April 16, 2014

JR Clark
American Bar Association
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Dear Mr. Clark,

The Washburn Student Bar Association would like to thank you and the American Bar Association’s Section of Legal Education and Admissions to the Bar for the opportunity to comment on the recommendation of the Standards Review Committee to delete the current Interpretation 305-3.

We agree with the Review Committee that “a blanket prohibition against receiving credit for a field placement where a student receives compensation . . . puts significant limits on the available field placement opportunities.”

We therefore write in support of the deletion of Interpretation 305-3. There are many benefits to allowing students to be paid for hands-on experience while also earning credit. Education costs are constantly rising, and many students are graduating with large amounts of debt. Many students must earn money while in law school to offset the debt they are constantly amassing. They often must forego the type of legal experience that qualifies for academic credit because they cannot afford to give up their paying jobs. This is a situation in which the more impoverished students cannot afford the high level of credited, mentored experience possible to their more fortunate classmates.

Some impoverished students still try to obtain the credited experience by overloading themselves: scheduling paid employment on top of credited field placement on top of heavy course loads, leaving less time to focus on class preparation. The deletion of 305-3 would allow more of these students to strike a healthy balance between work and school, debt and experience.

It will still be a minority of institutions that can afford to offer credited experience as well as a salary or stipend. But students and institutions should be allowed the benefit of the times when this is financially possible. This allows for the possibility of a wonderful opportunity for a student who would not otherwise be able to give up paid work to gain the experience. To have to forego such an opportunity because of Interpretation 305-3 is a bitter pill to swallow, with no academic benefit.
The elimination of Interpretation 305-3 would benefit the institution as well. There would be more competition for these positions, and the institution would be able to select the students who would best meet the institution’s needs.

The argument is sometimes made that allowing for paid field placements would mean that unpaid positions will be eliminated, resulting in fewer opportunities for students. This would not be the case. Most institutions will still offer the unpaid positions, and those students who can afford them will still seek them because of the prestige and the experience gained.

Thank you for your attention.

Sincerely,

Ashley Rohleder, Washburn American Bar Association Representative, and Tabitha Chapman, Washburn Student Bar Association President
On behalf of the Washburn Student Bar Association