and legal ethics and engage students in performance of one or more professional skills identified in Standard 302(b)(3). The course or courses shall be: (i) simulation course(s); (ii) live client clinic(s); or (iii) field placement(s) complying with Standard 305(e).

(b) A law school shall provide substantial opportunities to students for:

(1) live-client clinics or other real-life practice experiences; appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence; and

(2) participation in pro bono legal services or law-related public service activities.

Interpretation 303-1
Factors to be considered in evaluating the rigor of writing instruction include: the number and nature of writing projects assigned to students; the opportunities for a student to receive individualized assessment of the student's written products; the number of drafts that a student must produce of any writing project; and the form of assessment used.

Interpretation 303-2
The course(s) described in Standard 303(a)(3) should have the following characteristics: development of concepts and theories underlying the skills being taught; multiple opportunities for students to perform tasks with appropriate feedback and self-evaluation; and evaluation of the students' performance by a qualified faculty member.

Interpretation 303-3
Pro bono opportunities involve the rendering of meaningful law-related service to persons of limited means, organizations that serve such persons or other public service organizations not able to afford legal representation. Law-related service includes, among other things, activities providing information about justice, the law or the legal system to those who might not otherwise have such information and activities enhancing the capacity of the law and legal institutions to do justice. Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302(a). While most existing law school law-related pro bono programs include only activities for which students do not receive academic credit, this

Standard does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4
A law school's curriculum should encourage reflection by students on their values and experiences and on the values and responsibilities of the legal profession.

Standard 304. ASSESSMENT OF STUDENT LEARNING

A law school shall apply a variety of formative and summative assessment methods across the curriculum to provide meaningful feedback to students.

Interpretation 304-1
Formative assessment methods are measurements at different points during a particular course or over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessments methods are measurements at the culmination of a particular course or the culmination of any part of a student's legal education that measures the degree of student learning.

Interpretation 304-2
A law school need not apply a variety of assessment methods in each individual course; instead a law school shall apply a variety of assessment methods and activities over the course of a student's education. Assessment methods are likely to be different from school to school and law schools are not required by Standard 304 to use any particular activities or tools.

Interpretation 304-3
Law schools should encourage development of one's ability to assess his or her performance, professionalism and level of competence.

Standard 305. INSTITUTIONAL EFFECTIVENESS

In measuring its institutional effectiveness pursuant to Standards 202 and the rigor of its education program pursuant to Standard 301, the dean and faculty of a law school shall:

(a) conduct regular, ongoing assessment of whether its learning outcomes, curriculum and delivery, assessment methods and the degree of student attainment of competency in the learning outcomes are sufficient to ensure that its students are prepared to participate effectively, ethically, and responsibly as entry level practitioners in the legal profession; and

(b) use the results of this review to improve its curriculum and its delivery with the goal that all students attain competency in the learning outcomes.

Interpretation 305-1
As part of measuring institutional effectiveness, law schools should gather a variety of types of qualitative and/or quantitative evidence, as appropriate, to measure the degree to which its students, by the time of graduation, have attained competency in its learning outcomes.

Interpretation 305-2
The following methods, when properly applied and given proper weight, are among the acceptable methods to measure the degree to which students have attained competency in the school's student learning outcomes: review of the records the law school maintains to measure individual student achievement pursuant to Standard 304, evaluation of student learning portfolios, student evaluation of the sufficiency of their education, student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge, bar exam passage rates, placement rates, surveys of attorneys, judges, and alumni, and assessment of student performance by judges, attorneys or law professors from other schools. The methods to measure the degree of student achievement of learning outcomes are likely to be different from school to school and law schools are not required by this standard to use any particular methods.

Standard 306. ACADEMIC STANDARDS AND ACHIEVEMENTS

(a) A law school shall publicize and adhere to sound academic standards, including clearly defined standards for good standing, graduation and dismissal.

(b) A law school shall publish and adhere to due process policies that are fairly and consistently applied for taking any action that adversely affects the good standing or graduation of a student.

(c) A law school shall provide a system of academic advising to students that communicates effectively the school's academic standards and graduation requirements, and that provides guidance regarding course selection and sequencing. Academic advising shall provide students with opportunities to plan a program of study consistent with that student's goals.

(d) A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession.

(e) A law school shall not continue the enrollment of a student whose performance reasonably indicates that the student will not successfully complete the course of study at the law school and be admitted to the bar.

Standard 307. REASONABLY COMPARABLE OPPORTUNITIES

A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school's academic programs and student services including courses taught by full-time faculty, co-curricular programs, and other educational benefits.

Interpretation 307-1

Among the factors to consider in assessing compliance with Standard 307 are whether students have reasonably comparable opportunities to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors.

Interpretation 307-2

For schools providing more than one enrollment or scheduling option, the opportunities to take advantage of the school's educational program, co-curricular activities, student services and other educational benefits for students enrolled under one option shall be deemed reasonably comparable to the opportunities of students enrolled under other options if the opportunities are roughly proportional based upon the relative number of students enrolled in various options.

Standard 308. COURSE OF STUDY AND ACADEMIC CALENDAR

(a) A law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods, examinations, and breaks, but such time does not count toward the 130-day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 83 semester credit hours, or 129 quarter credit hours, except as otherwise provided. At least 64 of these semester credit hours or the equivalent in quarter credit hours shall be by attendance in regularly scheduled class sessions at the law school. A credit hour must be at least 700 minutes of instruction per semester credit, exclusive of examination time, or 450 minutes of instruction per quarter hour, exclusive of examination time.

(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

(d) A law school shall publish its policy requiring regular class attendance.

(e) Except in extraordinary circumstances, a law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that school for graduation (or a proportionate number for schools on other academic schedules, such as a quarter system).

Interpretation 308-1

This Standard establishes a minimum period of academic instruction as a condition for graduation. Equal division is not required. The Standard accommodates deviations from a conventional semester system, such as quarter systems and trimesters.

Interpretation 308-2
A law school may not count more than five class days each week toward the 130-day requirement. Only class days that are part of the mandatory school calendar can be counted toward the 130 day requirement. For example, voluntary winter intersession or summer programs do not count toward the 130 day requirement.

Interpretation 308-3
In calculating the 64 semester credits of "regularly scheduled class sessions" for the purpose of Standard 308(b), the time may include:

(a) coursework at a law school for which a student receives credit toward the J.D. degree by the law school, so long as that work itself meets the requirements of Standard 308;

(b) coursework for which a student receives credit toward the J.D. degree that is work done in a foreign study program that qualifies under Standard 311;

(c) law school coursework that meets the requirements of Standard 310(c);

(d) in a seminar or other upper-level course other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(e) in a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.

The 64 semester credits required by Standard 308(b) to be by attendance in regularly scheduled class sessions at the law school does not include any other coursework such as: (i) work qualifying for credit under Standard 309;(ii) coursework completed in another department, school or college of the university with which the law school is affiliated or at another institution of higher learning; and (iii) co-curricular activities such as law review, moot court, and trial competitions.

Interpretation 308-4
Law schools may find the following examples useful. If a law school on a semester system offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of instruction in 10 classes. If a law school on a quarter system offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If

such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 308(a) and the 83 semester credit hour requirement of Standard 308(b) shall be understood as separate and independent requirements.

Interpretation 308-5
Credit for a J.D. degree is only to be given for course work taken after the student has matriculated in a law school. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.

Interpretation 308-6
A law school must demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling and attendance.

Interpretation 308-7
Subject to the provisions of this Interpretation, a law school shall require a student who has completed work in an LL.M. or other post J.D. program to complete all of the work for which it will award the J.D. degree following the student's regular enrollment in the school's J.D. program. A law school may accept transfer credit as otherwise allowed by the Standards.

A law school may award credit toward a J.D. degree for work undertaken in a LL.M. or other post J.D. program offered by it or another law school if:

> *(a) that work was the successful completion of a J.D. course while the student was enrolled in a post-J.D. law program;*
>
> *(b) the law school at which the course was taken has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. students in the course, and*
>
> *(c) the law school accepting the transfer credit will require that the student successfully complete a course of study that satisfies the requirements of Standard 303 and that meets all of the school's requirement for the awarding of the J.D. degree.*

Interpretation 308-8
Whenever a student is permitted on the basis of extraordinary circumstances to exceed either the 84 month program limitation in Standard 308(c) or the 20 percent enrollment limitation of 308(e), the law school shall place in the student's file a statement signed by the dean, associate dean or registrar, explaining the extraordinary circumstances leading the law school to permit an exception to this program or enrollment limitation. Such extraordinary circumstances, for example, might include an interruption of a student's legal education because of an illness or family exigency.

Standard 309. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 309 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

> **(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;**
>
> **(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;**
>
> **(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;**
>
> **(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;**
>
> **(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more semester credit hours (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;**
>
> **(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;**
>
> **(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more semester credit hours (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection**

must be provided contemporaneously.

Interpretation 309-1
Activities covered by Standard 309(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

Interpretation 309-2
The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

Interpretation 309-3
A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

Interpretation 309-4
(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

Interpretation 309-5
Standard 309 by its own force does not allow credit for distance education courses.

Standard 310. DISTANCE EDUCATION

(a) Distance education is an educational process in which more than one-third of the instruction of the course is characterized by: (1) the separation in time or place, or both, between instructor and student; and (2) the use of technology to deliver instruction.

(b) Distance education credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(c) A law school shall have the technological capacity, staff, information resources, and facilities needed to provide the support and the training needed for instructors and students involved in distance education at the school.

(d) A law school shall establish mechanisms to assure that faculty who teach distance education courses, and students who enroll in them, have the skills, training, and access to

the technology necessary to enable them to participate effectively.

~~(c)~~(e) A law school may award credit for distance education and may count that credit toward the 64 semester credits (or their equivalent) required by Standard 308(b) if:

> **(1) there is regular interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration so as to provide students in distance education courses opportunities to interact with instructors and other students that are comparable to opportunities for such interaction in non-distance learning settings;**
>
> **(2) there is regular monitoring and feedback of student effort and accomplishment as the course progresses, and**
>
> **(3) The outcome standards for the course are consistent with Standard 303.**

(f) A law school shall not grant a student more than a total of 15 semester credit hours (or equivalent) toward the J.D. degree for courses qualifying under this Standard.

(g) A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to one year of full time instruction toward the J.D. degree.

(h) No credit otherwise may be given toward the J.D. degree for any distance education course.

(i) A law school shall establish a process that is effective for verifying the identity of students taking distance education courses and protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

Interpretation 310-1
To allow the Council and the Standards Review Committee to review and adjust this Standard, law schools shall report each year on the distance education courses that they offer.

Interpretation 310-2
Distance education presents special opportunities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.

Interpretation 310-3
Law schools should provide students in distance education courses opportunities to interact with instructors and other students that is comparable to opportunities for such interaction with instructors and students in non-distance learning settings.

Interpretation 310-4

Faculty approval of credit for a distance education course must include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement of Standard 308(b) that requires 700 minutes of instruction for each credit awarded. If the course is being offered asynchronously, class discussion time on a discussion board may be used in calculating the class time.

Interpretation 310-5
A law school that offers credit for distance education shall periodically review the educational effectiveness of its distance education courses and programs, particularly methods of instruction and student interaction appropriate to the courses offered.

Interpretation 310-6
"Credits" in this Standard means semester hour credits as provided in Standard 308(b). Law schools that use quarter hours of credit should convert these credits in a manner that is consistent with the provisions of Interpretation 308-4.

Interpretation 310-7
Methods to verify student identity as required in 306(g) include, but are not limited to: (i) a secure login and pass code; (ii) proctored examinations; and (iii) new or other technologies and practices that are effective in verifying student identity.

Standard 311. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY

A law school may grant credit for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council. The total credits for student participation in such studies or activities may not exceed one third of the credits required for the J.D. degree.

Interpretation 311-1
In addition to studies or activities covered by Criteria adopted by the Council, a law school may grant credit for (a) studies or activities in a foreign country that meet the requirements of Standard 309 and (b) brief visits to a foreign country that are part of a law school course approved through the school's regular curriculum approval process.

The three Criteria adopted by the Council are: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools; and Criteria for Student Study at a Foreign Institution.

Standard 312. DEGREE PROGRAMS IN ADDITION TO J.D.

A law school may not establish a degree program other than its J.D. degree program without obtaining the Council's prior acquiescence. A law school may not establish a degree program in addition to its J.D. degree program unless the school has been fully

approved. The additional degree program may not detract from a law school's ability to maintain a J.D. degree program that meets the requirements of the Standards.

Interpretation 312-1
Reasons for withholding acquiescence in the establishment of an advanced degree program include:

(1) Lack of sufficient full-time faculty to conduct the J.D. degree program;

(2) Lack of adequate physical facilities, which has a negative and material effect on the education students receive;

(3) Lack of an adequate law library to support both a J.D. and an advanced degree program; and

(4) A J.D. degree curriculum lacking sufficient diversity and richness in course offerings.

Interpretation 312-2
Acquiescence in a degree program other than the first degree in law is not an approval of the program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association.

EFFECTIVE DATE

The effective date of new Standards 302, 303 and 304 is three years from the date of adoption. The effective date of new Standard 305 is five years from the date of adoption. Prior to three years after the date of adoption, law schools may elect, for the purpose of their sabbatical inspections, to be evaluated under either (a) existing Standard 302; (b) new Standards 302, 303 and 304; or (c) new Standards 302, 303, 304, and 305. From the period of three years after the date of adoption to five years after the date of adoption, law schools may elect whether or not to be evaluated under Standard 305.

TRANSITION

In the initial phases of implementation of the outcome measures standards set forth in Standards 301-304, compliance will be assessed based upon evaluating the seriousness of the school's efforts to establish and assess student learning outcomes, not upon attainment of a particular level of achievement for each learning outcome. Among factors to consider assessing compliance with these standards are whether a school has demonstrated faculty engagement in the identification of the student learning outcomes it seeks for its graduates; whether the school is working effectively to identify how the school's curriculum encompasses the identified outcomes, and to integrate teaching and assessment of those outcomes into its curriculum; and whether the school has identified when and how students receive feedback on their development of the identified outcomes,

In the initial phases of implementation of the institutional effectiveness standard set forth in Standard 305, compliance will be assessed based on the seriousness of the law school's efforts to engage in an ongoing process of gathering information about its students' progress toward achieving identified outcomes and whether it is using the information gather to regularly review, assess and adapt its program of legal education.

Reporter's Notes

[N.B. These Notes reflect the SRC discussion through July 2011.]

In November 2006, the Council of the Section of Legal Education and Admissions to the Bar adopted the *Strategic Plan and Implementation Plan for the ABA Section on Legal Education and Admissions to the Bar*.[1] In furtherance of the *Strategic Plan*, Section Chair William R. Rakes created the Accreditation Policy Task Force, which was charged with taking a fresh look at accreditation from a policy perspective. The Accreditation Task Force Report was submitted to the Council of the Section on May 23, 2007.[2] Among the conclusions and recommendations of the Task Force was a recommendation that the accreditation process should rely on output measures to a greater extent than it does.

Following the Task Force report, in fall 2007, Section Chair Ruth McGregor appointed three Special Committees to study and report back to the Council on three aspects of the Accreditation Task Force recommendations including outcome measures. The SRC, then, was charged with undertaking a review of all of the Standards and with specifically addressing the reports of the three Special Committees. The SRC received the reports of the three Special Committees, including the report of the *Special Committee on Outcome Measures*.[3] The SRC's consideration of the Special Committee report is contained in Appendix A.

The SRC considered the Special Committee report and addressed the issues of student learning outcomes primarily in Chapter 3. The SRC, then, proposes major changes to the current Chapter 3 by shifting the focus of the program on legal education from heavy reliance on input measures, such as undergraduate GPA and LSAT scores, to expanding the use of output measures currently contained in the Standards such as bar passage rates.

The SRC proposes to streamline the current Standard 301 by moving subsection (b) regarding to proposed Standard 307 which addressed access to the educational program for all students.

The proposed Standard 301 *Objectives*, then, emphasizes that a law school shall maintain a *rigorous* educational program with two objectives. The program should prepare students for (1) admission to the bar and (2) effective, *ethical*, and responsible participation in the legal profession.

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[1] ABA Section on Legal Education and Admissions to the Bar, *Strategic Plan and Implementation Plan for the ABA Section on Legal Education and Admissions to the Bar*, (November 1, 2006) available at http://www.americanbar.org/groups/legal_education/about_us/strategic_plan.html.

[2] *Report of the Accreditation Policy Task Force* (May 29, 2007) available at http://www.abanet.org/legaled/AC%20Task%20Force/cmtetf_20070612134026.pdf.

[3] *Report of Special Committee on Outcome Measures* (July 27, 2008) available at http://www.abanet.org/legaled/committees/subcomm/Outcome%20Measures%20Final%20Report.pdf.

In light of this new emphasis, the SRC proposes new Interpretations 301-1 and 301-2. These proposed Interpretations explain the purpose of the Chapter and the goals for a law school's program in legal education in Interpretation 301-1. As noted in the Standard, a law school's education programs must prepare students for admission to the bar and for effective, ethical, and responsible participation in the legal profession. Following those goals, bar passage rates are one indicator that a law school has satisfied Standard 301. Bar passage, however, may be a necessary condition but it is not sufficient to satisfy Chapter 3 as noted in Interpretation 301-2. Instead, particularly relative to preparation for law practice, law schools will need to use a variety of additional means to demonstrate compliance with the Standards and must particularly engage in the use of student learning outcomes as discussed in proposed Standard 302.

The SRC recommends the deletion of current Interpretations 301-305. Interpretations 301-1 to 301-3 are addressed in proposed Standards 301 and 302 and in the Interpretations for proposed Standard 302. Interpretations 301-4 and 301-5 are addressed in proposed Standard 307 and its Interpretations.

Interpretation 301-6, dealing with bar passage rates, was the subject of a SRC subcommittee. The subcommittee submitted proposed recommendations for changes in current Interpretation 301-6 specifically to raise the bar passage rate from 75% to 80% and from no more than 15 points below the pass rate in the jurisdiction to no more than 10 points below. After discussion, there was no consensus on making the change from the current requirements as set out in Interpretation 301-6. The SRC agreed that Interpretation 301-6 should be converted into a Standard and should become Standard 303 with other Standards renumbered accordingly.

Proposed Standard 302 *Learning Outcomes* is a new Standard and addresses the matters discussed in in the *Report of the Special Committee on Outcome Measures* and by the SRC.

Proposed Standard 302 (a) requires a law school to identify, define, and disseminate the learning outcomes it seeks for its graduating students as well as for its overall program in legal education. It is intended that Standard 302 provide law schools with substantial flexibility in identifying the learning outcomes that they wish to use in assessing the knowledge, skills and values consistent with each law school's mission. It is important to recognize that this Standard does not require that a law school must determine that each and every law student, as a condition of graduation, be proficient in each and every outcome that it determines to pursue under proposed Standard 302. Instead, learning outcomes are to be assessed across the curriculum relative to a particular law school's mission.

Proposed Standard 302 (b) more particularly identifies those learning outcomes that a school is required to adopt. This subsection addresses the level of competency that should be expected for entry-level practitioner in the following areas: (1) knowledge and understanding of substantive law, legal theory and procedures; (2) professional skills including legal analysis and reasoning, critical thinking, legal research, problem-solving, written and oral communication and (3) the exercise professional judgment consistent with the values of legal education and a lawyer's professional duties to society.

Further, learning outcomes shall be used to measure the depth and breadth of the professional skills sufficient for effective, responsible and ethical participation in the legal profession. Learning outcomes should measure a set of professional values including (1) a lawyer's ethical responsibilities; (2) the values of justice, fairness, candor, honesty, integrity, professionalism, and respect for diversity and for the rule of law; and (3) responsibility for the adequate provision of legal services for those who cannot afford to pay. Finally, proposed Standard 302 (b) (5) notes that a law school can identify any other learning outcome which it deems to be necessary or important to meet the needs of its students or accomplish its mission and goals.

The proposed Interpretations are new and are intended to guide law schools in developing its learning outcomes. Proposed Interpretation 302-1, for example, notes that individual skills can be delivered in a number of ways and that the Standard does not require individual classes with respect to individual professional skills.

Similarly, proposed Interpretation 302-2 notes that in addition to the skills listed in the Standard, law schools have flexibility in determining which other professional skills in which its graduates should demonstrate competency. Those skills should fulfill the mission of the school and should effectively use the schools strengthen and resources. By way of example, the Interpretation notes that interviewing, counseling, negotiation, fact development and analysis, and conflict resolution, among other listed suggestions, can be used this fulfill Standard 302.

The emphasis on law schools' flexibility is continued in Interpretation 302-3. A law school, for example, may provide different tracks for students. Graduates from different tracks, then, may demonstrate proficiency in differing bundles of professional skills.

Proposed Interpretation 302-4 emphasizes that the level of competency must be that of an entry-level practitioner necessary for the effective, ethical, and responsible participation in the profession. Levels of competency for law practice may take into account particular practice settings for which a law school prepares its students.

Proposed Standard 303 *Curriculum* is a substantial revision of current Standard 302.

Proposed Standard 303 (a) sets out the general requirement that a law school must have a curriculum that is designed to produce graduates who have attained competency in the learning outcomes identified in Standard 302. Further, every student is required to satisfactorily complete: (1) one course in professional responsibility of at least two semester hours or its equivalent in quarter hours. The professional responsibility course must involve substantial instruction in the history, goals, structure, values and responsibilities of the legal profession; (2) one rigorous writing experience in the first year and one additional rigorous writing experience after the first year (both writing requirements are to be faculty supervised); and (3) one or more faculty-supervised rigorous skills courses of at least three semester hours or equivalent quarter hours after the first year. This additional requirement must integrate doctrine, theory, skills and legal ethics and engage students in performing the professional skills outlined above. Such courses may be conducted through simulation, live client, or field placement.

In brief, a law school's curriculum must contain a course in professional responsibility, two writing requirements, and a skills course. Aside from these requirements, law schools have the flexibility and discretion to design their curricula.

Proposed Standard 303 (b) requires law schools to provide substantial opportunities for students in (1) live-client clinics or other real-life practice experiences which are appropriately supervised and are designed to encourage reflection by students on their experience and on the values and responsibilities of the legal profession and (2) participation in pro bono legal services or law-related public service activities.

The interpretations for this Standard are intended to provide more explanation regarding the requirements for a law school's curriculum. Proposed Interpretation 303-1 is a redraft of current Interpretation 302-1 and it identifies the factors that can be considered in evaluating the rigor of the writing requirement. Such factors include the number and nature of the writing projects, the opportunity a student has to receive individualized assessment, the number of drafts a student must produce for any writing project and the form of assessment used by the school.

Proposed Interpretation 303-2 is new and states that the courses described in Standard 303 (a) (3) should have particular characteristics including: (1) the development of concepts and theories underlying the skills being taught; (2) multiple opportunities for students to perform tasks with appropriate feedback and self-evaluation; and (3) evaluation of student performance by a qualified faculty member.

Proposed Interpretation 303-3 is a redraft of current Interpretation 302-10. This Interpretation is an elaboration regarding satisfying pro bono requirements. Pro bono opportunities, for example, must involve meaningful law-related service to persons of limited means or to organizations that serve such persons. Law-related service includes such things as providing information about law or the legal system or about justice. The Interpretation notes that pro bono or public service activities need not be designed to satisfy the skills requirement. The Interpretation also notes that many of these programs are non-credit-granting activities. This Standard does not preclude the inclusion of credit-granting activities so long as law-related non-credit initiatives are also part of the program.

Proposed Interpretation 303-4 emphasizes that a law school's curriculum should encourage reflection by students on their values and experiences as well as the values and responsibilities of the legal profession.

The SRC proposed deleting current Interpretations 302-3 through 302-9 because these interpretations are now part of Standard 303.

Proposed Standards 304 and 305 are new and form the core of a law school's assessment requirements.

Proposed Standard 304 *Assessment of Student Learning* is directed to a law school's use of assessment methods across the curriculum. The Standard requires a law school to apply a

variety of both formative and summative assessment methods and to provide meaningful feedback to students.

Proposed Interpretation 304-1 provides guidance in defining formative and summative assessments. A formative assessment method measures student learning at different points during a course or over the span of a law student's education. A summative assessment measures the cumulative impact of a course or part of a student's education. A law school is not directed to use any particular measurement tool. Instead, the determination of how to assess learning outcomes is left to individual law schools. Further, law schools are not required to measure the level of achievement of each student in each learning outcome.

Proposed Interpretation 304-2 intends to clarify the requirement that a law school used a variety of assessment methods. A school does not need to apply a variety of assessment methods in each individual course. Rather, the law school shall apply a variety of methods and activities over the course of the student's education. Again, no particular assessment method or evaluative tool is prescribed by the Standard or this Interpretation.

Proposed Interpretation 304-3 states that a law school should encourage a law student's ability to assess his or her performance, professionalism, and level of competence.

Proposed Standard 305 *Institutional Effectiveness* addresses the responsibility of a law school to measure its own effectiveness. The dean and the faculty of a law school are required to measure the school's institutional effectiveness and the effectiveness of its educational program. In doing so, the dean and faculty must: (1) conduct regular, ongoing assessments of whether its learning outcomes, curriculum, assessment method, and student attainment of competency are sufficient to ensure that students are prepared to participate in the legal profession as defined in Standard 301 and (2) must use the results of such institutional review to improve its curriculum with the goal that all students attain competency in the learning outcomes.

Proposed Interpretation 305-1 states that in measuring it institutional effectiveness, a law school should gather a variety of quantitative and/or quantitative evidence to measure the degree to which its students have attained competency in its learning outcomes.

Proposed Interpretation 305-2, by way of example, identifies acceptable measures for measuring a student's competence. Such measures include law school records regarding measuring individual student achievement, student learning portfolios, student evaluations, student performance in capstone or other courses that assess a variety of skills and knowledge, bar passage rates, placement rates, surveys of attorneys judges and alumni and assessments of student performance by supervisors and law faculty. Law schools are not required to use any particular methods and determining achievement of learning outcomes.

Proposed Standard 306 *Academic Standards and Achievements* is a redraft of current Standard 303. The proposed Standard requires law schools to: (1) publish its academic standards including standards for good standing, graduation, and dismissal; (2) publish the schools due process policies that are applied for taking any action that adversely affects the good standing or

graduation of a student; (3) provide a system of academic advising that communicates his school's academic standards, graduation requirements, and provides guidance regarding course selection and sequencing; (4) provide academic support to assure that each student has a satisfactory opportunity to complete the educational program, graduate, and become a member of the legal profession; and (5) not continue the enrollment of s student whose inability to do satisfactory work reasonably indicates that the student will not successfully complete the course of study and be admitted to the bar.

The SRC proposed the deletion of the corresponding Interpretations 303-1 through 303-3 because the issues addressed in these Interpretations have been incorporated into the proposed Standards for Chapter 3.

Proposed Standard 307 *Reasonably Comparable Opportunity* is a redraft of Standard 301 (b) and requires a law school to ensure that all students are reasonably comparable opportunities to take advantage of the school's academic programs and student services including co-curricular programs and other educational benefits.

The SRC recommends retaining the language in current Interpretations 301-4 and 301-5 as new Interpretations 307-1 and 307-2, respectively, addressing the factors measuring "reasonably comparable opportunities."

Proposed Standard 308 *Course of Study and Academic Calendar* is a slight redraft of current Standard 304.

Proposed Standard 308 (a) retains the requirement that law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled over a period of not fewer than eight calendar months allowing time for reading periods, examinations and breaks.

Proposed Standard 308 (b) retains a minimum credit hour requirement but changes the measurement from 58,000 minutes of instruction to 83 semester credit hours or 129 quarter credit hours. This subsection also requires that students take courses in attendance for at least 64 semester hours in regularly scheduled classes at the law school. The subsection defines a credit hour as at least 700 minutes of instruction per semester or 450 minutes of instruction per quarter exclusive of examination time.

The Interpretations accompanying proposed Standard 308 largely track the Interpretations for the corresponding Standard 304.

Proposed Interpretation 308-1 adopts the language of current Interpretation 304-1 stating that the Standard establishes a minimum period of academic instruction as a condition for graduation allowing for minor variations from the semester model.

Proposed Interpretation 308-2 similarly adopts the language of current Interpretation 304-2 in a limiting the class days to five days each week. The proposed Interpretation also says that only classes which are part of the mandatory school calendar may be counted in satisfaction of

the Standard and that voluntary classes, such as intercession or summer classes, do not satisfy the 130 day requirement.

Proposed Interpretation 308-3 with very minor language changes adopts the language of current Interpretation 304-3. This Interpretation sets out rules for calculating the number of credit hours of "regularly scheduled class sessions." The Interpretation provides rules and definitions for regular course work, course work in a foreign study program, credit for seminars, and credit for clinical courses. The Interpretation also provides for some exclusions by identifying activities such as law review, moot court, trial competitions which do not qualify as coursework meeting this Standard.

Proposed Interpretation 308-4, following current Interpretation 304-4, provides a set of examples for meeting the credit requirements and the minimum minute requirements for hours of instruction.

Proposed Interpretation 308-5 also follows current Interpretation 304-5 with minor language changes and limits the credit for coursework to classes the student is taken while matriculating in law school and not in a pre-admissions program.

Similarly, proposed Interpretation 308-6 tracks with current Interpretation 304-6 and emphasizes that law school must demonstrate that it has adopted and enforces policies regarding student satisfaction of this requirement.

Proposed Interpretation 308-7 adopts the language of current Interpretation 304-7 in its entirety and states that a law school shall require a student whose completed work in LL.M. or other post-J.D. program to complete all the work for which it will award the J.D. degree following the student's regular enrollment. The Interpretation allows for transfer credits. Additionally, the Interpretation allows a law school to award credit towards the J.D. degree for work undertaken on LL.M. or other post-J.D. program under restricted circumstances listed in the Interpretation.

Proposed Interpretation 308-8 is new. This Interpretation states that when the student, on the basis of extraordinary circumstances, is permitted to exceed the 84 month program limitation or the 20% enrollment limitation, the school is required to place in the student's file a statement signed by the dean, associate dean, or registrar explaining the extraordinary circumstances. Extraordinary circumstances may, for example, include illness of family exigency.

Proposed Standard 309 *Study Outside the Classroom* is a redraft of current Standard 305 in its entirety with minor conforming corrections.

Proposed Standard 309 (a) allows a law school to grant credit for courses away from or outside the law school. Under proposed Standard 309 (b) the credit for outside work must be commensurate with the time and effort of the educational experience of the student. Proposed Standard 309 (c) states that a student's academic achievement and must be evaluated by a faculty member although, in appropriate circumstances, faculty members from other law schools may make the evaluation. Under proposed Standard 309 (d) outside academic work must be

approved in advance and must be periodically reviewed following the law schools establish procedures for curricular approval. Finally, proposed Standard 309 (e) defines in detail what constitutes a field placement.

The SRC proposes no new Interpretations for Standard 309. Instead, it adopts the existing Interpretations for current Standard 305. Proposed Interpretation 309-1 provides examples of the activities, such as field placement, moot court, or law review that are covered by Standard 309 (a). Interpretation 309-2 advises law school to pay particular attention to field placements given the unique challenges they present for maintaining the quality of legal education. Interpretation 309-3 prohibits a student in a field placement program from receiving compensation, other than reasonable expenses, if credit is awarded. Interpretation 309-4 requires a law school to publish and communicate to students and field instructors the statement that describes the educational objectives of the program and cautions that the number of credits increases the level of instructional resources should also increase. And, Interpretation 309-5 states that this Standard, by its own force, does not allow credit for distance education. Distance education is now covered in proposed Standard 310.

Proposed Standard 310 *Distance Education* modifies current Standard 306.

Proposed Standard 310 (a) defines distance education as an educational process in which more than one-third of the instruction is characterized by a separation of student and instructor and by the use of technology to deliver instruction. The SRC proposes the deletion of the list of examples of technology given the rapid changes that are occurring in information technologies.

Proposed Standard 310 (b) states that credit for distance education shall be awarded only if the academic content, method of delivery, and method of evaluation are approved as part of law school's regular curriculum approval process.

Proposed Standard 310 (c) is new and requires that a law school shall have the technological capacity, staff, information resources, and facilities needed to provide and support the training needed for instructors and students involved in distance education.

Proposed Standard 310 (d) is also new and requires a law school to establish mechanisms to assure that the faculty and students involved in distance education at the skills, training, and access to the technology necessary to enable them to participate effectively.

Proposed Standard 310 (e) sets out rules for awarding credit for distance education. Distance education courses may count in the 64 semester hour requirement if: (1) there is sufficient interaction between the instructor and other students; (2) there is regular monitoring and feedback of student work; and (3) the outcome standards for the course are consistent with Standard 303.

Proposed Standard 310 (f) limits the amount of distance education credits a student may be granted up to a total of 15 semester credit hours.

Proposed Standard 310 (g) prohibits a law school from enrolling students in distance education until the student has completed instruction equivalent to one of year of full-time instruction towards a J.D. degree.

Proposed Standard 310 (i) is new and requires that a law school establish a process that is effective for verifying the identity of students taking distance education courses while protecting student privacy. If any charges are associated with this process, then students must be notified of them at the time of registration or enrollment.

The proposed Interpretations for this Standard substantially rewrite the corresponding Interpretations for current Standard 306.

Proposed Interpretation 310-1 requires law schools to report annually on the distance education courses that they offer.

Proposed Interpretation 310-2 cautions school to pay particular attention to distance education courses relative to the challenges they pose for maintaining educational quality.

The SRC recommends deleting Interpretation 306-3 because the subject of the Interpretation has been addressed in the Standard itself.

Proposed Interpretation 310-3 emphasizes that law schools should take steps to provide students in distance education courses with opportunities to interact with instructors and other students comparable to non-distance education learning.

The SRC recommends deleting Interpretations 306-5 and 306-6 because the subject of those Interpretations has been addressed in the Standard itself.

Proposed Interpretation 310-4 states that faculty approval of credit for distance education must include specific explanation on how course credit was determined including addressing the matter of discussion on a discussion board and calculating class time.

Proposed Interpretation 310-5 requires law schools that offer distance education to periodically review the educational effectiveness of those programs including methods of instruction and student interaction.

Proposed Interpretation 310-6 clarifies what constitutes credit hours in satisfaction of the Standard. And, proposed Interpretation 310-7 provides examples that can be used to verify student identity.

Proposed Standard 311 is a minor redraft of current Standard 307. This standard allows a school grant credit for participation in studies of activities in a foreign country according to the Rules of the Procedure and Criteria adopted by the Council. Total credits for such participation may not exceed one third of the credits required for the J.D. degree.

Proposed Interpretation 311-1 states that in addition to the activities covered by the Criteria a law school may award credit for activities that meet Standard 309. The Interpretation also identifies the three Criteria that apply to foreign study.

Proposed Standard 312 *Degree Programs in Addition to J.D.*is a redraft of current Standard 308. The Standard says the law school may not establish a degree program other than the J.D. program without obtaining the Council's prior acquiescence. Further, the law school may not establish a foreign program in addition to its J.D. program unless the school has been fully approved for at least three years (*See* proposed Standard 103).

Proposed Interpretation 312-1 specifies reasons for withholding acquiescence in the establishment of an advanced degree program. Such reasons for withholding acquiescence include lack of sufficient for-type faculty, lack of adequate physical facilities, lack of library support, and a J.D. program which lack sufficient diversity and richness and course offerings.

Proposed Interpretation 312-2 notes that acquiescence is not approval of the program itself and the school may not announce that the program has ABA approval.

Finally, the SRC recommends that because some of the learning outcomes are new to legal education that a transition period be adopted. It recommends that the effective date for Standards 320, 303, and 304 should be three years from adoption. The effective date for Standard 305 should be five years from adoption. Additionally, the committee recommends that schools may elect to be evaluated under existing standards or the new standards during this transition. During the transition period, the committee recommends that compliance be assessed based upon evaluating the seriousness of the school's efforts to implement student learning outcomes and assessment.