

C L E A

Clinical Legal Education Association

TO: Joan Howland, Chair, Council, Legal Education and Admissions to the Bar
Scott Pagel, Chair, Standards Review Committee
Barry Currier, Managing Director, ABA Section of Legal Education

FR: The Clinical Legal Education Association

RE: Proposed Revision of Standard 305(e)(6) to Permit Externships for Part-Time Students After the First Year

DT: November 26, 2014

The Clinical Legal Education Association writes at your November 3, 2014, invitation to suggest revisions to the new Standards. With this memorandum we request that the Standards Review Committee and Council consider the impact on part-time law students of the recent revision of Standard 305(e)(6) regarding the amount of prior study required for participation in a field placement program. The prior Standard required “one year” of law study; the revised Standard requires twenty-eight credits. For part-time students these amount to different periods of time. The revised Standard now precludes part-time students from participating in field placements after their first academic year of study, a result that we believe was unintended, that was not discussed by the SRC or the Council, and that is, in any event, unnecessarily restrictive.

In a practice that was never, to our knowledge, disapproved by the Accreditation Committee or Council, many law schools have long designated the end of the spring semester as the completion of one year of academic study for the purpose of authorizing part-time students to take field placements, although typically part-time students complete fewer than 28 credits during that period. Under that scheme, part-time students have been able to participate in field placement courses during the 1L summer or in the fall of the second year, and many have done so. Under the new rule, part-time students in those same schools will have to wait as long as an additional year to participate in a field placement course.

The decision whether to permit part-time students to take field placement courses during the summer after their first year of school is one that should be left to law schools. Under the prior Standard, many schools permitted part-time students to take a field placement course during the 1L summer, while some required more credits before allowing them to do so. Chapter Three of the Standards now imposes experiential learning requirements. In light of the scheduling and financial realities that part-time students face, the Standards should not set new and unnecessary restrictions on the number of semesters available to them for satisfying the experiential requirements through field placement work.

Standard 305 should be restored so as to permit part-time law students to participate in field placements after they have completed one academic year of study. We appreciate that law

schools use a variety of approaches to comply with the Standards 310 and 311, and that the use of the phrase “one year” does not fit easily within these provisions. We trust that the Standards Review Committee will be able to design a standard that will address the problem we describe here and will satisfy its own need for consistency within the Standards.

Having closely observed the deliberations of both the Standards Review Committee and the Council over the last six years, we know that the imposition of new constraints on the ability of part-time students to take field placement courses was not debated and we feel certain that it was not intended. We urge the expeditious revision of Standard 305(e)(6). CLEA has among its members hundreds of teachers of field placement programs. We will be happy to provide information and otherwise to be of assistance in your consideration of this request.