

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

Student Learning Outcomes Subcommittee
DRAFT for November 7-8, 2010 Meeting

CHAPTER 3 PROGRAM OF LEGAL EDUCATION

Strike-outs and underlines show changes from May draft.

Standard 301. OBJECTIVES

A law school shall maintain a rigorous educational program that prepares its students for admission to the bar and effective, ethical and responsible participation in the legal profession.

[Delete all interpretations, except for Interpretation 301-6]

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 professional ~~following skills of~~:

(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~~ recognizing and resolving ethical and other professional dilemmas; and

(iii) ~~a depth and breadth of~~ other professional skills at a breadth and depth 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 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 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 in professional responsibility; and
- (2) ~~one faculty supervised,~~ 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) at least 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)⁴.~~

(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 ~~has to~~ meet with a writing instructor for purposes of 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 by the writing instructor.

Interpretation 303-2

The learning experience described in 303(a)(3) should ordinarily have the following characteristics: development of concepts and theories underlying the skills being taught; opportunity for students to perform tasks with appropriate feedback and self-evaluation; and reflective evaluation of the students' performance by a qualified assessor.

Interpretation 303-3~~2~~

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

⁴ This reference is to current Standard 305(e), which states:

Standard 305. STUDY OUTSIDE THE CLASSROOM

(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 academic credits (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 credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

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 303-34

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. ~~as well as the development of one's ability to assess his or her performance, professionalism and level of competence.~~

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) 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;**

- (b) periodically review 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
- (c) use the results of the review in subsection (b) to improve its curriculum and its delivery with the goal that all students attain competency in the learning outcomes.

Interpretation 305-1

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's 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 305-2

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 due process policies that are fairly and consistently applied a fair process for taking any action that adversely affects the good standing or graduation of a student. ~~The process shall include a disclosure of the evidence on which the action would be based, an opportunity for the student to respond, and an opportunity to appeal any adverse decisions related to good standing, graduation or dismissal. Except in a case where the law school reasonably believes that immediate action is required, the process shall include timely notice of the impending actions. In the case that immediate action is required, the process should include a prompt opportunity to respond and appeal after the action is taken.~~
- (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 is sufficiently manifest such that it is not probable that the student will 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 educational program 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.

EFFECTIVE DATE

The effective date of new Standards 302, 303 and 304 is three years from the date of adoption. The effective date of new Standard 305 is five years from the date of adoption. Prior to three years after the date of adoption, law schools may elect, for the purpose of their sabbatical inspections, to be evaluated under either (a) existing Standard 302; (b) new Standards 302, 303 and 304; or (c) new Standards 302, 303, 304, and 305. From the period of three years after the date of adoption to five years after the date of adoption, law schools may elect whether or not to be evaluated under Standard 305.

TRANSITION

In the initial phases of implementation of the outcome measures standards set forth in Standards 301-304, compliance will be assessed based upon evaluating the seriousness of the school's efforts to establish and assess student learning outcomes, not upon attainment of a particular level of

achievement for each learning outcome. Among factors to consider assessing compliance with these standards are whether a school has demonstrated faculty engagement in the identification of the student learning outcomes it seeks for its graduates; whether the school is working effectively to identify how the school's curriculum encompasses the identified outcomes, and to integrate teaching and assessment of those outcomes into its curriculum; and whether the school has identified when and how students receive feedback on their development of the identified outcomes.

In the initial phases of implementation of the institutional effectiveness standard set forth in Standard 305, compliance will be assessed based on the seriousness of the law school's efforts to engage in an ongoing process of gathering information about its students' progress toward achieving identified outcomes and whether it is using the information gather to regularly review, assess and adapt its program of legal education.

The following standards were not within the general scope of the subcommittee's charge: Standard 304 (Course of Study and Academic Calendar); Standard 305 (Study Outside of the Classroom); Standard 306 (Distance Education); Standard 307 (Participation in Studies or Activities in a Foreign Country; or Standards 308 (Degree Programs in Additional to J.D.)