

2009-2010

CHAIR

Melvin F. Wright
North Carolina Chief Justice's
Commission on Professionalism
901 Corporate Center Drive
Raleigh, NC 27607
(919) 890-1455
melvinf.wright@nccourts.org

MEMBERS

Matthew Christensen
Boise, ID

Joanne M. Garvey
San Francisco, CA

Ronald C. Minkoff
New York, NY

Cheryl I. Niro
Chicago, IL

Arden J. Olson
Eugene, OR

Errol H. Powell
Tallahassee, FL

Irma S. Russell
Tulsa, OK

Steven R. Sorenson
Ripon, WI

**BOARD OF GOVERNORS
LIAISON**

C. Timothy Hopkins
Idaho Falls, ID

BUSINESS LAW LIAISON

Anne Yvonne Walker
Palo Alto, CA

NOBC LIAISON

Sara Rittman
Jefferson City, MO

**TORT AND INSURANCE
PRACTICE LIAISON**

Joshua D. Lee
Chicago, IL

APRL LIAISON

Evan R. Shirley
Honolulu, HI

**CENTER FOR PROFESSIONAL
RESPONSIBILITY DIRECTOR**

Jeanne P. Gray
(312) 988-5293
jpg@staff.abanet.org

**PROFESSIONALISM
COUNSEL**

Arthur Garwin
(312) 988-5294
agarwin@staff.abanet.org

**ASSOCIATE
PROFESSIONALISM
COUNSEL**

Dennis Rendleman
(312) 988-5307
rendlemd@staff.abanet.org

PROGRAM DIRECTOR

Marcia L. Kladder
kladder@staff.abanet.org

June 10, 2010

Donald J. Polden, Chair
ABA Accreditation Standards Review Committee

Dear Dean Polden:

Thank you for the continuing opportunity to comment on aspects of the Accreditation Standards Review Committee's work. On behalf of the Standing Committee on Professionalism, I am submitting the attached recommendations, which are based upon the May 5, 2010 draft from your Student Learning Outcomes Subcommittee.

1) Consistent with the recommendations of the Carnegie Report, we urge that the link of "knowledge" and "skills" be emphasized in describing learning outcomes in the new Standard 302. In particular "the ability to recognize and resolve ethical dilemmas" should be identified as more than a "skill." On a hierarchy of learning outcomes, recognizing and resolving ethical dilemmas is an elevated and important attribute of lawyers, equal to application of any legal principle. For these reasons, we propose that all the learning outcomes described under proposed 302(b) be simply listed as 302(b)(1) - (6).

2) Under our proposed renumbered 302(b)(3) we expand the learning outcome as "the exercise of professional judgment consistent with the values of the profession and professional duties to society," a competence which includes but is not limited to "the ability to recognize and resolve ethical dilemmas."

3) We suggest that the requirement of a course in professional responsibility in 303(a)(1) include the specific provision found in the current Standard 302(a)(5) requiring "substantial instruction" in "the history, goals, structure, values, rules and responsibilities of the legal profession and its members."

4) We also request that the reference in the current Standard 302(b)(1) to learning "the values and responsibilities of the legal profession" in "real-life practice experiences" be carried over to the requirement in 303(a)(3) for an "appropriately supervised learning experience after the first year that engages students in the performance of professional skills." There is now considerable scholarly literature documenting the value and efficacy of teaching professional values and responsibilities in simulation courses as supplement to clinics and field placements.

The Standing Committee on Professionalism will continue to follow your committee's deliberations and may provide you with additional recommendations at a later date.

Again, thank you for the opportunity to participate in this difficult and important review.

Sincerely,

Melvin F. Wright, Jr.

Melvin F. Wright Jr.

<p>Student Learning Outcomes Subcommittee May 5, 2010 Draft</p>	<p>Standing Committee on Professionalism Proposal June 16, 2010</p>
<p>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 and procedure; (2) competency in the following skills: (i) legal analysis and reasoning, critical thinking, legal research, problem solving, written and oral communication in a legal context; (ii) the ability to recognize and resolve ethical and other professional dilemmas; and (iii) a depth and breadth of other professional skills sufficient for effective, responsible and ethical participation in the legal profession. (3) knowledge and understanding 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. (4) any other outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the school's mission and goals.</p> <p>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 in professional responsibility; (2) one faculty supervised, rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year; and (3) one appropriately supervised learning experience after the first year that engages students in performances of professional skills involving a type of case or problem that practitioners encounter. The learning experience shall be (i) a simulation course, (ii) a live client clinic, or (iii) a field placement 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; and (2) participation in pro bono legal services or law-related public service activities.</p>	<p>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 and procedure; (2) legal analysis and reasoning, critical thinking, legal research, problem solving, written and oral communication in a legal context; (3) the exercise of professional judgment consistent with the values of the profession and professional duties to society, including the ability to recognize and resolve ethical and other professional dilemmas; and (4) a depth and breadth of professional skills sufficient for effective, responsible and ethical participation in the legal profession. (5) knowledge and understanding 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. (6) any other outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the school's mission and goals.</p> <p>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 in professional responsibility that includes substantial instruction in the history, goals, structure, values, rules and responsibilities of the legal profession and its members (2) one faculty supervised, rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year; and (3) one appropriately supervised learning experience after the first year that engages students in performances of professional skills involving a type of case or problem that practitioners encounter and designed to teach the values and responsibilities of the legal profession. The learning experience shall be (i) a simulation course, (ii) a live client clinic, or (iii) a field placement 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; and (2) participation in pro bono legal services or law-related public service activities.</p>