

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

**DRAFT FOR April 2011 Meeting**

**CHAPTER 3 PROGRAM OF LEGAL EDUCATION**

**PROGRAM OF LEGAL EDUCATION**

Redline to current Standards

**Standard 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 58,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes 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.<sup>1</sup>

(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.

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<sup>1</sup> Comment from a subcommittee member:

A subcommittee member asks whether the 130 day rule continues to be a relevant requirement in light of other requirements in Standard 304 that limit acceleration and compression. They include minimum minutes of instruction under Standard 304a, limit on acceleration under Standard 304c, limit on 20% of units per semester under Standard 304e, the requirement that law school may not count more than five class days each week under Interpretation 304-2, and the newly included defined credit hour in Standard 304a.

(d) A law school shall ~~require regular and punctual~~ have a policy that requires 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).

~~(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 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 304-2***

*A law school may not count more than five class days each week toward the 130-day requirement.*

#### ***Interpretation 304-3***

*In calculating the 45,000 minutes of “regularly scheduled class sessions” for the purpose of Standard 304(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 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 307;*

*(c) law school coursework that meets the requirements of Standard 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 required by Standard 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 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 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 304(a) and the 58,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements.*

#### **Interpretation 304-5**

*Credit for a J.D. degree shall only 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 304-6**

*A law school shall 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 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) and that meets all of the school's requirement for the awarding of the J.D. degree.*

**Interpretation 304-8**

Whenever a student is permitted on the basis of extraordinary circumstances to exceed either the 84 month program limitation in Standard 304(c) or the 20 percent enrollment limitation of 304(e), the law school should 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.

**Standard 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 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 305-1***

*Activities covered by Standard 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 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 305-3<sup>2</sup>***

*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 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 305-5***

*Standard 305 by its own force does not allow credit for Distance Education courses.*

**Standard 306. DISTANCE EDUCATION**

~~(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.~~

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<sup>2</sup> There is a suggestion that this Interpretation be deleted. The subcommittee has not discussed this.

**(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) where technology is used to provide 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.~~**

**(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.**

**~~(e)~~(e) A law school may award credit for distance education and may count that credit toward the 45,000 minutes of instruction required by Standard 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; ~~and~~**
- (2) there is ~~ample~~ regular monitoring and feedback of student effort and accomplishment as the course progresses, and**
- (3) [REFERENCE TO OUTCOME STANDARDS TO BE ADDED ].**

**~~(d)~~(f) A law school shall not grant a student more than a total of twenty 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~~ 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)~~(g) No credit otherwise may be given toward the J.D. degree for any distance education course.**

#### ***Interpretation 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 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 Standards 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(e).*

***Interpretation 306-4 3***

*Law schools shall ~~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 306-74***

*Faculty approval of credit for a distance education course shall 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 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 306-85***

*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 306-96***

*“Credits” in this Standard means semester hour credits as provided in Interpretation 304-4. Law schools that use quarter hours of credit shall convert these credits in a manner that is consistent with the provisions of Interpretation 304-4.*

**Standard 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 307-1<sup>3</sup>***

*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 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.*

**Standard 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 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 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 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.*

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<sup>3</sup> A comment: 307-1 seems more like a standard than an interpretation. I believe it says that studies that are done in a foreign country in accordance with 305 (whatever that might mean) can be done in addition to the one-third limit on credit from foreign programs.