

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

DRAFT for July meeting

CHAPTER 3 PROGRAM OF LEGAL EDUCATION

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. Because bar passage rates principally reflect how well a law school prepares its students for admission to the bar, an acceptable bar passage rate is a necessary, but not sufficient, condition to comply with these 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

This Interpretation is being reviewed by a separate subcommittee.]

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)(2)(iii), 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)(2)(iii).

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)(2) and (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.

Interpretation 305-3

Satisfying the requirements of Interpretation 301-6 is not, alone, sufficient to satisfy Standard 305.

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 publicize and adhere to written 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 inability to do satisfactory work 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 have a publicized 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).

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.

(e)(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 is 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 for at least three years. 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.