

SYLLABUS

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

Message from the Chairperson

Jerry VandeWalle

Happy New Year!

As a result of the change in schedule of the Section's publications this is my first opportunity to write as Chair.

I acknowledge Diane Yu for the superb year she gave us as Chair. Diane's knowledge of the Section activities, her upbeat manner of resolving problems and her talent for including all the players energized all of us. Diane did this without a hitch, notwithstanding a change in careers and a move from Missouri to New York. Diane is a tough act to follow but I will try to adopt her qualities. Thanks Diane for a job very well done!

I also thank the members who left the Council. Bob Walsh, former Chair of the Council and of several of its important committees, Herma Hill Kay, our secretary, law student member Rodney Bullard, and Bill Rakes, former member of the Council and our choice to serve on the Board of Governors as a repre-

sentative of the Section, and who was named the liaison to the Section from the Board of Governors. They were good, faithful Council members whose wisdom we will often recall.

We welcome our new members, Sara Davies, of Evansville, Indiana, a public member, Dean Judith Areen of Georgetown, and Eric Besch of Frederick, Maryland, the law student member, as well as Armando Laso-Ferrer of Puerto Rico, the new liaison from the Board of Governors.

The Council met in a retreat and orientation session in Chicago in October. Our meeting was overshadowed by the September 11 terrorist attacks. Although the retreat is not a scheduled business meeting of the Council, we adopted a policy, ratified at the December meeting in New Orleans, authorizing law schools, if they choose, to give appropriate academic credit to a student called to active military duty in the middle of a law school term and who is unable to complete that term.

We were quickly immersed in the business of the Section by the time we met in New Orleans December 1 and 2. The Standards Review Committee chaired by Dean Rudy Hasl of

Seattle University reported on several standards including distance education, weekend programs and residency issues and branch and satellite campuses. You will read and hear more about these proposals and your opportunity for comment in other articles in the *Syllabus* and in notices from the Consultant's office. The Standards Review Committee recommendations to the Council are significant and I ask you to read the proposals carefully and respond thoughtfully to them.

The Council also heard a report on the progress of the work of the Task Force on Accreditation Processes chaired by Tom Sullivan, Dean of Minnesota and Chair-Elect of the Council. This group, too, has made substantial progress and will be making rec-

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From the CONSULTANT

By John A. Sebert, Consultant on Legal Education

Chief Justice VandeWalle's column highlights some of the most important ongoing work of the Council and the Consultant's Office. I would like to expand on his reference to the recommendations of the Standards Review Committee and then briefly focus your attention on two other matters.

Proposed Revisions to Standards, Interpretations and Rules of Procedure

Each year the Standards Review Committee (chaired this year by Dean Rudy Hasl of Seattle University School of Law) recommends some revisions to our



Standards, Interpretations and Rules of Procedure, and the Council authorizes the circulation of some proposed revisions for comment, with the likelihood

that the Council at its next June meeting will adopt some new or revised provisions related to the matters about which comment has been invited. The topics about which comment is sought this year include: distance education; weekend programs and residency requirements; the creation of branch or satellite campuses, and other major changes to a law school's institutional structure; and the awarding of J.D. credit for coursework taken prior to matriculation in an approved J.D. program.

The proposed revisions and

commentary concerning them are reprinted elsewhere in this issue of *Syllabus*. We invite comment on any and all of the proposed revisions, and the various means for obtaining those comments are indicated in the article concerning the proposed revisions. In particular, however, I would like to draw attention to and invite comment concerning two of the proposals.

Distance Learning

The use of distance learning technology in legal education has expanded rapidly in the past five years, and the technology itself has improved greatly. The Standards Review Committee believed that the existing Temporary Guidelines on Distance Education (adopted in 1997) had outlived their usefulness and has recommended new and comprehensive treatment of distance education in proposed Standard 306. The proposed standard includes a broad definition of distance education and then proposes differentiating among three specific types of distance education: synchronous distance education delivered to resident law students that is interactive and provides video access to the instructor during class sessions; asynchronous distance education (e.g., web-based) delivered to resident law students and other types of synchronous distance education delivered to resident students; and distance education delivered to non-resident students. The proposed standard provides for

different (and progressively stringent) limitations on the award of J.D. credit for the three types of distance education.

The Council recognizes that the proposed standard would mark a significant step in the recognition of distance education as an appropriate mode of the delivery of some portion of a legal education, and thus the Council seeks the widest possible comment on them. Two particular questions on which the Council particularly seeks comment are noted in the commentary preceding the proposed revisions.

Satellite Campuses

The proposed revisions concerning branch and satellite campuses, and major changes to an approved law school, in part seek to address and regulate appropriately the relatively new phenomenon of a law school establishing a "satellite campus" at which the school offers only a portion of the coursework necessary for a student to obtain a J.D. degree. The proposed interpretations differentiate between four different types of satellite campuses: 1) If a student could take no more than 15 semester hours of credit at the campus, no prior approval is required. 2) If the satellite campus is one at which the school offers no more than its first-year program (or the first three semester, of a part-time program), specific minimum criteria for approval of such a satellite campus are established. 3) If upper-class courses are offered at the satellite campus, the criteria for approval are more general (because of the potentially wide variation in the types of upper-class programs that might be offered at a satellite campus), but clear notice is given that obtaining approval of an upper-class satellite campus will require a strong showing that the programs and services offered to

upper-class students at the satellite are reasonably equivalent to those offered similarly situated students at the home campus. 4) If a student could take at the satellite campus two-thirds or more of the credit hours that the school requires for the J.D. degree, all of the requirements applicable to the establishment of a full branch campus would apply.

The Standards Review Committee and the Council expect that satellite campuses may well become increasingly common, and that this is the appropriate time to provide more clear guidelines concerning the establishment of such campuses. As with the recommendations concerning distance education, these proposals tread uncharted waters, and thus we seek the broadest possible comment.

ABA Commission on Multijurisdictional Practice

The ABA Commission on Multijurisdictional Practice has completed the first part of its work and has issued a very substantial Interim Report (which is available on the Section's website as well as the ABA's website). As Jerry VandeWalle indicates, the Council of the Section will be reviewing the report carefully and will develop comment on some of the Commission's proposals at the Council's February meeting. Recommendations in the MJP Commission Report potentially may impact all aspects of the legal profession, including legal education. The MJP Commission has established numerous methods for seeking direct comment on its proposals, and those vehicles are described in the Commission's memorandum accompanying its report.

Conference for Associate Deans

An important part of the Section's mission is to assist

those responsible for leading and administering law school programs. In recent years the Committee on Law School Administration has sponsored excellent programs for associate deans, and the next of those will be the Conference for Associate Deans this coming June 13-15 in Winston-Salem, North Carolina. Additional details appear elsewhere in *Syllabus*. We very much hope to make this conference an every-other-year event, alternating in the spring of even numbered years with the Law School Development Conference, which is held in the late spring of odd-numbered years.

New Publication Schedule

In order to provide more effective communication with all members

of the Section, the Council recently approved a revised schedule for our two major publications, *Syllabus* and the *Annual Report of the Consultant's Office*. The object is to have each member of the Section receive a significant Section publication once every quarter. The new schedule is as follows:

Syllabus No. 1 (this issue), to be received in late January or early February

Syllabus No. 2, to be received in late May

Syllabus No. 3, to be received in mid-September

Annual Report, to be received in mid-November

We hope you find the revised publication schedule useful, and the revised design of *Syllabus* attractive. 🏠

SYLLABUS

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Editor: Andrew Arnone

Designer: Sonya Taylor

Officers of the Section of Legal Education and Admissions to the Bar: Gerald W. VandeWalle, *Chairperson*; Dean E. Thomas Sullivan, *Chairperson-Elect*; Pauline Schneider, Esq., *Vice-Chairperson*; Nancy Neuman, *Secretary*; Diane C. Yu, Esq., *Immediate Past Chairperson*

The Section of Legal Education and Admissions to the Bar publishes *Syllabus* three times a year. It provides a forum for ideas concerning legal education and bar admissions. Opinions and positions stated in individual articles are those of the authors and not necessarily those of the American Bar Association or members of the Section of Legal Education and Admissions to the Bar.

All manuscripts are reviewed by the editors, and those accepted become the property of the American Bar Association. Manuscripts or letters may be submitted to the Editor, Andrew Arnone, American Bar Association, Legal Education and Admissions to the Bar, 750 N. Lake Shore Drive, Chicago, IL 60611.

Changes of address should be sent to Member Services Division, American Bar Association, 750 North Lake Shore Drive, Chicago, Illinois 60611. Please include mailing label.

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ABA Commission on Multijurisdictional Practice Releases Interim Report for Comment

CHICAGO, Dec. 4, 2001—An American lawyer should be able to serve a client on a temporary basis wherever the client's needs require the lawyer to be, regardless of whether the lawyer is licensed to practice law in the jurisdiction, provided that the circumstances do not create an unreasonable risk to clients, the public or the courts. In so doing, however, the lawyer should then be subject to the disciplinary authority of the jurisdiction where he or she is rendering services.

These are among the recommendations being made in an Interim Report by the American Bar Association Commission on Multijurisdictional Practice, after a year of taking testimony and examining and debating how the present structure of regulating lawyers serves the public, the legal profession, and client needs. The Interim Report includes examples of "safe harbors" for lawyers who cross jurisdictional lines to serve their clients' needs, such as one that would permit a lawyer to work in another jurisdiction if he or she associates with local counsel, and another that would permit lawyers to perform services in another jurisdiction that could legally be performed in that jurisdiction by a non-lawyer.

The Interim Report does not endorse "national practice," and—except as authorized by law or in the case of an employed lawyer who practices only for his or her employer—recommends that admission to the bar be required where a lawyer wants to establish a permanent presence in a jurisdiction.

The Commission is asking the judiciary, lawyers, bar associations, clients, and anyone else

with an interest in the topic to read and react to the Interim Report, which can be found on the Web at www.abanet.org/cpr/mjp-home.html.

American society and business today are less defined by geography than in the past, and lawyers increasingly find themselves representing clients who have a presence in multiple jurisdictions. At the same time, effective regulation of lawyers is essential to client protection, public confidence in the legal profession, and preservation of the core values of the profession.

Among the myriad questions and situations the Commission considered were whether it is unusual for a lawyer to take or defend a deposition in another state; to travel out of state to consult with and advise someone who works for a client's subsidiary; to call out of state to negotiate on behalf of a client; or, if employed by a corporation, to travel to states in which they are not licensed in order to represent their client. None of these activities are unusual—in fact, such activity is the norm for many lawyers if they are to serve their clients' needs adequately. The Commission worked over the year to accommodate both that reality and the concurrent need to protect the public by making sure that lawyers who do practice in multiple locations are

adequately regulated.

The Commission will hold two public hearings on the Interim Report, and is also asking to receive written comment from interested groups and individuals. The hearings will be held on Feb. 1 in Philadelphia during the ABA Midyear Meeting, and on March 21 in New York City. Further information on the hearings and on submitting comment will be available on the Web site. The testimony and written comment received will be considered by the Commission before it issues its final report for consideration by the ABA House of Delegates in August at the 2002 Annual Meeting in Washington, D.C.

The mission of the MJP Commission is to research, study and report on the application of current ethics and bar admission rules to the multijurisdictional practice of law; to analyze the impact of those rules on the practices of in-house counsel, transactional lawyers, litigators and arbitrators, and on lawyers and law firms maintaining offices and practicing in multiple state and federal jurisdictions; to review international issues related to multijurisdictional practice in the United States; and to make policy recommendations to govern the multijurisdictional practice of law that serve the public interest. 🏠

CORRECTION

In the Spring 2001 issue of *Syllabus*, as part of my Chair's Column, I incorrectly attributed the authorship of an intriguing essay, "How to Be a Lawyer." The essay was printed in full on page 6. The correct author of "How to Be a Lawyer" is former Seattle University law student, Julia Young, rather than a group of students at the law school. For anyone seeking permission to print or otherwise refer to "How to Be a Lawyer," please contact the author directly at her e-mail address of kasharoo@home.com. I regret the error.

—Diane Yu, *Immediate Past Chairperson*

Conference Wrap-Up

Partnership in Legal Education for the 21st Century: A Dialogue Between American and Foreign Legal Educators

James P. White

On October 26-27, 2001, the Section conducted a conference on foreign legal education, a “Dialogue Between American and Foreign Legal Educators.” The conference was hosted by The Hastings College of Law, University of California-San Francisco. United States District Judge Paul A. Magnuson, Chair of the United States Judicial Conference Committee on International Judicial Relations, gave the keynote address opening the conference. He stressed the theme of the conference, emphasizing that sharing experiences and ideas benefit and enhance the quality and opportunities of legal education in the global context.

A number of speakers shared their experiences and ideas. Among them were:

Professor Ugo Mattei of the University of Torino, Italy, described efforts to harmonize legal education within the European community.

Professor John O. Haley of Washington University described current efforts in Japan to reform legal education so that the study of law becomes a graduate professional course of study based upon the American model. The goal is to have 50,000 practicing lawyers trained under the new program by 2012.

President Pamela Brooks Gann of Claremont McKenna College, the former dean of Duke Law School, described the Duke LL.M. program for foreign lawyers, which begins by having the foreign lawyer study in one of Duke’s overseas summer pro-

grams. She observed that this permits faster integration into the program.

Professor John J. Barcelo III described the Cornell-Paris I dual degree program under which Cornell and Paris I students receive degrees from both Cornell and Paris. Columbia has a similar program with Paris I, and the University of Puerto Rico has a dual degree program with the University of Barcelona.

Professor Antonio Benjamin of the University of Brasilia stressed the need for those trained in the common law to understand the civil law system and for civil law-trained students to understand the common law system. Economic globalization requires this understanding. He stated his view that American law schools should seek to have more foreign faculty on a periodic basis like his relationship with the University of Texas.

Cedric Chow, a partner with Morrison & Forester, described international law practice and detailed the type of experience and education that firms with

significant global practice desire in their hiring practice.

Professor Geoffrey Bennett, Director of the Notre Dame London Law Center, described the year abroad program conducted in London for Notre Dame students, which is in its own building with both Notre Dame and English faculty. He stressed the need to have comparative and international components to the year course of study.

There was also discussion of joint research between American and foreign scholars, and finally, concurrent panels discussed summer abroad programs—how to do them well, how to integrate them within the regular academic year, a review of semester abroad programs conducted by American law schools and quality control in graduate programs for foreign law students.

The conference provided useful information to representatives of American law schools currently conducting or contemplating programs here or abroad and efforts to ensure quality of the program. 

2002 Summer Foreign Programs Available Online

A list of 2002 ABA-Approved Summer Foreign Programs is available at the Section’s Web site at: <http://www.abanet.org/legaled/studyabroad/abroad.html>. The list of programs is updated as information becomes available to the Section via the annual Summer Foreign Program Questionnaire. For specific information on a particular program, please contact the school directly.

Proposed Revisions to Standards, Interpretations, and Rules of Procedure for the Approval of Law Schools

MEMORANDUM

TO: Deans of ABA-approved Law Schools, University Presidents, Chief Justices of State Supreme Courts, Bar Admission Authorities, Deans of Unapproved Law Schools, Leaders of Other Organizations Interested in ABA Standards

FROM: John A. Sebert, Consultant on Legal Education
Rudolph C. Hasl, Chair, Standards Review Committee

SUBJECT: Proposed Revisions to Standards, Interpretations, and Rules of Procedure for the Approval of Law Schools

At its December 1–2, 2001, meeting, the Council of the Section of Legal Education and Admissions to the Bar took action concerning proposals to revise the Standards for the Approval of Law Schools, the Interpretations of those Standards, and the Rules of Procedure for the Approval of Law Schools. These proposals are attached to this memorandum, with brief explanations of the rationale for each proposal. This same material and the current Standards, Interpretations, and Rules are posted on the Section’s website www.abanet.org/legaled/standards/standards.html.

The proposals address four matters:

1. distance education;
2. residency rules and part-time scheduling options;
3. branch and satellite campuses, and mergers and acquisitions involving law schools; and
4. credit to a J.D. student for work previously done as part of an LL.M. program.

With respect to items 1 and 4, the Council is considering adopting Standards, Interpretations, and Rules of Procedure prepared by the Standards Review Committee. It is the desire of the Council to adopt revisions on these subjects either at the June or August 2002 meeting of the Council following the hearings and receipt of comments and a final report of the Standards Review Committee.

With respect to items 2 and 3, the Council proposes to adopt the revisions to the Standards and Interpretations that are being circulated for comment, subject to any revisions that the Council concludes are appropriate following the hearings, comments, and a final review and report by the Standards Review Committee.

We encourage and solicit comment on these proposals by letter, e-mail or through appearances at the hearings that the Standards Review Committee will conduct during the first months of 2002.

Comment should be sent to Deputy Consultant Barry A. Currier by mail at American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611 or by e-mail at currierb@staff.abanet.org. Persons who appear at a hearing are encouraged to submit written comments at the end of their oral testimony. All comments made will be provided to the Standards Review Committee at its meeting set for May 15, 2002. We expect the Council to act on some or all of these proposals at its meeting set for June 7–8, 2002.

The Standards Review Committee will hold four hearings on these proposals. The schedule for those hearings is:

| <u>Date</u> | <u>Location</u> | <u>Time</u> |
|-------------|---|-------------|
| 1/3/2002 | Wyndham New Orleans Hotel, New Orleans, LA (during the AALS Annual Meeting) | 3:30 p.m. |
| 1/23/2002 | Loews Ventana Canyon Resort, Tucson, AZ (during the ABA Law Deans Workshop) | TBA |
| 2/1/2002 | Park Hyatt Hotel, Philadelphia, PA (during the ABA Midyear Meeting) | 3:00 p.m. |
| 5/15/2002 | Mayflower Hotel, Washington, D.C. (during the American Law Institute Annual Meeting) | 9:00 a.m. |

We appreciate your interest and welcome your comments.

Proposed Revisions to Standards 304 and 305 and a Proposed New Standard Regarding Distance Education

At its December 2001 meeting, the Council discussed a report from the Standards Review Committee with recommendations that the Standards and Interpretations be substantially revised concerning the opportunity of law schools to utilize distance education in their programs of legal education. The report was based on two meetings of the Standards Review Committee during the Fall semester, the prior report of the Section's Technology Committee, and a review of four reports that the Committee members found informational and helpful in evaluating the appropriate way to regulate distance education programs in legal education. Basic background material, including these reports, and this memorandum is available on the Section's website www.abanet.org/legaled. If the Council approves revisions to the Standards and Interpretations in the area of distance education, they will replace the 1997 Temporary Guidelines on Distance Education promulgated by the Office of the Consultant on Legal Education.

The Council invites comment on these revisions to the Standards and Interpretations. It is the desire of the Council to adopt revisions on this subject either at its June or August 2002 meeting following the hearings and receipt of comments and a final report from the Standards Review Committee.

The Standards Review Committee report to the Council stated:

Interest in and use of technology in legal education is rapidly increasing. Some of what is occurring does not require changes to the Standards. For example, an instructor may use more technology in the traditional classroom environment under the Standards as they currently exist (e.g., accessing the Internet, using Power Point, establishing a course website, or creating on-line discussion groups).

Presently, however, "distance learning" in a program of legal education is severely constrained. Current Standard 304(g) prohibits a law school from granting credit for distance learning except as may be allowed by guidelines authorized by the Council in 1997. The Consultant's Office subsequently issued guidelines, included with these agenda materials, which allow limited space for the development of distance education in legal education.

...[T]he ...Committee concluded that the time is ripe for significant change in this area. The Standards should address distance education, and the Council should move away from the tentative

approach that temporary guidelines reflect.

The Committee concluded that the sound program of legal education that the Standards require can include a healthy dose of distance education at schools that are willing to invest the time, talent and resources to make it work well. Consequently, the Standards should provide more opportunities for the development of distance education than do the Temporary Guidelines.

One key to good distance education, in the minds of the Committee, is the assurance that students will continue to have good opportunities to interact with the instructor and with each other, both within the formal structure of the course and outside of that structure. Another key to the appropriate use of distance education is that students are involved in the law school community throughout the semester. The proposed Standard, consequently, insists that credit for distance education be limited almost exclusively to students who are "in residence" at the law school and to situations in which there is substantial interactivity. The Committee believes that these requirements provide adequate assurance that students who enroll in the kind of distance education courses that the proposed Standard allows will have available a program of legal education that is at least as sound as a program that includes no distance learning.

The Standard does not require a law school to offer any of its program of legal education by distance learning. It does make room for law schools to use distance education to improve their program. The Council, together with the Accreditation Committee and the Standards Review Committee, can closely monitor how well this Standard is working and make any necessary changes.

The new distance education standard is proposed Standard 306. Subsection (a) sets forth very general requirements concerning authorized distance education activities. Subsection (b) defines distance education very broadly. Subsection (c) authorizes schools to offer synchronous interactive video courses to resident law students. Subsection (d) authorizes asynchronous distance education courses, and synchronous courses that do not meet the criteria of (c), delivered to resident students. Subsection (e) provides very limited authorization for distance education courses offered to non-resident students if the courses would otherwise meet the criteria set forth in (c) or (d). Subsection (f) prohibits granting credit

for any distance education courses not expressly authorized in Standard 306.

The revision to Standard 304(b) moves to this Standard without other substantive change the proposition in Standard 305(b) that classroom instruction must comprise 45,000 minutes of the 56,000 minutes that Standard 305(b) requires for the J.D. degree. The Committee believes that both requirements should be stated in the same standard. The rest of revised Standard 304(b) makes it clear that distance education authorized by Standard 306 may count within the 45,000 minutes of classroom instruction and that schools may give credit for credit outside the classroom as authorized by Standard 305. The Committee also recommends the deletion of the current prohibition on giving correspondence study in Standard 304(g) because correspondence study is now within the definition of distance education in new Standard 306 and the type of study normally envisioned by the concept “correspondence study” would not meet the requirements of that Standard.

The proposed revisions to Standard 305 primarily implement the previously described revisions to Standard 304. New Interpretation 305-4 is self-explanatory. New Interpretation 305-5 defines with more specificity the types of experiences that are covered by Standard 305—particularly the experiences that are not field placement programs. This new interpretation also contains language making it clear that courses taken outside the law school fall within the limitations of Standard 305.

Present Standards 306 and 307 would be renumbered to reflect these changes.

The draft revisions that are being circulated for discussion and comment follow. The Council particularly invites comment on whether the term “interactive” in draft Standard 306(c)(2) should be defined, and on whether limitations should be imposed on the number or types of courses for which credit is authorized under draft Standard 306(c).

Standard 304. COURSE AND RESIDENCE CREDIT

(a) An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. Time for reading periods, examinations, or other activities may not be counted for this purpose.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of classroom instruction time, except as otherwise pro-

vided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which credit was earned. Law schools may, however, allow credit for distance education as provided in Standard 306. Law schools may also allow credit for study outside the classroom as provided in Standard 305.

(c) To receive residence credit for an academic semester, a student shall be enrolled for not fewer than eight credit hours. In order to graduate in six semesters a student shall be enrolled in each semester for not fewer than ten credit hours and must receive credit for nine credit hours. If a student fails to receive credit for the specified number of hours, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.

(d) Pro rata residence credit may be awarded for study during a summer session on a basis that fairly apportions a student’s effort to the usual residence period.

(e) Regular and punctual class attendance is necessary to satisfy residence credit and credit hour requirements.

(f) A student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours.

~~(g) A law school shall not grant credit for study by correspondence. A law school may grant credit for distance learning study in accordance with such temporary or permanent guidelines as are authorized by the Council.~~

Interpretation 304-1:

This Standard establishes minimum periods of academic instruction as a condition for graduation. The Standard accommodates deviations from the conventional semester and quarter modes by permitting such arrangements as mini or interim terms. (August 1996; August 1997; August 1999)

Interpretation 304-2:

In a joint degree program between a law school and another school or college: ~~Not fewer than 45,000 minutes of the total time credited toward the 56,000 minutes of study required for~~

a J.D. degree shall be in courses in residence at the law school.

~~The remaining 11,000 minutes of study may be in courses outside the law school if all of the hours applied in satisfaction of the requirements for the J.D. degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program.~~

Interpretation 304-3:

Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit for work taken in special pre-admission programs. Students enrolled in a special pre-admission program may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion of the pre-admission program. (August 1996)

Interpretation 304-4:

A law school may permit students to graduate in fewer than six academic semesters by earning not more than one semester, or one quarter of residence credit for taking summer courses, if (i) the student meets the class minute requirements of this Standard; (ii) the student meets the employment limitations of this Standard; and (iii) the summer instructional programs in which the student enrolls total no fewer than 65 semester days, or 44 quarter days, over two or more summers during which classes are regularly scheduled in the law school. (August 1996)

Interpretation 304-5:

A semester hour of credit requires not fewer than 700 minutes of instruction time, exclusive of time for an examination. A quarter hour of credit requires not fewer than 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 56,000 minutes of instruction time, a law school must require at least 80 semester hours of credit, or 124 quarter hours of credit.

Law schools that use semester hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of

instruction in 10 classes.

Law schools that use quarter hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 304(a) and the 56,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements. (August 1999)

Interpretation 304-6:

The number of class days in an academic year is the number of days on which classes are regularly scheduled throughout the day. Days on which classes are not scheduled throughout the day are not a "class day" for full-time students. (August 1996)

Interpretation 304-7:

A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, limitation on employment, and time devoted to job interviewing. The law school also shall take steps to control absenteeism by students involved in placement interviewing. (August 1996)

Standard 305. STUDY OUTSIDE THE CLASSROOM.

(a) A law school may ~~offer~~ **grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.**

~~(b) Not fewer than 45,000 minutes of total time credited toward satisfying the "in residence" and "class hours" requirements of the Standards shall be in attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.~~

(b e) Residence and class hour credit granted shall be commensurate with the time

and effort expended by and the quality of the educational experience of the student.
(c) Each student's academic achievement shall be evaluated by a faculty member....
(d) The studies or activities shall be approved in advance and periodically reviewed....
(e) A field placement program shall be approved and periodically reviewed utilizing the following factors:

...
(f) Additional requirements shall apply to field placement programs:

...
Interpretation 305-4:

Standard 305 by its own force does not allow credit for distance education courses.

Interpretation 305-5:

The reference in Standard 305(a) to studies or activities "in a format that does not involve attendance at regularly scheduled class sessions" refers to independent study and co-curricular activities (e.g., law review, moot court) for which some law schools allow credit. It also includes courses outside the law school, whether or not taken as part of a joint degree program, if all of the hours applied in satisfaction of the requirements for the J.D. degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program.

Standard 306. DISTANCE EDUCATION.

(a) A law school may offer credit toward the J.D. program for distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such credit shall be awarded only if academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(b) Distance education is an educational process characterized by the separation, in time or place, between instructor and student. It includes courses offered principally by means of:

- (1) technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;
- (2) audio or computer conferencing;
- (3) video cassettes or discs; or
- (4) correspondence.

(c) Credit for synchronous distance education delivered to resident law students may be awarded and may count toward the 45,000 minutes of classroom instruction required by Standard 304(b) if it:

- (1) provides video access to the instructor during class sessions;
- (2) is interactive; and
- (3) provides satisfactory opportunities for students to interact with the professor and each other outside of class.

(d) Credit for asynchronous distance education delivered to resident law students, or synchronous distance education delivered to resident law students that does not meet the requirements of (c), may be awarded and may count toward the 45,000 minutes of classroom instruction required by Standard 304(b) if:

- (1) there is opportunity for adequate interaction with the instructor and other students both inside and outside the formal structure of the course;
- (2) no student enrolls in more than four (4) credits of courses offered under this subsection in any one term nor more than a total of twelve (12) credits during a student's enrollment in the law school; and
- (3) no student is permitted to enroll in a course offered under this subsection until that student has completed 28 credits toward the J.D. degree.

(e) Up to three (3) credits for distance education courses delivered to a law school's non-resident students may be awarded for a law school's courses that would otherwise meet the requirements of (c) or (d), such as credit for a course offered to non-resident students in a summer term. Such credit shall not count toward the 45,000 minutes of classroom instruction required by Standard 304(b).

(f) No credit otherwise may be given toward the J.D. degree for any distance education course.

Interpretation 306-1:

To allow the Council and the Standards Review Committee to review and adjust this Standard, law schools shall report each year on the distance education courses that they offer.

Interpretation 306-2:

Distance education presents special opportu-

ilities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.

Interpretation 306-3:

The concept of “residency” in Standard 304 aims to make certain that students benefit from being part of a law school community and the learning and socialization into the legal profession that occurs outside, as well as inside, the classroom. Law schools should take steps to assure that distance education meets the requirements of Standards 301 and 302 and is developed and implemented to enhance the school’s overall program of legal education.

Interpretation 306-4:

Law schools should take steps to provide students in distance education courses opportunities to interact with instructors that equal or exceed the opportunities for such interaction with instructors in a traditional classroom setting.

Interpretation 306-5:

Law schools shall have the technological capacity, staff, information resources, and facilities required to provide the support needed for instructors and students involved in distance education at the school.

Interpretation 306-6:

Law schools shall establish mechanisms to

assure that faculty who teach distance education courses and students who enroll in them have the skills and access to the technology necessary to enable them to participate effectively.

Interpretation 306-7:

Faculty approval of credit for a distance education course shall include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement of Interpretation 304-5 that requires 700 minutes of instruction for each credit awarded.

Interpretation 306-8:

A law schools that offers more than an incidental amount of credit for distance education shall adopt a written plan for distance education at the law school and shall periodically review the educational effectiveness of its distance education courses and programs.

Interpretation 306-9:

“Credits” in this Standard means semester hour credits as provided in Interpretation 304-5. Law schools that use quarter hours of credit shall convert these credits in a manner that is consistent with the provisions of Interpretation 304-5.

Standards 306 and 307: renumber as 307 and 308 and change all references to those Standards elsewhere in the Standards and Interpretations to reflect this renumbering.

Proposed Revisions to Standard 301, Interpretation 304-6, and Standard 511 and Proposed New Interpretations 301-2, 301-3 and 511-1 Concerning Residency and Part-time Enrollment Options/Programs

The Council considered issues regarding the academic calendar and residency rules of Standard 304, primarily in the context of law school initiatives to offer weekend “scheduling options” or “programs.”

Law schools are creative and innovative institutions. The traditional three-year, full-time program, while still perhaps the soundest approach to legal education, is being examined and reshaped in response to a variety of concerns and pressures. One such effort is the “weekend scheduling option.” Two law schools in the last few years have sought

acquiescence to a change in their programs that would allow them to schedule classes in a manner that would allow a student to earn a J.D. degree by attending class only on weekends.

Acquiescence was granted in both cases. The schools had a unified admissions process. Full-time faculty would teach weekend classes in roughly the same proportion as the classes offered during the week. The schools committed to offering a full range of elective courses and to making other programs (e.g., clinics) available to students taking a weekend

schedule. All students in the law school may elect courses from the full-time, weekday part-time, or weekend part-time schedule once the required curriculum had been completed. In short, the schools met the burden of showing that the weekend course of study was not materially different than any part-time course of study.

The Council concluded that, on facts like these, there was no basis in the Standards to deny acquiescence to the weekend scheduling option. Some Council members, however, remained concerned about the quality and rigor of a course of study concentrated into a weekend. Some do not believe that a weekend schedule, whether described as a “program” or a “scheduling option,” can be sufficiently integrated into a school’s overall program. If it cannot be so integrated, then it must be considered a separate program. As a separate, free-standing program, a weekend schedule does not comply with Standard 304’s call for a 130-day academic year. The Council asked the Standards Review Committee to consider the matter. It did and filed a report with the Council recommending the changes that the Council is now circulating for comment.

After further study and discussion, the Council concluded that one cannot meaningfully distinguish a well-constructed weekend course of study from a well-constructed evening part-time program. The goal of the Standards ought to be to assure that a law school operates in such a manner that all students benefit from a sound environment for legal study. That environment includes not only class sessions but the interaction with instructors and fellow students that occurs outside of class and the opportunity to participate in the variety of co-curricular and enrichment programs that law schools offer. The concept of “residency,” ultimately, aims to assure that students are “steeped” in this law school environment. This steeping plays an important role in developing the sense of professionalism and understanding of legal culture that law schools provide to students.

The proposed changes to the Standards and Interpretations direct a school’s attention to making certain that all students have opportunities to benefit from the overall program offered by the school regardless of whether they are full-time, evening, weekend, or flexible part-time program students. This accomplishes the “steeping” goal. These recommendations would not prohibit the approach that two law schools have taken in developing weekend scheduling option programs. But, this is not a burden that can be easily met. Schools must show that students pursuing a weekend scheduling options are integrated into the life of the law school. They must

provide the courses, the faculty and staff, and all other programs that together make a sound program of legal education.

The proposed changes are:

Standard 301. OBJECTIVES.

(a) A law school shall maintain an educational program that prepares its graduates for admission to the bar and to participate effectively and responsibly in the legal profession.

(b) A law school shall maintain an educational program that prepares its graduates to deal with current and anticipated legal problems.

(c) A law school shall ensure that its educational program, co-curricular programs, and other educational benefits are available to all students.

(e d) A law school may offer an educational program designed to emphasize certain aspects of the law or the legal profession.

Interpretation 301-1:

Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the attrition rate of the school’s students, and the bar passage and career placement rates of its graduates.

Interpretation 301-2:

Among the factors to consider in assessing compliance with Standard 301(c) are whether students have the realistic opportunity 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 301-3:

For schools that have more than one enrollment or scheduling option for students, the school’s educational program, co-curricular activities, and other educational benefits shall be available to all students on a roughly proportional basis.

Standard 304. COURSE AND RESIDENCE CREDIT

...

Interpretation 304-6:

The number of class days in an academic year is the number of days on which classes are regularly scheduled throughout the day. Regardless of scheduling options that a school may offer to students other than full-time students, a law

school may not count more than five (5) class days each week toward the 130-day requirement. Days on which classes are not regularly scheduled throughout the day are not a “class day” for full-time students.

Standard 511. STUDENT SUPPORT SERVICES.

Consistent with sound legal education principles, a law school shall provide all its students with basic student services, including maintenance of accurate student records, academic advising and counseling, and financial aid coun-

seling. If a law school does not provide these types of student services directly, it must demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

Interpretation 511-1:

For schools that have more than one enrollment or scheduling option for students, basic student services shall be provided to students on roughly proportional basis.

Proposed Additions and Revisions to Standards, Interpretations and Rules of Procedure Related to Branch and Satellite Campuses and to Major Changes in the Organizational Structure of an Approved Law School

At its December 2001 meeting, the Council indicated an intention to adopt by June 2002 additions and revisions to the Standards, Interpretations and Rules of Procedure set forth below, and the Council authorized the circulation of these proposed revisions for comment. The revisions are intended to accomplish a number of purposes.

First, the revisions define a “branch campus” as one at which a student could take all of the credits needed for the award of the J.D. degree, to continue the view currently found in the Rules that the establishment of a branch campus is essentially the creation of a new law school, and to make it clear that the establishment of a branch campus is not the closing of the existing law school.

New Standard 106(x) defines “branch campus.”

Interpretation 105-2 is revised to place in the Interpretation the proposition now found only in Rule 19(c)(2) that establishing a branch campus constitutes creating a different law school, to restate the substantive requirements for establishing a branch campus, and to conform the requirements to recent revisions of Standard 701. Existing Rule 19(c)(2) is redesignated 19(c)(3) and otherwise revised only to use the term “branch campus” rather than “branch.”

Second, the revisions address explicitly the phenomenon of the establishment by a law school of a different location at which some courses are offered but which is not a full branch campus. The revisions divide these “additional location” situations into different categories.

If a student could take no more than 15 semester

credit hours at the location, the establishment of the additional location is not a major change, no notification is required, and no action by the Council is necessary. Many schools have clinics situated at separate locations, and the purpose of this provision is to permit such separate locations to continue to be established without any involvement of the Council. Revised Interpretation 105-1(13) excludes such a separate location from the definition of a major change, and conforming revisions are made to Rule 19(b)(6).

If a student could not earn all of the credits necessary for the J.D. at the separate location but could take 16 or more semester credit hours, the location is a “Satellite campus” and establishing such a Satellite campus is a major change. See proposed Standard 106(y).

Proposed Interpretation 105-3 establishes minimum criteria that must be met by a Satellite campus at which no more than the first year of a school’s program (or the first three semesters of a part-time program) are offered.

Proposed Interpretation 105-4 deals with the situation in which the law school offers upper-class courses at the Satellite campus. It is much more complex for a school adequately to support an upper-class program than a first-year program at a Satellite campus because of the variety of courses and wider range of support services that upper-class students require. The possible upper-class programs that a school might offer at a Satellite campus also differ widely. Thus the proposed Interpretation provides only general criteria, requiring that such pro-

grams provide adequate support for the educational programs that the school offers at the Satellite and that the resources and services offered at the Satellite campus be reasonably equivalent to those offered similarly situated students at the home campus. Since there has yet been no experience with a law school offering upper-class courses at a Satellite campus, the intention of the Interpretation is to leave the Accreditation Committee substantial latitude for common law development in this area.

Finally, proposed Interpretation 105-5 takes the position that at some point a Satellite campus will offer a sufficient number of courses that it should be treated as essentially a branch campus—at least by applying to this type of Satellite the substantive requirements for a branch contained in Interpretation 105-2. If the Satellite does not meet the full definition of a branch, however, the opening of this type of Satellite would be only a major change, and not the creation of a different law school.

The remainder of the Committee's recommendations relate to the impact of transferring a school's program or assets to another institution or undergoing a merger. Present Rule 19(c)(1) contains an absolute statement that transferring the program or assets of a school to another institution constitutes a decision to close an approved school and establish a "different" school. In many situations, however, it is unrealistic to view such a transfer as the creation of a different law school, and such a transfer is more appropriately viewed as constituting a major change, which would still necessitate a site evaluation and Council acquiescence.

The proposed revisions of Rule 19(c)(1) and (2) establish a process by which the Accreditation Committee, guided by the factors listed in (c)(2), makes an initial determination of whether the transfer or merger is only a major change or amounts to closure and the establishment of a different law school. If it seems reasonably clear that the transfer or merger will not result in sufficient change to be the establishment of a different school, the major change process would apply. If the Accreditation Committee believes that the Committee should consider whether the transfer or merger does constitute the establishment of a different school, proposed Rule 19(c)(1) provides for written notice to the school and an opportunity for a written response before the Committee makes a final decision. Proposed Rule 19(c)(2) contains a non-exclusive list of factors to be considered in determining whether the sale, transfer or merger amounts to the opening of a new law school. The school could appeal any Committee decision to the Council under established procedures.

Present Rule 20(b) is deleted. This provision is superfluous if the other revisions are adopted.

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE.

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change.

Interpretation 105-1:

Major changes in the program of legal education or the organizational structure of a law school include:

...

(13) Opening of a branch campus or an additional location (Satellite campus) at which ~~the~~ law school offers at least 20 percent of its educational program a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D. degree. (August 1996; August 1997; August 1998, August 2001)

Interpretation 105-2:

The establishment of a branch campus of an approved law school constitutes the creation of a different law school. Consequently, ~~requires that~~ ~~the~~ a branch campus must have a permanent full-time faculty, an adequate working library, adequate support and administrative staff, and ~~an~~ adequate physical facilities and technological capacities ~~facility, including plans for a permanent physical facility.~~ (February 1979; August 1996)

Interpretation 105-3:

The establishment of a Satellite campus at which a law school offers no more than the first-year of its full-time program, or the first three semesters (or equivalent) of its part-time program, requires at least:

- (1) Full-time faculty of the law school who teach substantially all of the curriculum offered at the Satellite campus and who are reasonably available at the Satellite campus for consultation with students;*
- (2) Library resources and staff at the Satellite campus that are adequate to support the curriculum offered at the Satellite campus and that are reasonably accessible to students at the Satellite campus;*
- (3) Academic advising, career services and other student support services that are adequate to support the program offered at the Satellite campus, that are reasonably equivalent to such services offered to similarly situated*

ed students at the law school's home campus and that are offered in person at the Satellite campus or otherwise are reasonably accessible to students at the Satellite campus; and
(4) Physical facilities and technological capacities at the Satellite campus that are adequate to support the curriculum offered at and the students attending the Satellite campus.

Interpretation 105-4:

The law school program for other than first-year students requires a more complex environment (range of courses and programs, student services, co-curricular activities, etc.) than is required for first-year students. Therefore, a law school that seeks to establish a Satellite campus at which it will offer courses beyond its first-year program must meet a heavier burden of showing that it can adequately support its program at the Satellite campus. It must establish at least:

- (1) That students attending the Satellite campus have reasonable access to full-time faculty, library resources and staff, and academic advising, career services and other support services that are adequate to support the program that the law school offers at the Satellite campus and that are reasonably equivalent to the resources and services offered to similarly situated students at the law school's home campus; and*
(2) That the physical facilities and technological capacities at the Satellite campus are adequate to support the curriculum offered at and the students attending the Satellite campus.

Interpretation 105-5:

If a student would be able to take at a Satellite campus the equivalent of two-thirds or more of the credit hours that a law school requires for the award of the J.D. degree, all of the requirements set forth in Interpretation 105-2 apply to the establishment of such a Satellite campus.

Standard 106. DEFINITIONS.

As used in the Standards and Interpretations:

...

ADDITIONAL PROPOSED DEFINITIONS, to be inserted in alpha order and other subsections renumbered:

() "Branch campus" means a separate location at which the law school offers sufficient courses that a student could earn at the separate location all of the credit hours that the law school requires for the J.D. degree.

() "Satellite campus" means a separate location at which a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D. degree but which does not constitute a branch campus.

Rule 19. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School.

(a) A major change in the organizational structure of an approved law school raises concern about the school's continued compliance with the Standards. Before making a major change in its organizational structure, a provisionally or fully approved law school shall apply for and obtain acquiescence in the proposed change.

(b) A major change in the organizational structure of an approved law school which requires Council acquiescence means:

- (1) Materially modifying the law school's legal status or institutional relationship with a parent institution;
- (2) Merging or affiliating with one or more approved or unapproved law schools;
- (3) Acquiring another law school or educational institution;
- (4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
- (5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
- (6) Opening of a branch campus or an additional location (Satellite campus) at which ~~the law school offers at least 20 percent of its educational program~~ a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D. degree;
- (7) Merging or affiliating with one or more universities; or
- (8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement.

(c) For purposes of this Rule:

- (1) The transfer of all or substantially all of the academic program or assets of an approved law school to a new institution, ~~whether a university or freestanding institution, constitutes a decision to close the approved law school and open a different law school.~~ merging or affiliating with one

or more approved or unapproved law schools, or merging or affiliating with one or more universities may amount to the closure of an approved law school and the opening of a different law school. If the Accreditation Committee determines, after written notice and an opportunity for written response, that such a change does amount to the closure of an approved law school and the opening of a different law school, it shall so notify the law school(s).

(2) Factors that shall be considered in making the determination of whether the events listed in paragraph (1) above constitute the closure of an approved law school and the opening of a different law school include, without limitation, whether such events are likely to result in

- (a) significant reduction in the financial resources available to the law school;
- (b) significant change, present or planned, in the governance of the law school,
- (c) significant change, present or planned, in the overall composition of the faculty and staff at the law school,
- (d) significant change, present or planned, in the educational program offered by the law school; or
- (e) significant change, present or planned, in the location or physical facilities of the law school.

(2 3) Opening of a branch campus by an approved law school is treated as the cre-

ation of a different law school. A law school seeking to establish a branch campus shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed branch campus: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed branch campus. (3 4) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school.

...

Rule 20. Closure of Law School.

(a) An approved law school and its parent institution, if any, agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure plan which meets at least the conditions set out below and is found acceptable by the Accreditation Committee.

~~(b) A transfer of substantially all the assets of a law school to another institution shall be deemed a decision to cease operation of an approved law school unless the Council acquiesces in the major change pursuant to Rule 18.~~

Rules 20(c) through (f) will be redesignated to accommodate the deletion of (b).]

Proposed Revisions to Interpretation 304-3 and Proposed New Interpretation 304-8 Regarding Credit Toward the J.D. Degree for Work Previously Done in an LL.M. Program

At its December meeting, the Council discussed a report from the Standards Review Committee with recommendations to amend Interpretation 304-3 and adopt new Interpretation 304-8 to clarify when a J.D. student may be given credit toward the J.D. degree for prior coursework done while the student was enrolled in an LL.M. program. The Council invites comment on these revisions to the Standards and Interpretations. It is the desire of the Council to adopt revisions on this subject either at its June or August 2002 meeting following the hearings and receipt of comments and a final report from the Standards Review Committee.

The Council does not propose to modify the posi-

tion currently taken in Interpretation 304-3 that a law school may not give credit toward the J.D. degree for coursework done prior to a student's matriculation in a J.D. program, such as courses completed as part of a law school's pre-admission program or coursework completed while the student was a graduate student elsewhere in the university. The situation of students in a law school's LL.M. program who subsequently enroll in the J.D. program, however, may be distinct from these other situations. Proposed Interpretation 304-8 will address this particular situation and would allow credit toward the J.D. degree in some circumstances for J.D. courses taken by LL.M. students while enrolled

in an LL.M. program.

The question whether LL.M. students may receive credit toward the J.D. degree for coursework completed in an LL.M. program prior to matriculation in a school's J.D. program typically arises for foreign law graduates who come to the U.S. for further study. The Consultant's Office over the years has taken the position that if a foreign law graduate who was a LL.M. student later enrolls in a J.D. program, that student may not be given J.D. credit for coursework done in the LL.M. program. The Consultant's Office has relied on the language of present Interpretation 304-3 to reach that conclusion. Because that Interpretation is focused largely on pre-admissions programs, it is less than clear that it applies to the LL.M. student situation. In fact, some schools do award such credit. The Council believes that this issue should be clarified in the Standards.

There are concerns about awarding credit toward the J.D. degree for work done in an LL.M. program. They include the possibility that students may be able to earn a J.D. degree without completing the core curriculum that most law schools require. This might happen if a student comes into a J.D. program as an upper-level student with two-thirds or so of the credits needed for the J.D. degree and the law school allows the remaining units to be completed in elective courses. Such a student would receive a J.D. without having taken core courses that assure a satisfactory foundation in U.S. law. Another concern is that some LL.M. students in J.D. courses may be examined or graded under a set of rules that are different than those that apply to a school's regular J.D. student body.

On the other side of the matter, schools who do give credit to J.D. students for prior coursework completed in an LL.M. program often do require these students to complete the school's required curriculum to earn the J.D. degree. So, these students will spend their final year at the school in the basic curriculum, taking professional responsibility, and completing the school's research and writing requirement. Moreover, in most cases there are only a few LL.M. students in any one J.D. course and the grading regime applied to these students is not significantly different than the scheme applied to the J.D. students in the class. It is difficult to explain why these LL.M. students should not receive credit for the course if they subsequently are accepted into

and enroll in the school's J.D. program.

This is a difficult issue, and it is one that should be resolved expeditiously. The Standards Review Committee has recommended the following changes to the Interpretations under Standard 304 on this matter. The Council agreed to publish and circulate for comment this proposed language. The Council may adopt changes in this area at its June or August 2002 meeting.

The Standards Review Committee's proposed changes are:

Interpretation 304-3:

Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit toward the J.D. degree for work taken in a special pre-admission program. ~~Students enrolled in a special pre-admission program may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion of the pre-admission program.~~

Interpretation 304-8:

Subject to the provisions of this Interpretation, a law school shall require a student who has completed work in an LL.M. or other post-J.D. program to complete all of the work for which it will award the J.D. degree following the student's regular enrollment in the school's J.D. program. A law school may accept transfer credit as otherwise allowed by the Standards.

A law school may award credit toward a J.D. degree for work undertaken in a LL.M. or other post-J.D. program offered by it or another law school if:

(a) that work was the successful completion of a J.D. course while the student was enrolled in a post-J.D. law program;

(b) the law school at which the course was taken has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. students in the course, and

(c) the law school accepting the transfer credit will require that the student successfully complete a course of study that satisfies the requirements of Standards 302(a) and 302(b) and that meets all of the school's requirement for the awarding of the J.D. degree. ¶

Upcoming Conferences

2002 ABA Midyear Meeting

January 30–February 5, 2002 • Philadelphia, Pennsylvania

The year 2002 will mark the sixty-third year that the Association has assembled for the Midyear Meeting. With the reorganization of the Association in 1936, and the subsequent creation of the House of Delegates, the Association has gathered each year since 1937 for the Midyear Meeting. In addition to the House of Delegates convening at the Midyear Meeting to review recommendations submitted by various entities of the Association, some Section and Association committees also meet to review the busi-

ness of their groups. The Midyear Meeting hosts the Nomination Committee of the House of Delegates, which nominates the Association officers and members of the Board of Governors. The Fellows of the American Bar Foundation gather for their Annual Dinner at each Midyear Meeting. Many CLEs are also offered. No registration fee. For more information and a downloadable registration form, visit www.abanet.org/midyear/2002/home.html.

The ABA Associate Deans' Conference

June 13-15, 2002 • Graylyn Conference Center, Winston-Salem, North Carolina

Please save the date and join associate deans from around the country! This conference only occurs every two or three years, and space is limited to about 80 associate deans and speakers. The ABA Law School Administration Committee is sponsoring an Associate Deans' Conference June 13-15, 2002, at Graylyn Conference Center, near Winston-Salem, North Carolina. The conference center is an idyllic setting for networking with colleagues and sharing

administrative challenges and solutions. Held in conjunction with the New Deans Workshop, the conference also provides an unique opportunity to interact and discuss management issues with deans at a joint session and dinner. We look forward to seeing you there. For more information, contact Melissa Wilhelm, events and meetings manager, at (312)988-6749, or by e-mail at wilhelmm@staff.abanet.org.

Committee Nominations Sought

One of the important functions of the Chairperson of the Section of Legal Education and Admissions to the Bar is the appointment of members to Section committees. The Section provides a wide range of services to legal education and the profession, and much of this service emanates from the work of Section committees. The Chairperson seeks committee membership from the three components of Section membership: legal educators, practicing lawyers and judges. Committee meetings are often held in conjunction with other activities in order to contain costs; however, committee members' expenses are reimbursed in accordance with ABA guidelines.

Some committee appointments are for a one-year term (September 2002 to August 2003), others are for two- or three-year terms. The Chairperson seeks suggestions for membership in the following committees:

- **Bar Admissions**
- **Clinical and Skills Education**
- **Communications Skills**
- **Continuing Legal Education**
- **Curriculum**
- **Diversity**
- **Governmental Relations and Student Financial Aid**
- **Graduate Legal Education**
- **Law Libraries**
- **Law School Administration**
- **Law School Development**
- **Law School Facilities**
- **Pre-Law**

- **Professionalism**
- **Questionnaire**
- **Technology and Education**

Please send any nominee suggestions or expressions of interest in serving to the Consultant on Legal Education, Dean John A. Sebert, American Bar Association, 750 N. Lake Shore Drive, 7th Floor, Chicago, IL 60611, or via e-mail to sebertj@staff.abanet.org. Nominations or expressions of interest also may be sent to the Chairperson-Elect, Dean E. Thomas Sullivan, at University of Minnesota School of Law, 229 19th Ave. South, Minneapolis, MN, 55455.

Nominations or expressions of interest should be received by April 1, 2002.

MESSAGE FROM THE CHAIRPERSON

Continued from page 1

ommendations concerning the accreditation procedures that are certain to be of interest, particularly to the Deans. We believe the recommendations will find substantial support among the law schools. The report of the Task Force on Foreign Programs, chaired by Lollie Gasaway, is another significant proposal and is out for comment.

The Council received a report from Justice Elizabeth Lacy concerning multijurisdictional practice and from Diane Yu concerning the progress of the ABA Commission on Multijurisdictional Practice. The multijurisdictional practice issue is of grave concern to the Section of Legal Education and Admissions to the Bar. It encompasses the admission process as well as the fundamental policy of the Section and the ABA requiring graduation from an accredited law school for admission to the bar. The Interim Report of the Commission was issued November 30, 2001, but the Council did not have the opportunity to review it in our December meeting. At first reading the interim report appears comprehensive and is sure to engender considerable discussion across the profession as well as in the Council.

The Council also discussed the proposal from the Section of International Law and Practice urging the ABA to support initiatives "to facilitate the reciprocal ability of qualified foreign lawyers to practice in the United States as 'Foreign Legal Consultants'" and the proposal "Regarding Foreign Market Access for U.S. Lawyers." The Section concurred with the Center for Professional Responsibility in its concern that the proposals may result in expectations and demands of foreign countries for comparable rights in the United States and in its concern for the role of the Supreme Courts of the States in regulating the practice of law. The Board of Governors has deferred action on the proposal until the MJP Commission report and Ethics 2000 recommendations concerning Model Rules 5.5 and 5.8 are considered by the House of Delegates.

These important undertakings when combined with the normal flow of accreditation matters on the Council's agenda have kept the Consultant and his

staff, as well as the Council, well occupied.

Speaking of the Consultant, John Sebert has the staff in place in the Chicago office. While most of the staff are new, they are adapting quickly to their positions and are becoming familiar faces. We are fortunate to have retained Cathy Schrage and Rick Morgan on staff. The transition from Indianapolis appears complete.

One of the benefits of chairing the Council is receiving the notices of programs offered by the various law schools. In addition to the regular law school curriculum, our law schools offer substantial enrichment programs through speakers, special projects, and numerous other activities, many of which make me yearn to be a student again.

I am excited about the opportunity for the Chief Justices, whose midyear meeting is in Tucson at the end of January, to meet with the Deans whose workshop is in Tucson at the same time. The program committees from the two organizations have planned a day and a half of panels, interactive sessions and social events for the two groups. The opportunity to bring the two groups together is one I have thought about and waited for since Bill Eide was president of the ABA and brought together the deans, bar presidents, bar examiners, bar admission authorities, disciplinary authorities and Chief Justices in a series of regional meetings. The Tucson meeting is the implementation of that idea. I hope to report on it in the next issue of *Syllabus*.

The discussion and comments engendered by the Strategic Objectives 2001-2005 reveal that thought, wisdom, wit and, yes, disagreement are alive and well among the members of the Section. Those comments are being considered by the Council and they will become a part of the reservoir of knowledge and experience upon which we draw in enacting policies and in reaching decisions. I invite you to continue your comments, not only regarding the strategic objectives but on any matter of mutual interest and concern. You can contact me at (701)328-4211 by phone, or e-mail at gvandewalle@ndcourts.com or through the ABA office. 🏠

Syllabus changes frequency, design

You may have noticed a new look to this issue of *Syllabus*. After over 32 years, *Syllabus* has undergone a complete redesign from the ground up. We hope you'll agree that the new design is refreshing, easy to read and simple to navigate. In addition to a new graphical style, we have also added a new standing section called "Committees." In this section we plan to regularly offer news, profiles and upcoming events from the Section's 30-plus committees.

In addition to the redesign, *Syllabus* has changed publishing frequency from four issues a year to three. The new schedule, designed around schools' academic calendars and major Council/ABA meetings, will better accommodate timely and substantive articles and reach legal edu-

cators at the beginning and end of each academic semester. (Note that while the number of issues received per year has decreased, the total number of published pages per year will remain the same or likely increase). The Section's Annual Report will also continue to be mailed to all Section members in late fall. Thus, the new publishing schedule will be: Issue 1, early February; Issue 2; late May; Issue 3, early September; Annual Report, mid-November.

We welcome your comments and suggestions regarding *Syllabus*. Feel free to send comments to: Andrew Arnone, *Syllabus* editor, ABA, 750 N. Lake Shore Drive, Chicago, IL 60611; or e-mail to arnonea@staff.abanet.org.

Calendar

FEBRUARY 2002

Jan. 30-Feb. 5

ABA Midyear Meeting

Philadelphia, PA

2-3

ABA Council Meeting

Philadelphia, PA

9

ABA Site Evaluators Workshop

Chicago, IL

APRIL 2002

25-28

ABA Accreditation Committee Meeting

Chicago, IL

MAY 2002

15

ABA/AALS/LSAC Deans' Breakfast

Washington, DC

15

ABA Standards Review Committee Meeting

Washington, DC

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