

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

**Chapter 3 – PROGRAM OF LEGAL EDUCATION**

**CLEAN – DRAFT for August 2013 Council Meeting**

**Standard 301. OBJECTIVES OF ACADEMIC PROGRAM**

**(a) A law school shall maintain a rigorous academic program that prepares its students, upon graduation, for admission to the bar and for effective, ethical and responsible participation as members of the legal profession.**

**(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.**

**Standard 302. LEARNING OUTCOMES**

**A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:**

**(a) Knowledge and understanding of substantive and procedural law;**

**(b) Legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context;**

**(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and**

**(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.**

***Interpretation 302-1***

*For the purposes of Standard 302(d), other professional skills include, but are not limited to, the following: interviewing; counseling; negotiation; fact development and analysis; trial practice; document drafting; conflict resolution; organization and management of legal work; collaboration; cultural competency; and self-evaluation.*

***Interpretation 302-2***

*The law school may also identify any additional learning outcomes pertinent to its program of legal education.*

## Standard 303. CURRICULUM

- (a) The law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:
- (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in the history, goals, structure, values, and responsibilities of the legal profession and its members;
  - (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty-supervised; and
  - (3) one or more experiential course(s) totaling at least six credit hours ~~after the first year~~. An experiential course or courses must be: (i) simulation course(s); or (ii) clinical course(s); or (iii) field placement(s). To satisfy this requirement, a course must be primarily experiential in nature and must:
    - (i) integrate doctrine, theory, skills, and legal ethics and engage students in performance of one or more of the professional skills identified in Standard 302;
    - (ii) develop the concepts underlying the professional skills being taught;
    - (iii) provide multiple opportunities for performance; and
    - (iv) provide opportunities for self-evaluation.
- (b) A law school shall provide substantial opportunities to students for:
- (1) faculty supervised clinical courses or field placement(s); and
  - (2) student participation in pro bono legal services or law-related public service activities.

### ***Interpretation 303-1***

*Factors to be considered in evaluating the rigor of a writing experience include: the number and nature of writing projects assigned to students; the form and extent of individualized assessment of a student's written products; and the number of drafts that a student must produce for any writing experience.*

### ***Interpretation 303-2***

*Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition, lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established by the ABA in Model Rule 6.1. Pro bono and public service opportunities need not be structured to*

*accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.*

### ***Interpretation 303-3***

*Law-related public service activities include: (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties or public rights; (ii) helping charitable, religious, civic, community, governmental and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.*

### **Standard 304. SIMULATION AND CLINICAL COURSES**

**(a) A simulation course provides substantial experience not involving actual clients, that 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 that includes:**

- (1) direct supervision of the student's performance by the faculty member;**
- (2) multiple opportunities for performance, feed-back from a faculty member, and self-evaluation; and**
- (3) a classroom instructional component.**

**(b) A clinical course provides substantial lawyering experience, involving one or more actual clients, and that includes:**

- (1) advising or representing a client;**
- (2) direct supervision of the student's performance by a faculty member;**
- (3) multiple opportunities for performance, feed-back from a faculty member, and self-evaluation; and**
- (4) a classroom instructional component.**

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

**(a) A law school may 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) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.**

**(c) Each student's academic achievement 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. Regular contact can be achieved through in-person visits or other methods of communication that will assure the quality of the student educational experience;**

**(6) a requirement that students have successfully completed instruction equivalent to 28 credit hours toward the J.D. degree prior to 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 can earn three or more credit hours in a field placement program, the opportunity for student reflection must be provided contemporaneously.**

***Interpretation 305-1***

*Activities covered by Standard 305(a) include field placements, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of a college or university outside the law school for which credit toward the J.D. degree is granted.*

***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***

*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.*

**Standard 306. DISTANCE EDUCATION**

**(a) A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.**

**(b) Credit for a distance education course shall be awarded only if the 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.**

**(c) A law school shall have the technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education.**

**(d) A law school may award credit for distance education and may count that credit toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 310(b) if:**

**(1) there is opportunity for regular and substantive interaction between faculty member and student and between students;**

**(2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and**

**(3) the learning outcomes for the course are consistent with Standard 302.**

**(e) A law school shall not grant a student more than a total of 15 credit hours toward the J.D. degree for courses qualifying under this Standard.**

**(f) A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.**

**(g) A law school shall establish a process that is effective for verifying the identity of students taking distance education courses and that also protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.**

***Interpretation 306-1***

*Technology used to support a distance education course may include, for example:*

- (1) The internet;*
- (2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;*
- (3) Audio conferencing; or*
- (4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3) of this definition.*

***Interpretation 306-2***

*Methods to verify student identity as required in 306(g) include, but are not limited to: (i) a secure login and pass code; (ii) proctored examinations; and (iii) other technologies and practices that are effective in verifying student identity. As part of the verification process, a law school must verify that the student who registers for a class is the same student that participates and takes the exam for the class.*

**Standard 307. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY**

**(a) A law school may grant credit for student participation in studies or activities in a foreign country as follows:**

- (1) studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council; and**
- (2) field placements in a foreign country that meet the requirements of Standard 305 and are not held in conjunction with studies or activities that are approved in accordance with the Rule of Procedure and Criteria as adopted by the Council.**

**(b) The total credits for student participation in such studies or activities may not exceed one-third of the credits required for the J.D. degree.**

***Interpretation 307-1***

*The three Criteria adopted by the Council are: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools; and Criteria for Student Study at a Foreign Institution.*

***Interpretation 307-2***

*For purposes of Standard 307, a brief visit to a foreign country that is part of a course offered and based primarily at the law school and approved through the school's regular curriculum approval process is not considered to be studies in a foreign country.*

### **Standard 308. ACADEMIC STANDARDS**

**(a) A law school shall adopt, publish, and adhere to sound academic standards, including those for good standing, academic integrity, graduation, and dismissal.**

**(b) A law school shall adopt, publish, and adhere to written due process policies with regard to taking any action that adversely affects the good standing or graduation of a student.**

### **Standard 309. ACADEMIC ADVISING AND SUPPORT**

**(a) A law school shall provide academic advising for students that communicates effectively the school's academic standards and graduation requirements, and that provides guidance on course selection.**

**(b) A law school shall provide academic support designed to afford students a reasonable opportunity to complete the academic program, graduate, and become members of the legal profession.**

### **Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK**

**(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.**

**(b) A "credit hour" is an amount of work that is represented in intended learning outcomes and verified by evidence of student achievement, and comprises:**

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

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

#### ***Interpretation 310-1***

*For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An "hour" for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.*

#### ***Interpretation 310-2***

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

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

**(a) A law school shall have an academic year of not fewer than 140 days on which classes and examinations are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods and breaks, but such time does not count toward the 140 day academic year requirement.**

**(b) A law school shall require, as a condition for graduation, successful completion of a course of study of not fewer than 83 credit hours. At least 64 of these credit hours shall be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction.**

**(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and, except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.**

**(d) A law school shall not permit a student to be enrolled at any time in coursework that exceeds 20 percent of the total credit hours required by that school for graduation.**

**(e) 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 pre-admission program.**

**(f) A law school shall adopt, publish and adhere to a written policy requiring regular class attendance.**

### ***Interpretation 311-1***

*A law school may not count more than five class days each week toward the 140 day requirement.*

### ***Interpretation 311-2***

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

- 1. Credit hours earned through field placements 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 foreign country in compliance with Standard 307 for studies or activities that are not law-related.*

### ***Interpretation 311-3***

*Whenever a student is permitted on the basis of extraordinary circumstances to exceed the 84 month program limitation in Standard 311(c), the law school shall place in the student's file a statement signed by an appropriate law school official explaining the extraordinary circumstances leading the law school to permit an exception to this limitation. Such extraordinary circumstances, for example, might include an interruption of a student's legal education because of an illness, family exigency or military service.*

### ***Interpretation 311-4***

*For purposes of Standard 311(c), the time for determining the commencement of law study is ordinarily the time when a student commences law study at any institution. For example, if a law school accepts transfer credit from another institution, the time begins when the student commenced study at the law school from which the transfer credit is accepted. If a law school accepts a student who has completed law studies at a foreign law school as permitted under Standard 505, only the time commensurate with the amount of credit given counts toward the length of study requirements of Standard 310(c).*

## **Standard 312. REASONABLY COMPARABLE OPPORTUNITIES**

**A law school providing more than one enrollment or scheduling option shall ensure that all students have reasonably comparable opportunities for access to the law school's academic program, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits. Identical opportunities are not required.**

## **Standard 313. DEGREE PROGRAMS IN ADDITION TO J.D.**

**A law school may not offer a degree program other than its J.D. degree program unless:**

**(a) the law school is fully approved;**

**(b) acquiescence has been granted by the Council; and**

**(c) the new degree program will not interfere with the ability of the law school to operate in compliance with the Standards and to carry out its academic program.**

### ***Interpretation 313-1***

*Acquiescence in a degree program other than the first degree in law is not an approval of the*

*program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association.*

#### **Standard 314. ASSESSMENT OF STUDENT LEARNING**

**A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.**

##### ***Interpretation 314-1***

*Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.*

##### ***Interpretation 314-2***

*A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular methods.*

#### **Standard 315. EVALUATION OF ACADEMIC PROGRAM, LEARNING OUTCOMES, AND ASSESSMENT METHODS**

**The dean and faculty of a law school shall conduct ongoing evaluation of the law school's academic program, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.**

##### ***Interpretation 315-1***

*Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include: review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; evaluation of student learning portfolios; student evaluation of the sufficiency of their education; student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge; bar exam passage rates; placement rates; surveys of attorneys, judges, and alumni; and assessment of student performance by judges, attorneys or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods.*

#### **Standard 316. BAR PASSAGE**

**[This standard is still under review by the Standards Review Committee]**

## **EFFECTIVE DATE**

The effective date of new Standards 302, 303 and 314 is three years from the date of adoption. The effective date of new Standard 315 is five years from the date of adoption. Prior to three years after the date of adoption, law schools may elect, for the purpose of their sabbatical inspections, to be evaluated under either (a) existing Standard 302; (b) new Standards 302, 303 and 314; or (c) new Standards 302, 303, 314, and 315. From the period of three years after the date of adoption to five years after the date of adoption, law schools may elect whether or not to be evaluated under Standard 315.

## **TRANSITION**

In the initial phases of implementation of the outcome measures standards set forth in Standards 301, 302, and 314, compliance will be assessed based upon evaluating the seriousness of the school's efforts to establish and assess student learning outcomes, not upon attainment of a particular level of achievement for each learning outcome. Among factors to consider assessing compliance with these standards are whether a school has demonstrated faculty engagement in the identification of the student learning outcomes it seeks for its graduates; whether the school is working effectively to identify how the school's curriculum encompasses the identified outcomes, and to integrate teaching and assessment of those outcomes into its curriculum; and whether the school has identified when and how students receive feedback on their development of the identified outcomes.

In the initial phases of implementation of the institutional effectiveness standard set forth in Standard 315, compliance will be assessed based on the seriousness of the law school's efforts to engage in an ongoing process of gathering information about its students' progress toward achieving identified outcomes and whether it is using the information gathered to regularly review, assess and adapt its academic program.