

## MEMORANDUM

TO: Standards Review Committee

FROM: Michael A. Wolff

RE: Subcommittee on Curriculum

DATE: December 18, 2010

The subcommittee on curriculum has discussed a number of issues within the subcommittee's charge and reports the following for the purpose of letting the full committee know where we are and what guidance we may need:

1. The attendance policy (Standard 304(d)). There are considerable differences of opinion on this. Some believe that the present standard is adequate. Others (I use the plural generously; there were only a few of us on the call but I believe we are a representative sampling) see a flaw in that this is sort of an input measure. But, in light of the fact that we currently do not have good measures of outcomes yet, the attendance policy may be necessary to keep.

Other subcommittee members have made the salient point that the Accreditation Committee has struggled over minor things, such as: What constitutes a policy? What is a policy of "punctual" attendance? Some of our subcommittee strongly believe that "punctual" should be deleted to keep the AC "from rolling in the mud" on this point.

On attendance policies, the natural pressure in a law school is against having an attendance standard, and the current standard has helped law schools in having some criterion to refer to when telling the students that attendance is required. (Blame it on the ABA.) Although it is not expressed in the standards, members of the committee noted that there is a "common law" belief that the ABA requires attendance at 80% of classes. The overall concern, of course is how to achieve uniformity, without bogging the Accreditation Committee down in the details of a policy and its enforcement.

Two points for consideration:

1. If we are to require a policy, should there be an interpretation to say what a "policy" is?
2. If we are to have an attendance policy, should we say that 80% attendance is required? After all, as some note, if a school has a policy requiring 50% attendance, would that be acceptable?

2. The requirement of 58,000 minutes of instruction (Standard 304(b)).

The subcommittee believes with this standard, for all of its “input” quality, actually works fairly well. It gives schools flexibility in how they compute credit hours and hours required for a degree.

- 3 After our subcommittee call, one member raised the question about whether we should retain the requirement in Standard 304(e) that forbids a student from enrolling in more than 20% of the degree requirements in any one semester. If we keep this requirement, should we add a qualifier “except in extraordinary circumstances”?

- 4 Foreign Study – Standard 307. The current standard says: “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 NS Criteria as adopted by the Council.”

There is a suggestion that we put the criteria for foreign study in the standard, along the following lines:

A) The new criteria (from the Council) say: “Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credit in foreign segments shall not exceed one third of the credits required for the J.D. degree at the law school in which the student is enrolled.”

That would be placed in the new Standard 307, but we would leave in 307 the requirement that the foreign segment program must meet the “criteria” adopted by the Council.

3. The standard forbidding more than 20 hours of employment (Standard 304(f)).

Some of the subcommittee members believe that the general requirement of 304(f) – that a student should not work more than 20 hours per week during full-time study -- should be eliminated. One proposed standard would forbid any outside employment for a first-year full time student (at least 12 credit hours is the current way of describing full time student). After the first year, there would be no limitation on employment.

The main objection is that the current standard is difficult to enforce. A secondary objection is to its paternalism, though paternalism toward first-year students is not as bad as paternalism to the big kids.

There are some on the subcommittee who believe the prohibition on work should be eliminated for all students.

4. Standard 306 – Distance Education

The subcommittee suggests that the Standard 306(d) be amended to eliminate the limitation of more than four credit hours in any term -- the standard would be restated so that the student may take up to one-sixth of the total credits needed for graduation in the distance education program. The subcommittee further believes that courses qualifying for credit in the distance education standard should not be pursued until the student has completed the equivalent of one-third of the credit hours needed for the J.D. degree. That would eliminate distance education programs for students who are classified as first-year students.

The subcommittee welcomes the full committee's ideas and suggestions on these matters relating to the curriculum standards.

Respectfully submitted,  
MW