

CHAPTER 3

Program of Legal Education

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

- (a) A law school shall maintain a rigorous program of legal education 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 are determined by the law school and may include skills such as, 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

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

Standard 303. CURRICULUM

- (a) A 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 rules of professional conduct, and the 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. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.
- (b) A law school shall provide substantial opportunities to students for:
- (1) law clinics or field placement(s);
 - (2) student participation in pro bono legal services, including law-related public service activities; and
 - (3) the development of a professional identity.
- (c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:
- (1) at the start of the program of legal education, and
 - (2) at least once again before graduation.

For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.

Interpretation 303-1

A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 304(a) and 304(b)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

Interpretation 303-2

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 303-3

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 in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). 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 303-4

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.

Interpretation 303-5

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.

Interpretation 303-6

With respect to 303(a)(1), the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.

Interpretation 303-7

Standard 303(c)'s requirement that law schools provide education on bias, cross-cultural competency, and racism may be satisfied by, among other things, the following:

- (1) Orientation sessions for incoming students;*
- (2) Lectures on these topics;*

- (3) *Courses incorporating these topics; or*
- (4) *Other educational experiences incorporating these topics.*

While law schools need not add a required upper-division course to satisfy this requirement, law schools must demonstrate that all law students are required to participate in a substantial activity designed to reinforce the skill of cultural competency and their obligation as future lawyers to work to eliminate racism in the legal profession.

Interpretation 303-8

Standard 303 does not prescribe the form or content of the education on bias, cross-cultural competency, and racism required by Standard 303(c).

Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

- (a) **Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:**
 - (1) **integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;**
 - (2) **develop the concepts underlying the professional skills being taught;**
 - (3) **provide multiple opportunities for performance;**
 - (4) **provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;**
 - (5) **provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and**
 - (6) **provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.**
- (b) **A simulation course provides substantial experience not involving an actual client, 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.**
- (c) **A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.**
- (d) **A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:**
 - (i) **a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles**

- of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
 - (iii) evaluation of each student's educational achievement by a faculty member; and
 - (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).
- (e) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (f) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

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.

Standard 305. OTHER ACADEMIC STUDY

- (a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, moot court, law review, and directed research.
- (b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (c) Each student's educational achievement in such a course shall be evaluated by a faculty member.

Interpretation 305-1

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 304.

Standard 306. DISTANCE EDUCATION

Distance Education law school courses for which credit is given towards the J.D. degree must provide regular and substantive interaction between the students and faculty teaching the course. Distance education credits may not be counted towards the J.D. degree if they exceed the credit hour limitations in Standard 311(e).

- (a) **Regular interaction between a student and a faculty member in a distance education course shall include:**
 - (1) **providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course as defined by Standard 310(b);**
 - (2) **monitoring the student’s academic engagement and success; and**
 - (3) **ensuring that the faculty member is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.**
- (b) **Substantive interaction in a distance education course requires engaging students in teaching, learning, and assessment, consistent with the content under discussion, and includes at least two of the following:**
 - (1) **providing direct instruction;**
 - (2) **assessing or providing feedback on a student’s coursework;**
 - (3) **providing information or responding to questions about the content of a course; or**
 - (4) **facilitating a group discussion regarding the content of a course.**
- (c) **Remote participation in a non-distance education course by a student as an accommodation provided under law (such as the Americans with Disabilities Act) or under exceptional circumstances shall not cause the course to count towards the distance education credit limits in Standard 311(e) for that student. The law school shall document all instances in which it permits a student’s remote participation in a non-distance education course for which the credits will not be counted towards the credit hour limits in Standard 311(e).**

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

- (a) **A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.**
- (b) **A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.**
- (c) **A law school may grant up to two-thirds of the credits required for the J.D. degree for study outside the United States provided the credits are obtained in a program sponsored by an ABA-approved law school. Programs sponsored by an ABA-approved law school include programs held in accordance with the *Criteria for Programs Offered by ABA-Approved Law Schools in a location Outside the United States* and field placements outside the United States.**

- (d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree for any combination of 1) student participation in study outside the United States under the *Criteria for Accepting Credit for Student Study at a Foreign Institution* and 2) credit for courses completed at a law school outside the United States in accordance with Standard 505(c).
- (e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed two-thirds of the total credits required for the J.D. degree.
- (f) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.

Interpretation 307-1

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

Standard 308. ACADEMIC STANDARDS

- (a) A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance, 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 program of legal education, 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 reasonably approximates:
 - (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

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

Interpretation 310-2

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

Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR

- (a) 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.**
- (b) 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.**
- (c) A law school shall not permit a student to be enrolled at any time in coursework for credit in the J.D. program that exceeds 20 percent of the total credit hours required by that school for graduation.**
- (d) Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school's J.D. program of study, except for credit that may be granted pursuant to Standard 505. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.**
- (e) A law school that does not offer a J.D. degree via distance education under Standard 105(a)(12)(ii) may grant a student up to one-third of the credit hours required for the J.D. degree for Distance Education Courses; up to 10 of those credit hours may be granted during the first one-third of a student's program of legal education.**

Interpretation 311-1

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

- (1) *Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;*
 - (2) *Credit hours earned by participation in a simulation course or law clinic in compliance with Standard 304;*
 - (3) *Credit hours earned through distance education; and*
 - (4) *Credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with Standard 307.*
- (b) *In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(a), the credit hours shall not include any other coursework, including, but not limited to:*
- (1) *Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
 - (2) *Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
 - (3) *Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
 - (4) *Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

Interpretation 311-2

Whenever a student is permitted on the basis of extraordinary circumstances to exceed the 84-month program limitation in Standard 311(b), 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 311-3

If a law school grants credit for prior law study at a law school outside the United States as permitted under Standard 505(c), only the time commensurate with the amount of credit given counts toward the length of study requirements of Standard 311(b). For example, if a student has studied for three years at a law school outside the United States and is granted one year of credit toward the J.D. degree, the amount of time that counts toward the 84 month requirement is one year. The student has 72 months in which to complete law school in the United States.

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 program of legal education, 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) **the Council has granted acquiescence in the program; and**
- (c) **the degree program will not interfere with the ability of the law school to operate in compliance with the Standards and to carry out its program of legal education.**

Interpretation 313-1

Acquiescence in a degree program other than the J.D. degree is not an approval of the program itself and, therefore, a school may not announce that the program is approved by the Council.

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 assessment method.

Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, 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

At least 75 percent of a law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination administered within two years of their date of graduation.