

**From:** Yesenia Santiago

**To:** ABA Standards Review Committee  
Dean Don Polden

Via Electronic Mail

**Cc:** Charlotte (Becky) Stretch

**Re:** Standard 304c -Length of Study

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February 27<sup>th</sup>, 2011

Thank you for the opportunity to submit this comment and for your considerations in review of Standard 304c which restricts the completion of a Juris Doctor degree to 84months. I write to the committee with the hope of effectuating change of the current Standard to reflect granting an extension of time beyond the 84 month rule where exigent circumstances merit.

The current (304c) Standard is unduly restrictive for several reasons.

First, the Standard does not regard circumstances which may arise during the course of study and may interrupt the time allotted for degree completion. Such exigent circumstances may include poor physical/ mental/emotional health, familial demands, or dire economic constraints.

Second, the standard not only precludes a JD candidate from obtaining the JD degree at the law school at which they were once enrolled, but it also precludes the student from transferring to any other law school. Thereby preventing the degree candidate from utilizing any and all of the course credits they have accumulated towards completion of the JD program requirements degree. Essentially, the standard forces the student to forego all of the education and training that he/she may have acquired during the course of their study and start 'from scratch'. The circumstance is further exacerbated by the (often large) debt still owing by the student for the value of a degree that was never obtained nor *can* be obtained without the student having to re-incur that debt by re-enrolling as a 1<sup>st</sup> year law student. This financial inequity seems unjust.

Third, the standard does not provide an alternative course of action for the institution or the student to pursue in deviating from the 84 month rule or objecting to its application where both the student and institution acknowledge legitimate cause(s) for which to do so.

Considering the foregoing, I urge the committee to consider amending Standard 304c to reflect:

1. Granting an exception to the standard that considers exigent circumstances, academic standing, and character fitness, together with any and all other compelling reasons which may warrant such dispensation under the 84 month rule.
2. A hearing/review process whereby the Academic Standards and Standing Committee, (or such other appropriate committee as designated by the law school) can evaluate and determine the commitment and potential success of the candidate to obtain the degree. Such a process will provide the candidate with a fair opportunity to present their goals, and also provide the law school with a reasonable basis on which they can justify their application of the standard.
3. A requirement that a degree candidate have at least two thirds (2/3) or more of the JD

program requisites for degree completion fulfilled according to the standards of the law school to which they seek re-enrollment to be considered for an exception under the Standard. (*In accordance with the suggestion of Mr. Van der Wall who commented on the same Standard* ).

4. The standard should reduce the portion of time that the candidate devotes toward the completion of another professional degree during the course of study for the Juris Doctor degree (where applicable).

Meaning, if a student enrolls in the law school but during the course of their studies registers at another school (*within a university that offers a degree program in conjunction with the law school*) for the purpose of obtaining a dual degree, (JD/MBA, JD/MPH, JD/MLS etc) then the amount of time it takes to complete the requisites for the conjoining degree should NOT be included in the 84 months of time allotted for completion of the JD program. There should be an opportunity for the student to in essence ‘stop the clock’ and/or toll the time until the student has returned to the law school after completing the conjoining degree. Such a provision will be an equitable assessment of the time that was devoted strictly to the completion of the law degree and will also encourage law degree candidates to explore advance degrees in other fields which will inevitably strengthen the overall learning outcomes of the law school and quality of the profession.

An application of the 304c Standard by the law school will not be a frequent nor ordinary custom, but instead a privilege afforded to those degree candidates who establish the need for such an exception through supplemental documentation of good cause and upon a hearing and review to ensure good academic standing and professional and ethical integrity. It can be safely assumed that a degree candidate who was in good standing during the course of their studies and who wishes to return can be expected to complete the program successfully and fair well on the bar examination based on their commitment and willingness to return despite the adversity that once impeded their capability.

In providing an exception to the 304c Standard, the Standards Review Committee would be further advancing the overall goals of the degree candidate and the law school in providing the best possible preparation for the degree candidate to become a successful member of the legal profession. Hence, allowing an exception to the 84 month rule for exigent circumstances propagates the objectives and mission of the American Bar Association (ABA) which is in turn is the charge of the Standards Review Committee to whom I humbly submit this comment for consideration.