RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Standards 202, 307, 310, 502, 509 and Definitions of the *ABA Standards and Rules of Procedure for Approval of Law Schools*:  

- Standard 202. Resources for Program  
- Standard 307. Studies, Activities, and Field Placements Outside the United States  
- Standard 310. Determination of Credit Hours for Coursework  
- Standard 502. Educational Requirements  
- Standard 509. Required Disclosures  
- Definition of Credit(s) or Credit Hour(s)
Standard 202. RESOURCES FOR PROGRAM

(a) The current and anticipated financial resources available to the law school shall be sufficient for it to operate in compliance with the Standards and to carry out its program of legal education.

(b) A law school that is part of a university shall obtain at least annually from its university an accounting and explanation for all charges and costs assessed against resources generated by the university against law school and for any use of resources generated by the law school to support non-law school activities and central university services.

(c) A law school is not in compliance with the Standards if its current financial condition has a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.

(d) A law school is not in compliance with the Standards if its anticipated financial condition is reasonably expected to have a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.

(e) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.

Interpretation 202-1

“Resources generated by the law school” include law school tuition and fees generated by the law school, appropriated support, endowment income restricted to the law school, restricted and unrestricted gifts to the law school, and any other revenue generated by the law school, including but not limited to revenue from grants, contracts, and property of the law school.

Interpretation 202-2

A law school satisfies Standard 202(b) if the accounting identifies resources generated by the law school, all charges and costs assessed by the university, and the general disposition of any surplus or source of any deficit. The accounting must provide line-item specificity with regard to resources generated and charges and costs.
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 Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States; 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

For purposes of Standard 307, a course including only a brief visit outside the United States is not considered “study outside the United States.” A “brief visit” is one-third or less of the class time in a course that is offered and based primarily at the law school and approved through the school’s regular curriculum approval process.

Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.
(b) A “credit hour” is an amount of work that reasonably approximates:

(1) not less than 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

**Interpretation 310-1**

Based on For purposes of this Standard, the fifty minutes suffices for one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week over the fifteen-week (or its equivalent) period required by the Standard, is sixty minutes. The fifteen-week period may include one week for a final examination. At least 42.5 hours of total in-class instruction and out-of-class student work is required per credit \([15 \times 50 \text{ minutes} + 15 \times 2 \text{ hours}]\). Time devoted to taking a required final examination may count toward the in-class time required, and time devoted to studying for a required final examination may count toward the out-of-class time required. However, merely scheduling a general “exam week” or “exam weeks” does not permit allocating “exam time” to every class. In order to count time spent studying for and taking a final examination, an exam of appropriate length must be required for the particular class.

**Interpretation 310-2**

A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work (42.5 hours) specified in Standard 310(b).

**Standard 502. EDUCATIONAL REQUIREMENTS**

(a) A law school shall require for admission to its J.D. degree program a bachelor’s degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education.

(b) Notwithstanding subsection (a), a law school may also admit to its J.D. degree program:

(1) an applicant who has completed three-fourths of the credits leading to a bachelor’s degree as part of a bachelor’s degree/J.D. degree program if the institution is accredited by an accrediting agency recognized by the United States Department of Education; and
(2) a graduate of an institution outside the United States if the law school assures
that the quality of the program of education of that institution is equivalent to
that of institutions accredited by an accrediting agency recognized by the
United States Department of Education.

(c) In an extraordinary case, a law school may admit to its J.D. degree program an
applicant who does not satisfy the requirements of subsections (a) or (b) if the
applicant's experience, ability, and other qualifications clearly demonstrate an
aptitude for the study of law. For every such admission, a statement of the
considerations that led to the decision shall be placed in the admittee's file.

(d) Within a reasonable time after a student registers—Except in extraordinary
circumstances, a law school shall have on file the each enrolled student's official
transcripts verifying all academic credits undertaken and degree(s) conferred by
the following deadlines:

(i) for students matriculating in the fall, by October 15; and

(ii) for students matriculating at any other time, within 4 weeks of the date
classes begin.

Standard 509. REQUIRED DISCLOSURES

(a) All information that a law school reports, publicizes, or distributes shall be complete,
accurate and not misleading to a reasonable law school student or applicant. A law
school shall use due diligence in obtaining and verifying such information. Violations
of these obligations may result in sanctions under Rule 15 of the Rules of Procedure
for Approval of Law Schools.

(b) A law school shall publicly disclose on its website, in the form and manner and for the
time frame designated by the Council, the following information:

(1) admissions data;

(2) tuition and fees, living costs, and financial aid;

(3) conditional scholarships;

(4) enrollment data, including academic, transfer, and other attrition;

(5) numbers of full-time and part-time faculty, professional librarians, and
administrators;

(6) class sizes for first-year and upper-class courses; number of seminar, clinical and
cocurricular offerings;
(7) employment outcomes; and

(8) bar passage data.

(c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, the following information on a current basis:

(1) refund policies;

(2) curricular offerings, academic calendar, and academic requirements; and

(3) policies regarding the transfer of credit earned at another institution of higher education. The law school’s transfer of credit policies must include, at a minimum:

(i) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

(ii) A list of institutions, if any, with which the law school has established an articulation agreement.

(d) A law school shall distribute the data required under Standard 509(b)(3) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(e) If a law school makes a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council in a form and manner approved by the Council.

Definitions

As used in the Standards, Interpretations, and Rules of Procedure:

(5) “Credit(s) or Credit Hour(s)” means semester hour credits as defined in Standard 310. Law schools that use academic schedules other than semesters, such as a quarter system, shall convert these credits in a manner that is consistent with the provisions of Standard 310 or as otherwise provided in a particular Standard or Interpretation.
The Council of the Section of Legal Education and Admissions to the Bar (Council) submits to the House of Delegates (HOD) for its concurrence the attached changes to Standards and Definitions of the ABA Standards and Rules of Procedure for Approval of Law Schools\(^1\).

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the Council of the Section of Legal Education and Admissions to the Bar files a resolution to the HOD seeking concurrence of the HOD in any actions of the Council to adopt, revise, or repeal the ABA Standards and Rules of Procedures for Approval of Law Schools. The HOD may either concur with the Council’s decision or refer the decision back to the Council for further consideration. A decision by the Council is subject to a maximum of two referrals back to the Council by the HOD. The decision of the Council following the second referral shall be final.

The amendments were approved by the Council for Notice and Comment during its meetings held on May 16-18, 2019. A public hearing was held on August 21, 2019. The Council received one written comment on the proposed changes and one person testified at the public hearing on the proposed changes. The Council approved the amendments at its meeting on August 22-24, 2019.

**Standard 202 and Interpretation 202-2.** The proposed amendment to Standard 202 clarifies a university’s responsibility under the Standard to provide an accounting of all the charges and costs by the university against the resources generated by the law school. The current Standard 202(b) provides that a law school that is part of a university shall obtain at least annually from its university an accounting and explanation for all charges and costs assessed against resources generated by the law school. The Council would receive various responses from law schools trying to demonstrate compliance with this standard. The Council wants to make clear to law schools that it needs to see line-item specificity in the accounting. Proposed Interpretation 202-2, which is new, makes clear that the Standard requires a line-item specificity in the accounting.

**Standard 307.** Standard 307 addresses studies, activities, and field placements outside the United States and identifies when a law school may grant credit for such study. The proposed amendment adds an interpretation clarifying that a course including only a brief visit outside the United States is not considered “study outside the United States.” A “brief visit” is one-third or less of the class time in a course that is offered and based primarily at the law school and approved through the school’s regular curriculum approval process.

**Standard 310.** Standard 310 currently provides that a “credit hour” is an amount of work that reasonably approximates not less than 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. The proposed amendment

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\(^1\)“2019-2020 ABA Standards and Rules of Procedure for Approval of Law Schools,”
clarifies that at least 42.5 hours of total in-class instruction and out-of-class student work is required per credit [15 x 50 minutes + 15 x 2 hours]. The proposed amendment also explains that time devoted to taking a required final examination may count toward the in-class time required, and time devoted to studying for a required final examination may count toward the out-of-class time required. However, merely scheduling a general “exam week” or “exam weeks” does not permit allocating “exam time” to every class. In order to count time spent studying for and taking a final examination, an exam of appropriate length must be required for the particular class.

Standard 502. The current Standard requires law schools to have student transcripts on file “within a reasonable time after a student registers.” This requirement was vague and caused some confusion for law schools. The proposed amendment clarifies this ambiguity by making October 15 the bright-line date by which a law school must comply with the transcript requirement. An additional question arose as to the appropriate requirement when a student matriculates in a program that has start dates in the winter, spring, or summer. The proposed amendment to (d)(ii) will ensure that students enrolling at those times have sufficient time to obtain official transcripts, while still imposing a reasonable bright-line requirement.

Standard 509. The standard currently provides that if a law school makes a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council. The name and contact information of the Council is now provided on the Required Disclosures form a law school must publish annually. This proposed revision reflects that change.

Definitions for Credit or Credit Hour. A new definition has been added for “Credit(s) or Credit Hour(s)” that means semester hour credits as defined in Standard 310. Law schools that use academic schedules other than semesters, such as a quarter system, shall convert these credits in a manner that is consistent with the provisions of Standard 310 or as otherwise provided in a particular Standard or Interpretation.

Respectfully submitted,

Diane F. Bosse
Chair, Council of the Section of Legal Education and Admissions to the Bar
February 2020
GENERAL INFORMATION FORM

Submitting Entity: Section of Legal Education and Admissions to the Bar

Submitted By: Diane F. Bosse, Chair

1. Summary of Resolution.

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Standards 202, 307, 310, 502, and 509 of the ABA Standards and Rules of Procedure for Approval of Law Schools.

2. Approval by Submitting Entity.

The amendments were approved by the Council for Notice and Comment during its meetings held on May 16-18, 2019. A public hearing was held on August 21, 2019. The Council approved the amendments at its meeting on August 22-24, 2019.

3. Has this or a similar resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

The amendments modify the existing ABA Standards and Rules of Procedure for Approval of Law Schools.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

Not applicable.


Not applicable.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.
The Council will notify ABA-approved law schools and other interested entities of the approved changes to the **ABA Standards and Rules of Procedure for Approval of Law Schools**. The Council and the Managing Director’s Office will prepare guidance memoranda and training materials regarding the revised Standards.

8. **Cost to the Association. (Both indirect and direct costs)**

   Not applicable.

9. **Disclosure of Interest.**

   Not applicable.

10. **Referrals.**

    ABA Diversity and Inclusion Center (and related groups)
    ABA Law Student Division
    ABA Section Directors and Delegates
    ABA Standing and Special Committees, Task Forces, and Commission Chairs
    ABA Young Lawyers Division
    AccessLex Institute
    American Association of Law Libraries
    Association of American Law Schools
    Association of Legal Writing Directors
    Clinical Legal Education Association
    Conference of Chief Justices
    Conference of State Delegates
    Deans and Associate Deans of Law Schools
    Law School Admission Council
    Minority Caucus
    National Association for Law Placement
    National Association of Bar Executives
    National Caucus of State Bar Associations
    National Conference of Bar Examiners
    National Conference of Bar Presidents
    SBA Presidents
    Society of American Law Teachers
    University Presidents

11. **Name and Contact Information. (Prior to the meeting. Please include name, telephone number and e-mail address)**

    Barry A. Currier
    American Bar Association
    Section of Legal Education and Admissions to the Bar
    Ph: (312) 988-6744 / Cell: (310) 400-2702
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American Bar Association
Section of Legal Education and Admissions to the Bar
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Email: stephanie.giggetts@americanbar.org

12. **Name and Contact Information.** (Who will present the Resolution with Report to the House? Please include best contact information to sue when on-site at the meeting)

Joan S. Howland
Associate Dean and Professor
University of Minnesota Law School
Ph: (612) 625-9036
Email: howla001@mnu.edu

The Honorable Solomon Oliver, Jr.
Judge
U.S. District Court for the Northern District of Ohio
Ph: (216) 357-7171 / Cell: (216) 973-6496
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EXECUTIVE SUMMARY

1. **Summary of the Resolution**

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Standards 202, 307, 310, 311, 502, 509 and Definitions of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

2. **Summary of the Issue that the Resolution Addresses**

The resolution addresses 202, 307, 310, 311, 502, 509 and Definitions of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. In accordance with Internal Operating Practice 9, the Council engages in an ongoing review of the Standards.

3. **Please Explain How the Proposed Policy Position will address the issue**

The proposals amend the 2019-2020 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. **Summary of Minority Views**

None.