

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

MEMORANDUM

DATE: August 31, 2016

TO: Interested Persons and Entities

FROM: Barry A. Currier, Managing Director of Accreditation and Legal Education

SUBJECT: Adoption and Implementation of Revised Standards and Rules of Procedure for Approval of Law Schools, Criteria for Accepting Credit for Student Study at a Foreign Institution, and Criteria for Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States

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At its meeting in March 2016, the Council approved changes to the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The changes had been circulated for Notice and Comment and a public hearing was held on January 29, 2016. The following amended Standards and Rules of Procedure became effective upon concurrence by the ABA House of Delegates at its meeting on August 8-9, 2016:

- Standard 304: Simulations Courses, Law Clinics, and Field Placements
- Standard 305: Other Academic Study
- Standard 307(a): Studies, Activities, and Field Placements Outside the United States
- Interpretation 311-1: Academic Program and Academic Calendar

At its meeting on June 3-4, 2016, the Council approved the attached *Criteria for Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States* [“Revised Criteria”], which replaces the *Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools* [“Current Criteria”] of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. Additionally, the Council approved changes to the *Criteria for Accepting Credit for Student Study at a Foreign Institution* at its meeting in August 2016. These changes became effective at the close of the ABA Annual Meeting on August 9, 2016.

Attached are an explanation of the changes, a redlined version of the amended Standards, a redlined copy of the changes to the *Criteria for Accepting Credit for Student Study at a Foreign Institution*, and the new *Criteria for Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States*.

## **Explanation of Changes to the Standards:**

The revisions move the field placement experience from Standard 305 into Standard 304 with simulation courses and law clinics, the other categories of experiential learning identified in the Standards. The assumption is that the experiences from field placements are more in keeping with those programs than with offerings such as law review and moot court, which are covered in Standard 305. In moving field placements to Standard 304, requirements were added that are commensurate with those required for clinics and simulation courses—a means of guided reflection; opportunities for performance, feedback, and self-evaluation; and direct supervision. New Standard 304(c) defines a field placement course as one that provides substantial lawyering experience and calls for the creation of a written understanding for the experience. It also imports components from Standard 305 such as the requirement for appropriate prerequisites or sufficient training, and the need for credit granted to be commensurate with the time and effort required. The revision removes any distinctions in the requirements for these programs based on credits offered, and mandates that records should be maintained for all placements. The revision also requires that law schools maintain sufficient control of the student experience at the field placement site to ensure that the requirements of the Standard are met.

Standard 305 remains to provide guidance for other academic study that does not involve attendance at a regularly scheduled class session, including, but not limited to, moot court, law review, and directed research. A new interpretation is added to Standard 305 similar to that recently adopted for Standard 304 that alerts schools that any program offered under the Standard that is intended to satisfy Standard 303 (as a writing experience or an experiential course) must comply with the requirements of that Standard.

The revisions in Standard 304 and 305 require citation changes in Standard 307 (in which field placements outside of the United States are described), and in Interpretation 311-1 (in which calculation of credit hours is described). The revisions eliminate the Interpretation that prohibits the granting of credit to a student for participation in a field placement for which the student receives compensation.

### **Standard 304. SIMULATION COURSES, AND-LAW CLINICS, AND FIELD PLACEMENTS**

(a) A simulation course provides substantial experience not involving an actual client that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;  
and

(iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

(i) direct supervision of the student's performance by a faculty member;

(ii) opportunities for performance, feedback from a faculty member, and self-evaluation;  
and

(iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

(i) direct supervision of the student's performance by a faculty member or site supervisor;

(ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;

(iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;

(iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. 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;

(v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; ~~and~~

(vi) evaluation of each student's educational achievement by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

*Interpretation 304-1*

*To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).*

**Standard 305. ~~FIELD PLACEMENTS AND OTHER~~ ACADEMIC STUDY OUTSIDE THE CLASSROOM**

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, ~~but not limited to, courses approved as part of a field placement program,~~ moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's educational achievement in such a course shall be evaluated by a faculty member. ~~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 its goals and methods, and a demonstrated relationship between those goals and methods and 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 site supervisor;~~

~~(4) a method for selecting, training, evaluating, and communicating with site supervisors;~~

~~(5) for field placements that award three or more credit hours, regular contact between the faculty supervisor or law school administrator and the site supervisor to assure the quality of the student educational experience, including the appropriateness of the supervision and the student work;~~

~~(6) a requirement that each student has successfully completed sufficient prerequisites or receives sufficient training to assure the quality of the student educational experience in the field placement program; instruction equivalent to 28 credit hours toward the J.D. degree before participation in the field placement program; and~~

~~(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 may earn three or more credit hours in a field placement program, the opportunity for student reflection must be provided contemporaneously.~~

~~(f) A law school that has a field placement program shall develop, publish, and communicate to students and site supervisors a statement that describes the educational objectives of the program.~~

*Interpretation 305-1*

*To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).*

*Interpretation 305-1*

*Regular contact may be achieved through in-person visits or other methods of communication that will assure the quality of the student educational experience.*

*Interpretation 305-2*

*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 305-3*

*To qualify as an experiential course under Standard 303, a field placement must also comply with the requirements set out in Standard 303(a)(3).*

**Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES**

(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard ~~305~~ 304 and are not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

## **Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR**

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### *Interpretation 311-1*

*(a) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(a), the credit hours may include:*

- (1) Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;*
- (2) Credit hours earned by participation in a simulation course or law clinic in compliance with Standard 304;*
- (3) Credit hours earned through distance education in compliance with Standard 306; and*
- (4) Credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with Standard 307.*

*(b) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(a), the credit hours shall not include any other coursework, including, but not limited to:*

- (1) Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
- (2) Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
- (4) Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

## **Explanation of Changes to the Criteria for Accepting Credit for Student Study at a Foreign Institution:**

The *Criteria for Accepting Credit for Student Study at a Foreign Institution* contained a reference in Criterion I.C.2 to former Standard 304, regarding course of study and minutes of instruction. The reference was no longer accurate. In addition, with the change to move field placements from Standard 305 to Standard 304, the reference to Standard 305 in Criterion I.C.3 needed to be updated.

### **I.C. Academic Credit**

1. Credits toward the J.D. degree for all foreign study shall not exceed one third of the credits required for the J.D. degree at the Law School.
2. ~~An exception to Standard 304(a), regarding the length of the course of study, and to Standard 304(b) and Interpretation 304-4, regarding required minutes of instruction per credit, is inherent in the Criteria for Accepting Credit for Student Study at a foreign institution. In awarding credit, a law school must determine appropriate comparability between the foreign course and the regular law school curriculum. A law school shall award credit consistent with the requirements of Standard 310 regarding the determination of credit hours for coursework, and should make reasonable efforts to determine appropriate comparability between the foreign course and the regular law school curriculum.~~
3. The Law School shall ensure that no credit is given for field placements (e.g., in a law firm, government office, or corporation) unless the field placement is consistent with the requirements of Standard ~~305~~304(c).
4. The Law School shall ensure that no credit is given for distance education unless the courses are consistent with the requirements of Standard 306.

## **Commentary on the Criteria for Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States:**

At its meeting in June 2016, the Council approved the attached *Criteria for Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States* [“Revised Criteria”], which replaces the *Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools* [“Current Criteria”] of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, effective upon the close of the ABA Annual Meeting on Tuesday, August 9, 2016.

The Revised Criteria represent a substantial revision of the regulation of foreign summer and intersession programs offered by ABA-approved law schools. The revisions amend the Current Criteria as follows:

- Law schools offering programs exclusively for their own students no longer need to receive prior approval to hold foreign summer/intersession programs. Such programs will be reviewed as part of the regular annual and sabbatical reviews that are done of each law school. No annual fee will be assessed for these programs. (See Criteria Part I. and III.A.)
- Law schools planning to enroll students from other ABA-approved law schools in their foreign summer/intersession programs and law schools wishing to cosponsor programs with other ABA-approved law schools continue to need prior approval and will receive one site visit in the second year of the program’s operation. Existing programs following this model will not need to reapply. An annual fee of \$1,900 will be continue to be assessed for these programs. (See Criteria Part I., II., and III.B.)

There are several reasons for these revisions. The small number of credits each program allows and the total number of student credit hours generated by these programs in the aggregate do not justify the amount of time, energy, and resources that schools, staff, and the Accreditation Committee invest in them. There likely was a need some 20-25 years ago for close attention to these programs as the number grew and as they were evolving. Today, new programs have many excellent examples to follow in setting up their operations. Further, recent changes to the *Criteria for Accepting Credit for Student Study at a Foreign Institution* focus more on the responsibility of schools to ensure the educational experience when granting credit for study outside the United States. Moreover, recent emphasis on learning outcomes and assessment will apply to foreign summer/intersession programs and will be reviewed through the law school’s sabbatical site visits, the AQ, and the SEQ, as is true of other educational programs offered by ABA-approved law schools.

The Council determined that less oversight is merited for programs offered by a law school exclusively to its own students. The curriculum and faculty of those programs must meet all of the requirements of the Standards and a school’s own academic policies. Additionally, Part I. of the revised Criteria directs the law school to give special attention to approval of the educational program and the awarding of appropriate academic credit.



For law schools that seek to attract students from other law schools to their foreign summer or intersession programs, there is some need for continuing oversight. One of the main reasons to have ABA approval of programs outside the United States is to provide assurance to other schools that a program meets ABA standards. Thus, additional requirements for programs open to students from other ABA-approved law schools provide that assurance.

Importantly, the proposal continues to require that all programs provide disclosures regarding program cost, program content, refund policies, travel advisories, housing, and a number of other items outlined in Part I.D. of the Criteria.

All programs will continue to be monitored in the annual and sabbatical questionnaires. Several years ago, the Annual Questionnaire was modified to include a section on foreign programs, replacing several separate questionnaires for different types of foreign programs. The AQ includes questions on foreign summer/intersession programs, foreign semester/year-long study abroad programs, student study at a foreign institution, and international dual degree programs. A section would be added for foreign summer/intersession programs exclusively for a law school's own students. The SEQ was recently modified to ask additional questions on a law school's foreign programs so that the Accreditation Committee will be able to more closely monitor a law school's foreign programs. As noted in the Procedures section of the Criteria, the Accreditation Committee may decide to direct a site evaluation of a program if a question regarding a school's compliance with the Criteria is identified and not adequately answered by the school. These reporting requirements seem sufficient to accomplish the goals of the Standards.

#### **CRITERIA FOR SUMMER AND INTERSESSION PROGRAMS OFFERED BY ABA-APPROVED LAW SCHOOLS IN A LOCATION OUTSIDE THE UNITED STATES**

*These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.*

*The ABA Standards and Rules of Procedure for the Approval of Law Schools shall apply to study abroad programs except as modified by the Criteria or by necessary implication.*

### **I. Criteria Applicable to All Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States**

#### **A. Educational Program**

1. The dean and faculty of the law school are responsible for formulating and administering the educational program.
2. The faculty must approve the academic content of the educational program in the same

manner as the curriculum of the law school's on-campus program.

3. The academic content of the educational program must meet the same standards, including evaluation of student performance, as the on-campus program of the law school.
4. The number of students enrolled shall not exceed the number appropriate for the academic content of the educational program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.
5. Students must be provided with the name and contact information of the program director or another responsible person on-site who can be reached at all times during the program.
6. The law school shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the overall program and the faculty and courses offered in the program.
7. The law school may include participants other than those earning credit toward the J.D. degree, provided that such participation does not detract from the law school's ability to maintain a program that meets the requirements of these Criteria and the Standards.

## **B. Academic Credit**

### 1. Length of program

(a) The educational program must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.

(b) The number of credits a student may receive in the program must comply with Standard 310 regarding credit hours and in no event shall a student receive more than 1.5 semester credit hours for each week of the program.

### 2. Instruction Conducted in a Foreign Language

(a) When instruction is offered in a foreign language with consecutive English interpretation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of Standard 310 compliance, classes in which consecutive interpretation is needed may not count more than fifty (50) percent of actual class time expended.

(b) When instruction is offered in a foreign language with simultaneous English interpretation, the time expended in class is commensurate with class time spent when instruction is in English.

3. If credit is given for field placements, the educational program must meet the requirements of Standard 304.

4. If credit is given for distance education courses, those courses and credits must comply with the requirements of Standard 306.

5. Educational Visits

(a) The program shall include at least two visits that relate to the socio-legal environment in the host country.

(b) Time or a portion of the time allocated for visits may not be counted toward the requirements of Standard 310 regarding credit hours unless the content of the visit is academic in nature and specifically related to the class for which the credit is being awarded.

6. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

**C. Physical Facilities**

1. The faculty shall be provided with office space adequate to achieve the purposes of the program.

2. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

3. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

4. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.

5. Adequate facilities for studying must be available to students.

**D. Refund Policies**

1. The law school must adopt and publish policies regarding the circumstances and timing of the refund of monies advanced by students.

2. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

**E. Disclosures**

The following information must be communicated to students no later than 30 days prior to the date when the students' deposits become nonrefundable.

1. Dates, location(s), description of the program, and anticipated enrollment;
2. The nature of the relationship with the foreign institution, if any, other than the provision of facilities and minimal services;
3. Description of each course and number of credit hours;
4. Schedule of classes with days and times for each class;
5. Requirements for student performance and method of evaluating student performance;
6. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites, if any;
7. Descriptive biography of the on-site program director;
8. Descriptive biographies, including academic credentials and experience, of each faculty member responsible for teaching a course;
9. Contact information of an informed person at the law school;
10. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
11. Information regarding the cost and availability of housing made available by the program; or, if the program does not provide housing, information on the availability, approximate cost, and location of housing in the same area;
12. The extent to which the country, city, and facilities are accessible to individuals with disabilities;
13. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students, what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;
14. Relevant State Department Travel Information, including Travel Advisories and Warnings; and
15. Refund policies, in accordance with Standard 509(c)(1).

## **II. Additional Criteria Applicable to Co-sponsored Programs and Programs Open to Students from Other ABA-Approved Law Schools**

### **A. Faculty Oversight**

1. The sponsoring law school(s) shall assign at least one tenured, tenure-track, or full-time faculty member from the law school (or one of the co-sponsoring law schools) to the foreign summer or intersession program who will be present onsite for the duration of the program.
2. A visiting professor to a sponsoring law school is not considered a full-time faculty member for purposes of this provision.
3. The faculty member assigned to fulfill subsection A.1. may also serve as the program director.
4. The faculty member assigned to fulfill subsection A.1. must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) to provide leadership and appropriate faculty oversight of the program for the sponsoring law school(s).
5. The requirement of a continuous presence of a tenured, tenure-track or full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as each fulfills subsection A.1. and one such faculty member is on site at all times.

### **B. Program Director**

1. The sponsoring law school(s) must provide a program director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.
2. The same person may serve as both the program director and as the faculty member assigned to fulfill subsection A.1.
3. The requirement of a continuous presence of the program director may be satisfied by having more than one program director at different times as long as one program director who fulfills subsection B.1. is on site at all times and there is provision for continuity of administration and oversight.
4. The director may not participate concurrently in another program.
5. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

### **C. Program Faculty and Administration**

1. Faculty members who are not from the sponsoring law school(s) shall possess academic

credentials equivalent to those of the faculty at the sponsoring law school(s) and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

2. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.
3. The program director or at least one member of the faculty or on-site staff must:
  - (a) Be fluent in both English and the language of the host country, and
  - (b) Be familiar with the country in which the program is offered.
4. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

#### **D. Academic Requirements**

1. A substantial portion of the educational program must relate to the socio-legal environment of the host country or have an international or comparative focus.
2. The sponsoring law school(s) determines the academic criteria for admission to the program.
3. The sponsoring law school(s) must obtain a letter or other documentation certifying the current good standing of each enrolled student not from the sponsoring law school(s).

#### **E. Disclosures**

1. In addition to the disclosure requirements of Part I.E., co-sponsored programs and programs open to students from other ABA-approved law schools in accordance with Section II must include a statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school.
2. Programs operated in accordance with Section II must post all required disclosures on the program's website no later than 30 days prior to the date when the students' deposits become nonrefundable.

### **III. Procedures**

#### **A. Programs Offered in Compliance with Part I**

*Note: This section applies to law schools offering programs that are not open to students from other ABA-approved law schools. All other programs, including co-sponsored programs, are covered by section B.*

1. A law school offering a program in compliance with Part I of these Criteria is not required to seek approval prior to operation of the program.
2. The law school must retain student evaluations and any student complaints for a period of five years for review by sabbatical site teams.
3. The law school shall complete an Annual Questionnaire in the form specified by the Council.
4. The Accreditation Committee may ask for further information or direct a site visit of a program in any year where responses to the Annual Questionnaire suggest that the program is out of compliance with these Criteria. Examples of actions or changes that might trigger this review include:
  - (a) Failure to timely file the annual questionnaire;
  - (b) Submitting an incomplete questionnaire; or
  - (c) A persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.
5. If the Accreditation Committee has reason to believe that a law school is not operating in compliance with these Criteria, the Accreditation Committee shall proceed with an action under Rule 12 of the Rules of Procedure.

#### **B. Programs Offered in Compliance with Part II**

*Note: This section covers law schools offering programs that are open to students from other ABA-approved law schools and law schools offering programs that are co-sponsored with other ABA-approved law schools.*

1. New Programs
  - (a) A law school seeking to establish a new program under Part II of these Criteria must submit a New Program Questionnaire in the year preceding the first offering of the new program by October 1 for Summer programs and March 1 for Intersession programs.
  - (b) On the basis of the written submission, the Accreditation Committee will determine

whether to approve the program for its first year of operation. Approval will be granted only if the law school demonstrates that the proposed program complies with the Criteria.

- (c) If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its second year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the law school.
- (d) A law school may not advertise or market any program prior to submitting a request for approval of the program. Any advertising or marketing that is done prior to program approval must clearly indicate that the program is pending approval by the Accreditation Committee.

## 2. Monitoring of Approved Programs

- (a) The law school shall complete an Annual Questionnaire in the form specified by the Council.
- (b) The law school must retain student evaluations and any student complaints for a period of five years for review by sabbatical site teams.
- (c) A law school shall provide written notice of any changes in an approved program that do not require approval under Section III.B.3. The Accreditation Committee will determine if additional information is needed to evaluate the program's compliance with the Criteria. Examples of changes that generally do not require approval by the Accreditation Committee include:
  - (i) Change in the number of credit hours offered;
  - (ii) Change in lead sponsoring school; or
  - (iii) New agreements to co-sponsor the program with another ABA-approved law school.

## 3. Request for Approval of Significant Change in Program in Existing Program

- (a) A law school seeking to make a significant change in an existing program must submit a Significant Change Questionnaire in the year prior to the implementation of the proposed change no later than October 1 for Summer programs and March 1 for Intersession programs.
- (b) The Accreditation Committee will review the information submitted concerning the proposed change and determine if additional information is necessary and if a site visit may be required to evaluate the program's compliance with the Criteria in light of the changes in the program.



(c) Examples of changes that require approval by the Accreditation Committee include, without limitation:

- (i) Change in program location;
- (ii) Significant changes in program administration on-site;
- (iii) Significant increase in the enrollment expectations for the program; or
- (iv) Adding a new field placement program or a substantial increase in the enrollment in an existing field placement program.

#### 4. Additional Review

(a) The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit.

(b) Examples of actions or changes that might trigger this review include:

- (i) Failure to timely file the annual questionnaire;
- (ii) Submitting an incomplete questionnaire;
- (iii) Number and nature of the concerns raised in the most recent review of the program;
- (iv) Failure to notify the Office of the Managing Director of a change as required in Part III.B.2(c) or Part III.B.3.; or
- (v) A persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

5. **Withdrawal of Approval.** If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee in accordance with Rule 12(a)(4) of the Rules of Procedure for Approval of Law Schools.

6. **Expiration of Approval.** If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring law school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.