Memorandum

To: Dean Maureen O'Rourke, Chair
   Council of the Section of Legal Education and Admissions to the Bar

From: Pamela Lysaght, Chair
   Standards Review Committee

Date: January 22, 2018

Re: Proposed Changes to Standard 307

This is the third of four memoranda setting forth the Standard Review Committee’s recommendations following its January 2018 meeting.

   The Committee was asked to update Standard 307 and to consider how the Standard harmonizes with Standards 106, 304, 306, 311, and 505. The working group, which included Monica Ingram (Chair), Doug Blaze, and Becky Stretch, made several recommendations to the Committee at its January meeting. The Committee unanimously recommends that the Council distribute for Notice and Comment the proposed changes to Standard 307 to resolve a number of issues:

   • The current Standard states that studies have to be “approved in accordance with the Rules and the Criteria.” The Criteria no longer requires approval of all programs so the word “approval” is no longer appropriate. There is also no reason to mention the Rules. The proposed draft recommends that subsection (a) be amended to read: “A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.”

   • There is a need to clarify the rules on foreign field placements. Newly revised Standard 304(c), as well as former Standard 305, makes no distinction between domestic and foreign field placement. Proposed subsection (b) clarifies that foreign field placements must meet the requirements of Standard 304. The Committee believes that foreign field placements should count toward the maximum of credits allowed for study outside the U.S. Consequently, the proposed draft includes a reference to field placements in subsection (c). The two-third credit limitation would thus also include field placement credits obtained outside of the U.S.

   • There is a need to clarify the limit on the number of credits allowed in studies outside the U.S. The Committee believes that a distinction should be made between studies outside the United States that are sponsored by an ABA-approved law school and studies at a foreign institution. The draft proposes in subsection (c) that law schools be permitted to grant up to two-thirds of the credits required for the J.D. degree in study outside the United States, but that only one-third of those credits may be from...
study at a foreign institution. Study at a foreign institution includes any credit given under Standard 505 for prior law study at a foreign institution, as well as any credit given under the Criteria for Accepting Credit for Student Study at a Foreign Institution.

- There is a need to clarify how the limit on study outside the U.S. in 307 interacts with the limit on credit for prior law study outside the U.S. in Standard 505. The draft proposes in subsection (d) that law schools be permitted to grant up to one-third of the credits required for the J.D. degree for study at a foreign institution, including both credit for prior law study under Standard 505 and credit for student study at a foreign institution.

- The Criteria for summer/intersession programs were amended recently and no longer include a provision prohibiting foreign study before a student has completed one year of full or part time study because it was felt that such a provision should be in the Standard, if anywhere. Such a prohibition is still contained in the other two Criteria. The draft proposes that subsection (f) be amended to permit foreign study as long as a student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure the quality of the student educational experience. Conflicting provisions in any of the Criteria should be removed. The Committee believes that this provision correctly belongs in the Standards rather than the Criteria.

Related issues the Committee considered: The Committee also reviewed the interplay between Standard 307 and Standard 106, 306, and 311 and determined that no additional changes needed to be made at this time.

2. Standards 105 Acquiescence for Major Change in Program or Structure/106 Separate Locations and Branch Campuses; 105/313 Degree Programs in Addition to J.D.; and 309 Academic Advising and Support/508 Student Support Services. The Committee unanimously recommends that no action be taken on 105/106, 105/313, and 508/309 at this time. The issues of consistency and overlap have pointed to additional issues and considerations. Moreover, in the case of 105 and 106, we have been advised that they currently conform to Department of Education policy.
Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES

(a) A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.

(b) A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.

(c) A law school may grant up to two-thirds of the credits required for the J.D. degree for study outside the United States provided the credits are obtained in a program sponsored by an ABA approved law school. Programs sponsored by an ABA-approved law school include programs held in accordance with the Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law School; programs held in accordance with the Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools; and field placements outside the United States.

(d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree for any combination of 1) student participation in study outside the United States under the Criteria for Accepting Credit for Student Study at a Foreign Institution and 2) credit for courses completed at a law school outside the United States in accordance with Standard 505(c).

(e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed two-thirds of the total credits required for the J.D. degree.

(f) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.

Interpretation 307-1
The three Criteria adopted by the Council are the Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools, the Criteria for Approval of
Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools, and the Criteria for Accepting Credit for Student Study at a Foreign Institution.

Interpretation 307-2
For purposes of Standard 307, a brief visit to a country outside the United States that is part of a course offered and based primarily at the law school and approved through the school’s regular curriculum approval process is not considered to be studies outside the United States.