

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

MEMORANDUM

TO: Interested Persons and Entities

FROM: The Hon. Solomon Oliver, Jr., Council Chairperson
Barry A. Currier, Managing Director of Accreditation and Legal Education

DATE: September 6, 2013

SUBJECT: Comprehensive Review of the ABA Standards for Approval of Law School Matters for Notice and Comment

At its meeting held on August 8-9, 2013, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment proposed revisions to Chapter 1 [General Purposes and Practices], Chapter 3 [Program of Legal Education], Chapter 4 [The Faculty], Standard 203(b) [Dean], and Standard 603(d) [Director of the Law Library] of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

The Standards Review Committee of the Section has been conducting a comprehensive review of the Standards. As part of that review, the Committee considered multiple drafts and received informal comments from many interested persons and entities.

The proposed revisions and accompanying explanations are attached below and published on the Section's website: http://www.americanbar.org/groups/legal_education/resources/notice_and_comment.html.

We solicit and encourage written comments on the proposed changes by letter or e-mail. Written comments should be submitted no later than Friday, January 31, 2014.

Hearings on these proposed changes are scheduled for October 2013 and February 2014 (details below). Both hearings will be held at the American Bar Association, 321 N. Clark St., Chicago, IL 60654.

October 21-22, 2013

Monday, October 21st, 1 p.m.
Tuesday, October 22nd, 9 a.m.

February 5-6, 2014

Wednesday, February 5th, 1 p.m.
Thursday, February 6th, 9 a.m.

Please address written comments on the proposal and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org.

Thank you.

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

*Chapter 1
Explanation of Changes*

The recommended changes to Chapter 1 attempt to clarify and tighten this Chapter through realigning Standards, Interpretations and applicable Rules. Interpretations that contained mandatory requirements were moved into the Standards for greater clarity and a number of Interpretations have been removed. Additionally, the rules regarding separate and branch campuses have been clarified.

Standard 101. BASIC REQUIREMENTS FOR APPROVAL

Proposed Standard 101 clarifies the basic requirements for approval of a law school, focusing on the ability of a law school to operate in compliance with the Standards. The Standard clarifies that the approving entity is the Council of the Section of Legal Education and Admissions to the Bar.

Current Interpretation 101-2, which states that approval of a law school by the Council is not transferrable, has been moved into the Standards as proposed Standard 101(b).

Current Interpretation 101-1, covering information that must be furnished to the Accreditation Committee and the Council, has been moved into proposed Standard 104.

Standard 102. PROVISIONAL APPROVAL

The requirements for provisional approval are clarified, and a number of restrictions are refocused on what a provisionally approved school can undertake prior to achieving full approval. All of the current Interpretations have been removed or moved into the Standard.

Standard 103. FULL APPROVAL

Proposed Standard 103(a) clarifies that a law school must be in full compliance with each of the Standards in order to achieve full approval.

Proposed Standard 103(b) provides that a law school retains approval unless approval is withdrawn by the Council.

Standard 104. PROVISION OF INFORMATION BY LAW SCHOOLS TO ACCREDITATION COMMITTEE AND COUNCIL

Current Interpretation 101-1, covering information that must be furnished to the Accreditation Committee and the Council, has been moved into proposed Standard 104. Proposed Standard 104 clearly states the requirement that the information furnished by a law school must be complete, accurate, and not misleading, and must be submitted in the form, manner and time frame specified by the Council.

Standard 105. ACQUIESCENCE FOR MAJOR CHANGE IN PROGRAM OR STRUCTURE

The major change provision has been re-worked and divided into a Standard dealing with major changes in general, and a separate Standard, proposed Standard 106, covering separate locations opened by a law school.

Current Interpretation 105-1, which lists the types of changes that require Council acquiescence, has been moved into Standard 105(a).

Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES

Proposed Standard 106 is a new Standard on separate locations. It clarifies and expands upon several Interpretations that are in current Standard 105. A separate location at which more than 16 credits, but less than two-thirds of the credits required for graduation, are offered must provide certain full-time faculty and other resources on site. A separate location at which two-thirds or above of the credits required for graduation are offered is designated a branch campus and must provide additional resources and services.

Definitions of “Separate location” and “Branch campus” have been added to the Definitions Section of the Standards. The term “Satellite campus” is no longer used.

Standard 107. VARIANCES

The variances provision has been moved from Chapter 8 into Chapter 1. The Standard has been re-written to distinguish clearly between variances in an emergency or other exigent circumstances, and those sought to experiment with a new or innovative program or concept.

DEFINITIONS

The definitions in the Standards are being moved from current Standard 106 to a separate Definitions Section. The Standards Review Committee continues to work on this section, which will contain all defined terms used in the Standards and the Rules of Procedure.

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

Chapter 1 – GENERAL PURPOSES AND PRACTICES; DEFINITIONS

Strike-outs and underlines show changes from the current standards.

To be added to Definitions Section:

“Separate location” means a location not in reasonable proximity to the law school’s main campus at which the law school offers more than sixteen credit hours of the program of legal education.

“Branch campus” means a separate location at which a student may earn more than two thirds of the credit hours that the law school requires for the award of a J.D.

Standard 101. BASIC REQUIREMENTS FOR APPROVAL

(a) A law school approved by the Association or seeking approval by the Association Council shall demonstrate that its program is consistent with sound legal education principles. It does so by establishing that it is being operated in compliance with the Standards.

(b) Interpretation 101-2

Accreditation or approval Approval of a law school by the Council American Bar Association is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school or (2) a university or college of which the law school is a part does not include the transfer of the law school’s approval accreditation status.

Interpretation 101-1

~~To enable the Accreditation Committee and Council to determine whether a law school has demonstrated that its program of legal education is consistent with sound legal education principles and is being operated in compliance with the Standards, a law school shall furnish an annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee and Council may require. These documents must be complete and accurate and submitted timely in the form specified.~~

~~The information provided by these means not only informs the Council about the status of each law school but also enables the Council, in meeting its obligations with respect to legal education as a whole, to ascertain national norms of legal education, areas in which improvements are being made, and those where further attention is needed.~~

Interpretation 101-2

~~Accreditation or approval of a law school by the American Bar Association is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school or (2) a university or college of which the law school is a part does not include the transfer of the law school’s accreditation status.~~

Standard 102. PROVISIONAL APPROVAL

(a) A law school shall be granted provisional approval ~~only~~ if at the time it seeks such approval it establishes that it ~~is in~~ has achieved substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval. In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific actions it plans to take to bring the school into full compliance and show that there is a reasonable probability that such actions will be successful. A provisionally approved law school may apply for full approval no earlier than two years after receiving provisional approval and must obtain full approval within five years.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that the law school is ~~not~~ no longer in substantial compliance with the any Standards, or that the law school is not making adequate progress toward ~~coming~~ into achieving full compliance with the Standards.

~~(c) If five years have elapsed since the law school was provisionally approved and it has not qualified been granted for full approval, provisional approval shall lapse terminate and the law school shall automatically be removed from the list of approved law schools, unless, prior~~ Prior to the end of the five year period, in an extraordinary case and for good cause shown, the Council may extend extends the time within which the law school must obtain full approval.

~~(e) A law school shall confer the J.D. degree contemporaneously with the time academic requirements for the degree are completed.~~

(d) A provisionally approved law school shall not offer a post-J.D. or non-J.D. degree program, offer a program in a foreign country, or seek to establish a separate location.

(e) A provisionally approved law school shall state that it is provisionally approved in all of its printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval by the Council.

(f) A law school seeking provisional approval shall make its status clear in any printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval status. At a minimum, the law school shall state the following in all such communications:

The Law School is not currently approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and makes no representation to any applicant that it will receive approval from the Council prior to the graduation of any matriculating student.

(g) A law school seeking provisional approval shall not delay conferring a J.D. upon a student in anticipation of obtaining approval. An approved law school may not retroactively grant a J.D. degree as an approved school to a student who graduated from the law school prior to its approval.

Interpretation 102-1

Plans to achieve substantial compliance with any of the Standards are not sufficient to demonstrate substantial compliance.

Interpretation 102-1

Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance.

Interpretation 102-2

In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific steps that it plans to take to bring itself into full compliance and must show that there is a reasonable probability that such steps will be successful.

Interpretation 102-3

A law school seeking provisional approval may not offer a post J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program.

Interpretation 102-4

A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are to be entitled to the same recognition given to students and graduates of fully approved law schools.

Interpretation 102-5

An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution.

Interpretation 102-6

A provisionally approved law school shall state in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school.

Interpretation 102-7

An unapproved law school seeking provisional approval must include the following language in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students:

~~The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.~~

Interpretation 102-8

In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction's bar admission authorities.

Interpretation 102-9

A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval.

Interpretation 102-10

An individual who matriculates at a law school that is provisionally approved or who is a student enrolled in a law school at the time it receives provisional approval and who completes the course of study and graduates from that school within a typical and reasonable period of time is deemed by the Council to be a graduate of an approved law school, even though the school loses its provisional approval status while the individual is enrolled in the school.

Standard 103. FULL APPROVAL

(a) A law school is granted full approval if it establishes that it is in full compliance with each of the Standards, and it has been provisionally approved for not fewer than two years. Plans to achieve full compliance with any of the Standards are not sufficient to demonstrate full compliance.

(b) A law school granted approval under this Standard remains approved unless the Council withdraws that approval.

~~(b) Sanctions, including probation and removal from the list of law schools approved by the Association, may be imposed upon a law school as provided in Rules 16 and 17 of the Rules.~~

Interpretation 103-1

An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefore is deemed to be a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein.

Interpretation 103-2

In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 20 of the Rules of Procedure for Approval of Law School.

Standard 104. ~~[Reserved]~~ PROVISION OF INFORMATION BY LAW SCHOOLS TO ACCREDITATION COMMITTEE AND COUNCIL

Interpretation 101-1

~~To enable the Accreditation Committee and Council to determine whether a law school has demonstrated that its program of legal education is consistent with sound legal education principles and is being operated in compliance with the Standards, a~~ A law school shall furnish an a completed annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee and or Council may require. These documents This information must be complete, and accurate, and not misleading, and must be submitted timely in the form, manner, and time frame in the form specified by the Council.

Standard 105. ACQUIESCENCE FOR MAJOR CHANGE IN PROGRAM OR STRUCTURE

(a) Before a law school makes a major change in its educational program of legal education or organizational structure, it shall obtain the acquiescence of the Council for the change. A major change in program or structure that requires application for acquiescence includes: *Interpretation 105-1 Major changes in the program of legal education or the organizational structure of a law school include:*

- (1) Instituting a new full-time or part-time division;
- (2) Changing from a full-time to a part-time program or from a part-time to a full-time program;
- (3) Establishing a two-year undergraduate/four year law school or similar program;
- (4) Establishing a new or different program leading to a degree other than the J.D. degree;
- (5) A change in program length measurement from clock hours to credit hours;
- (6) A substantial increase in the number of clock or credit hours that are required for graduation;
- (7) Merging or affiliating with one or more approved or unapproved law schools;
- (8) Merging or affiliating with one or more universities;

- (9) Materially modifying the law school's legal status or institutional relationship with a parent institution;
- (10) Acquiring another law school, program, or educational institution;
- (11) 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;
- (12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
- (13) ~~Opening of a Branch campus or Satellite campus~~ Operating a separate location;
- (14) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement;
- (15) A change in the location of the school that could result in substantial changes in the faculty, administration, student body, or management of the school;
- (16) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;
- (17) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;
- (18) A significant change in the mission or objectives of the law school; and
- (19) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

(b) Subject to the additional requirements of subsections (1) and (2), acquiescence shall be granted. The Council shall grant acquiescence only if the law school establishes that the change will not detract from the law school's ability to remain in compliance with the Standards.

~~(1) If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308.~~

~~(2) If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law school is~~

in compliance with the Standards or that the proposed major change will substantially enhance the law school's ability to comply with the Standards.

Interpretation 105-2

The establishment of a Branch campus of an approved law school constitutes the creation of a different law school. Consequently, a Branch campus must have a permanent full-time faculty, an adequate working library, adequate support and administrative staff, and adequate physical facilities and technological capacities. A Branch campus shall apply for provisional approval under the provisions of Standard 102 and Rule 4.

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 students at the law school's main campus and that are offered in person at the Satellite campus or otherwise are reasonably accessible to students at the Satellite campus;*
- (4) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and*
- (5) 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

A law school that seeks to establish a Satellite campus at which it will offer courses beyond its first-year program must show 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 main campus;*
- (2) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and*
- (3) 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 except the requirement concerning provisional approval.

Interpretation 105-6

The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5), and (6).

Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES

(a) A law school must provide the following at a separate location (other than a separate location in a foreign country governed by Standard 307):

(1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location.

(2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;

(3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus;

(4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and

(5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.

(b) In addition to the requirements of section (a), a branch campus must:

(1) Establish a business plan that demonstrates it is reasonably likely to be in substantial compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 5.4;

(2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and

(3) Offer 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 as required by Standard 311.

(c) A law school is not eligible to establish a separate location until at least four years after the law school was granted initial full approval.

Interpretation 106-1

“Separate location” and “branch campus” as used in this standard are defined terms that apply only to locations at which a law school offers more than sixteen credits of the program of legal education.

Interpretation 106-2

It is sufficient for a school with a separate location to have one dean for all campuses.

Standard 107. VARIANCES

(a) A law school proposing to make any change that is or may be inconsistent with one or more of the Standards may apply to the Council for a variance only on one of the following bases:

(1) In response to extraordinary circumstances in which compliance with the relevant Standard or Standards would create or constitute extreme hardship for the law school and/or its students, the law school may apply for a variance. In such cases, the law school must clearly establish that: 1) the proposed variance is consistent with the general purposes and objectives of the overall Standards, and 2) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school’s program or its students.

The variance, if granted, will be for a term certain and limited to the expected duration of the extraordinary circumstances on the basis of which it was granted. It may be extended once for a further term certain, but only if the extra ordinary circumstances persist and are beyond the control of the law school.

The decision granting a variance on this basis may require the law school to report to the Consultant, the Accreditation Committee or the Council regularly as specified in the decision.

(2) In all variance applications that do not fall within subsection (a)(1), the law school must clearly establish that: 1) the proposed variance is consistent with the general purposes and objectives of the overall Standards, 2) the proposed changes or actions that are the basis for the requested variance are experimental or innovative and have the potential to improve or advance the state of legal education, and 3) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school’s program or its students.

The variance, if granted, shall be for a term certain and can be extended once, with the extension being for either a further term certain or indefinite, but subject to revocation on the basis of either a change in the showing made by the law school when the variance was granted or a change in circumstances.

The decision granting a variance on this basis may require the law school to report to the Consultant, the Accreditation Committee or the Council regularly as specified in the decision.

(b) Should the changes that are the subject of the application for a variance constitute or come to constitute a major change in programs or structure under Standard 105 or 106, then the law school shall seek acquiescence by the Council in order to initiate or continue the changes.

(c) Variances, when granted, are school-specific and are based on and limited to the facts and circumstances that existed at the law school at the time it applied for the variance.

Standard 802. VARIANCE

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance, may impose conditions, and shall impose time limits it considers appropriate. Council may terminate a variance prior to the end of the stated time limit if the school fails to comply with any conditions imposed by the Council. As a general rule, the duration of a variance should not exceed three years.

Interpretation 802-1

Variances are generally limited to proposals based on one or more of the following:

(a) a response to extraordinary circumstances that would create extreme hardship for students or for an approved law school; or

(b) an experimental program based on all of the following:

(1) good reason to believe that there is a likelihood of success;

(2) high quality experimental design;

(3) clear and measurable criteria for assessing the success of the experimental program;

(4) strong reason to believe that the benefits of the experiment will be greater than its risks; and

(5) adequately informed participation by students involved in the experiment.

Interpretation 802-2

A school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:

(a) a precise statement of the variance sought;

(b) an explanation of the bases and reasons for the variance; and

(c) additional information needed to support the application.

Interpretation 802-3

The Chair of the Accreditation Committee or the Consultant may appoint one or more fact finders to elicit facts relevant to consideration of the application for a variance. Thus an application for a variance must be filed well in advance of consideration of the application by

the Accreditation Committee and the Council.

Interpretation 802-4

The Consultant, the Accreditation Committee or the Council may from time to time request written reports from the school concerning the variance.

Interpretation 802-5

Variances are school specific and based on the circumstances existing at the law school filing the request.

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

Chapter 1 – GENERAL PURPOSES AND PRACTICES

To be added to Definitions Section:

“Separate location” means a location not in reasonable proximity to the law school’s main campus at which the law school offers more than sixteen credit hours of the program of legal education.

“Branch campus” means a separate location at which a student may earn more than two thirds of the credit hours that the law school requires for the award of a J.D.

Standard 101. BASIC REQUIREMENTS FOR APPROVAL

(a) A law school seeking approval by the Council shall demonstrate that it is being operated in compliance with the Standards.

(b) Approval of a law school by the Council is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school, or (2) a university or college of which a law school is a part does not include the transfer of the law school’s approval.

Standard 102. PROVISIONAL APPROVAL

(a) A law school shall be granted provisional approval if at the time it seeks such approval it establishes that it has achieved substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval. In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific actions it plans to take to bring the school into full compliance and show that there is a reasonable probability that such actions will be successful. A provisionally approved law school may apply for full approval no earlier than two years after receiving provisional approval and must obtain full approval within five years.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that the law school is no longer in substantial compliance with any Standard, or that the law school is not making adequate progress toward achieving full compliance with the Standards.

(c) If five years have elapsed since the law school was provisionally approved and it has not been granted full approval, provisional approval shall terminate and the law school shall be removed from the list of approved law schools. Prior to the end of the five year period in

an extraordinary case and for good cause shown, the Council may extend the time within which the law school must obtain full approval.

(d) A provisionally approved law school shall not offer a post-J.D. or non-J.D. degree program, offer a program in a foreign country, or seek to establish a separate location.

(e) A provisionally approved law school shall state that it is provisionally approved in all of its printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval by the Council.

(f) A law school seeking provisional approval shall make its status clear in any printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval status. At a minimum, the law school shall state the following in all such communications:

The Law School is not currently approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and makes no representation to any applicant that it will receive approval from the Council prior to the graduation of any matriculating student.

(g) A law school seeking provisional approval shall not delay conferring a J.D. upon a student in anticipation of obtaining approval. An approved law school may not retroactively grant a J.D. degree as an approved school to a student who graduated from the law school prior to its approval.

Interpretation 102-1

Plans to achieve substantial compliance with any of the Standards are not sufficient to demonstrate substantial compliance.

Standard 103. FULL APPROVAL

(a) A law school is granted full approval if it establishes that it is in full compliance with each of the Standards. Plans to achieve full compliance with any of the Standards are not sufficient to demonstrate full compliance.

(b) A law school granted approval under this Standard remains approved unless the Council withdraws that approval.

Standard 104. PROVISION OF INFORMATION BY LAW SCHOOLS TO ACCREDITATION COMMITTEE AND COUNCIL

A law school shall furnish a completed annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee or Council may require. This information must be complete, accurate, and not misleading, and must be submitted in the form, manner, and time frame specified by the Council.

Standard 105. ACQUIESCENCE FOR MAJOR CHANGE IN PROGRAM OR STRUCTURE

(a) Before a law school makes a major change in its educational program or organizational structure, it shall obtain the acquiescence of the Council for the change. A major change in program or structure that requires application for acquiescence includes:

- (1) Instituting a new full-time or part-time division;**
- (2) Changing from a full-time to a part-time program or from a part-time to a full-time program;**
- (3) Establishing a two-year undergraduate/four year law school or similar program;**
- (4) Establishing a new or different program leading to a degree other than the J.D. degree;**
- (5) A change in program length measurement from clock hours to credit hours;**
- (6) A substantial increase in the number of clock or credit hours that are required for graduation;**
- (7) Merging or affiliating with one or more approved or unapproved law schools;**
- (8) Merging or affiliating with one or more universities;**
- (9) Materially modifying the law school's legal status or institutional relationship with a parent institution;**
- (10) Acquiring another law school, program, or educational institution;**
- (11) 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;**
- (12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;**
- (13) Operating a separate location;**
- (14) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement;**
- (15) A change in the location of the school that could result in substantial changes in the faculty, administration, student body, or management of the school;**

(16) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;

(17) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;

(18) A significant change in the mission or objectives of the law school; and

(19) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

(b) The Council shall grant acquiescence only if the law school establishes that the change will not detract from the law school's ability to remain in compliance with the Standards.

Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES

(a) A law school must provide the following at a separate location (other than a separate location in a foreign country governed by Standard 307):

(1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location.

(2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;

(3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus;

(4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and

(5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.

(b) In addition to the requirements of section (a), a branch campus must:

(1) Establish a business plan that demonstrates it is reasonably likely to be in substantial compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 5.4;

(2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and

(3) Offer 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 as required by Standard 311.

(c) A law school is not eligible to establish a separate location until at least four years after the law school was granted initial full approval.

Interpretation 106-1

“Separate location” and “branch campus” as used in this standard are defined terms that apply only to locations at which a law school offers more than sixteen credits of the program of legal education.

Interpretation 106-2

It is sufficient for a school with a separate location to have one dean for all campuses.

Standard 107. VARIANCES

(a) A law school proposing to make any change that is or may be inconsistent with one or more of the Standards may apply to the Council for a variance only on one of the following bases:

(1) In response to extraordinary circumstances in which compliance with the relevant Standard or Standards would create or constitute extreme hardship for the law school and/or its students, the law school may apply for a variance. In such cases, the law school must clearly establish that: 1) the proposed variance is consistent with the general purposes and objectives of the overall Standards, and 2) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school's program or its students.

The variance, if granted, will be for a term certain and limited to the expected duration of the extraordinary circumstances on the basis of which it was granted. It may be extended once for a further term certain, but only if the extra ordinary circumstances persist and are beyond the control of the law school.

The decision granting a variance on this basis may require the law school to report to the Consultant, the Accreditation Committee or the Council regularly as specified in the decision.

(2) In all variance applications that do not fall within subsection (a)(1), the law school must clearly establish that: 1) the proposed variance is consistent with the general purposes and objectives of the overall Standards, 2) the proposed changes or actions that are the basis for the requested variance are experimental or innovative and have the potential to improve or advance the state of legal education,

and 3) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school's program or its students.

The variance, if granted, shall be for a term certain and can be extended once, with the extension being for either a further term certain or indefinite, but subject to revocation on the basis of either a change in the showing made by the law school when the variance was granted or a change in circumstances.

The decision granting a variance on this basis may require the law school to report to the Consultant, the Accreditation Committee or the Council regularly as specified in the decision.

(b) Should the changes that are the subject of the application for a variance constitute or come to constitute a major change in programs or structure under Standard 105 or 106, then the law school shall seek acquiescence by the Council in order to initiate or continue the changes.

(c) Variances, when granted, are school-specific and are based on and limited to the facts and circumstances that existed at the law school at the time it applied for the variance.

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

*Chapter 3
Explanation of Changes*

In proposing the following revisions to Chapter 3 of the ABA Standards, the Standards Review Committee (SRC) introduced student learning outcomes as output measures for the program of legal education, along with related Standards pertaining to the assessment of student learning, and the evaluation of the academic program, learning outcomes, and assessment methods.

In 2007, the Council appointed an Outcome Measures Committee. This committee recommended changes in the current Standards to effect a reduction in reliance on input measures and to “adopt a greater and more overt reliance on outcome measures.” This shift was viewed as consistent with best practices in legal education and encouraged by the U.S. Department of Education guidelines.

The Outcome Measures Committee emphasized that outcome Standards should have the following characteristics:

1. Aside from the traditional curricular requirements found in the current Standards, the outcome Standards should provide law schools substantial flexibility in identifying outcomes that are consistent with their missions.

2. The outcomes Standards should not impose unnecessary costs on law schools. In particular, burdensome assessment regimes of individual student achievement for each learning outcome should not be required.

3. Law schools should have flexibility in determining what assessment methods to use across the curriculum.

4. A phase-in period for development of learning outcomes and assessment methods by law schools should be provided.

The SRC recommendations conform with the recommendations of the Outcome Measures Committee.

In addition, the proposed Standards add six credits of experiential coursework as a requirement for the J.D. degree and provide definitions of the coursework that will meet this requirement.

The SRC also proposes adding a Standard that more specifically defines the student work that constitutes a “credit hour.”

More generally, the SRC has refined, developed, reordered, regrouped, updated, and streamlined the current Standards for greater coherence. Provisions have been eliminated if either unnecessary or belonging in a different Chapter.

A transitional phase-in period for the proposed changes in the Standards is recommended.

Proposed Standard 301. OBJECTIVES OF ACADEMIC PROGRAM

The requirement of a rigorous academic program is moved from current Interpretation 301-3 to proposed Standard 301(a). The requirement of preparation for ethical participation in the legal profession, while found in various Standards and Interpretations, is placed upfront in Standard 301(a) pertaining to objectives of the academic program.

Proposed Standard 301(b) is a new provision that introduces the requirement that law schools establish and publish learning outcomes to achieve the objectives of the academic program.

Current Standard 301(b), pertaining to comparable opportunities, is moved to Standard 311.

Current Interpretations 301-4 and 301-5 that address comparable opportunities have been deleted.

Current Interpretations 301-1 and 301-2 have been deleted as unnecessary.

Current Interpretation 301-6 on bar passage has been moved to a new Standard 316. That proposed Standard is still under review by the SRC.

Proposed Standard 302. LEARNING OUTCOMES

Current Standard 302 [Curriculum] has been replaced with proposed Standard 302 [Learning Outcomes] and proposed Standard 303 [Curriculum].

Proposed Standard 302 is a new Standard that outlines the minimum learning outcomes that must be established by a law school. The responsibility of a law school to assess student learning and to evaluate its academic program is found in proposed Standards 314 and 315. The learning outcomes are broadly stated to give law schools maximum flexibility.

Interpretation 302-1 provides a non-exclusive listing of “other professional skills.”

Interpretation 302-2 provides that a law school “may also identify any additional learning outcomes pertinent to its program of legal education.”

Proposed Standard 303. CURRICULUM

Current Standard 302(a) has a list of mandatory requirements for the law school curriculum. The current Standard does not prescribe any credit hour requirements for specific areas. Proposed Standard 303 includes a requirement of two credit hours in professional responsibility and a new requirement of six credits of instruction in an experiential course or courses. To qualify, the experiential course or courses must be a simulation, clinical, or field placement, all as defined in subsequent Standards. Four requirements for a qualifying experiential course are set out.

Proposed Standard 303(b) is a revision of current Standard 302(b), which requires law schools to provide “substantial opportunities” for live-client or other real-life practice experiences; student participation in pro bono activities; and small group work. The proposal changes “live-client or other real-life practice experiences” to “faculty supervised clinical or field placements” and eliminates “small group work” from the Standard. It also changes “pro bono activities” to “pro bono legal services or law-related public service.” Current Interpretation 302-10 has been replaced by proposed Interpretations 303-2 and 303-3, which reference pro bono activities as defined in the ABA Model Rules of Professional Conduct and provide a description of law-related public service activities.

Proposed Standard 304. SIMULATION AND CLINICAL COURSES

This is a new Standard that defines and sets out the requirements for two of the three experiential courses that qualify for the new experiential course requirement in proposed Standard 303(a).

Proposed Standard 305. FIELD PLACEMENTS AND OTHER STUDY OUTSIDE THE CLASSROOM

This is largely a restatement of current Standard 305 and constitutes a definition and a statement of the requirements for the third of the three experiential courses that will satisfy the new experiential course requirement of proposed Standard 303.

Proposed Standard 305(e)(5) reflects a strengthening of the current provision pertaining to supervision of the student experience.

Unnecessary Interpretations have been eliminated.

Proposed Standard 306. DISTANCE EDUCATION

A clearer and updated definition of a distance education course is provided in proposed Standard 306(a). The definition clarifies that only courses in which more than one-third of the instruction consists of distance education are treated as distance education course. Current Interpretation 306-3, which addresses that issue, has been deleted.

The examples of technology found in current Standard 306(a) have been placed in new Interpretation 306-1. Current Interpretation 306-5, which uses mandatory language and pertains to a law school’s capacity to provide distance education, has been moved to proposed Standard 306(c). A new provision requiring that the learning outcomes for a distance education course must be consistent with Standard 302 is added as proposed Standard 306(d)(3).

More generally, the language of the proposed Standard is improved and updated and unnecessary Interpretations are eliminated.

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

The portion of current Interpretation 307-1 that relates to field placements in foreign countries has been moved into proposed Standard 307(a)(2). This does not represent a change in substance.

Proposed Standard 307(b) provides that the total credits permitted for activities and studies abroad is limited to one-third of the credits required for the J.D. degree. This provision was previously found in the Criteria relating to foreign study and the SRC felt that it should be stated in the Standards.

Proposed Standard 308. ACADEMIC STANDARDS

The proposed Standard replaces current Standard 303 [Academic Standards and Achievements] and focuses on academic standards. Proposed Standard 308(b) is a new provision pertaining to due process policies.

Current Standard 303(b) is deleted because the topic is covered by proposed Standards 314 and 315.

Current Standard 303(c) is deleted due to the creation of proposed Standard 309.

Proposed Standard 309. ACADEMIC ADVISING AND SUPPORT

This is a new Standard that replaces current Interpretations 303-3 and 303-4 on academic advising and support.

Proposed Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

This is a new Standard that utilizes the U.S. Department of Education definition of credit hours. More generally, this provision involves a shift from the use of minutes to the use of the concept of credit hours to describe the various requirements of the Standards.

Proposed Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR

The proposed Standard, which replaces current Standard 304, incorporates the new concept of a credit hour and defines the minimum academic year to include examination periods.

Proposed Standard 311(a) clarifies that with the new definition of credit hours, examination periods can be included in the academic year.

Proposed Standard 311(b) replaces “58,000 minutes of instruction time” found in current Standard 304(a) with “83 credit hours,” 64 of which must be in courses that require attendance in regularly scheduled classroom sessions or “direct faculty instruction.”

Proposed Standard 311(c) retains the language of current Standard 304(c) and adds an “extraordinary circumstances” exception.

The 20 hour limit on student employment, contained in the current Standard 304(f), is eliminated on the ground that it has been unenforceable.

Proposed Interpretation 311-2 is a restructuring of current Interpretation 304-3. It provides a complete list of credit hours that do qualify and do not qualify for the 311(b) requirement of 64 credits of regularly scheduled classroom sessions or direct faculty instruction. This clarification will eliminate current ambiguities and uncertainties.

Current Interpretation 304-5 is moved to proposed Standard 311(e).

Proposed Interpretation 311-3 provides guidance regarding the “extraordinary circumstances” exception in proposed Standard 311(c).

Proposed Interpretations 311-4 and 311-5 provide guidance to law schools regarding the operation of proposed Standard 311(c) in certain circumstances.

Current Interpretation 304-7 has been moved to Standard 505(b).

Unnecessary Interpretations have been deleted.

Proposed Standard 312. REASONABLY COMPARABLE OPPORTUNITIES

This proposed Standard is taken from current Standard 301(b) and it is redrafted to provide greater clarity.

Proposed Standard 313. DEGREE PROGRAMS IN ADDITION TO J.D.

This is a redrafting of current Standard 308. There is no change in substance.

Current Interpretation 308-2 is eliminated as unnecessary.

Proposed Standard 314. ASSESSMENT OF STUDENT LEARNING

This is a new Standard that introduces the obligation of law schools to use assessment methods in the curriculum to measure and improve student learning and to provide feedback to students.

Both formative and summative assessments are described in proposed Interpretation 313-1.

Proposed Interpretation 313-2 makes it clear that law schools have flexibility in implementing the assessment requirement.

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

This is a new Standard. It requires the dean and faculty of the law school to engage in an ongoing evaluation of the academic program, learning outcomes and assessment methods. It also requires that the results of the evaluations be used to make appropriate changes.

The Interpretation offers examples of methods that may be used in these evaluations.

Proposed Standard 316. BAR PASSAGE

Current Interpretation 301-6 on bar passage has been moved to a new Standard 316. This proposed Standard is still under review by the SRC.

Transition

The proposed changes to Chapter 3 include a transition period for implementation.

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

Chapter 3 - PROGRAM OF LEGAL EDUCATION

Strike-outs and underlines show changes from the current Standards.

Standard 301. OBJECTIVES OF ACADEMIC PROGRAM

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

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

~~(b) A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school's educational program, co-curricular programs, and other educational benefits.~~

Interpretation 301-1

A law school shall maintain an educational program that prepares its students to address current and anticipated legal problems.

Interpretation 301-2

A law school may offer an education program designed to emphasize certain aspects of the law or the legal profession.

Interpretation 301-3

Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the rigor of its academic program, including its assessment of student performance, and the bar passage rates of its graduates.

Interpretation 301-4

Among the factors to consider in assessing compliance with Standard 301(b) are whether students have reasonably comparable opportunities 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 301-5

For schools providing more than one enrollment or scheduling option, the opportunities to take advantage of the school's educational program, co-curricular activities, and other educational benefits for students enrolled under one option shall be deemed reasonably comparable to the opportunities of students enrolled under other options if the opportunities are roughly proportional based upon the relative number of students enrolled in various options.

Standard 302. CURRICULUM

~~(a) A law school shall require that each student receive substantial instruction in:~~

~~(1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession;~~

~~(2) legal analysis and reasoning, legal research, problem solving, and oral communication;~~

~~(3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;~~

~~(4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and~~

~~(5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.~~

~~(b) A law school shall offer substantial opportunities for:~~

~~(1) live client or other real life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;~~

~~(2) student participation in pro bono activities; and~~

~~(3) small group work through seminars, directed research, small classes, or collaborative work.~~

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. 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 302-1 303-1

Factors to be considered in evaluating the rigor of a writing instruction experience include: the number and nature of writing projects assigned to students; the opportunities a student has to meet with a writing instructor for purposes of form and extent of individualized assessment of the a student's written products; and the number of drafts that a student must produce of for any writing experience. project; and the form of assessment used by the writing instructor.

Interpretation 302-10 303-2

Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program. Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a)(4). While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard 302(b) (2) does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

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 302(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.

Interpretation 302-2

Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302(a)(4).

Interpretation 302-3

A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be “substantial,” instruction in professional skills must engage each student in skills performances that are assessed by the instructor.

Interpretation 302-4

A law school need not accommodate every student requesting enrollment in a particular professional skills course.

Interpretation 302-5

The offering of live client or real-life experience may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live client or other real-life practice experience.

Interpretation 302-6

A law school should involve members of the bench and bar in the instruction required by Standard 302(d) (2).

Interpretation 302-7 [Reserved]

Interpretation 302-8

A law school shall engage in periodic review of its curriculum to ensure that it prepares the school’s graduates to participate effectively and responsibly in the legal profession.

Interpretation 302-9

The substantial instruction in the history, structure, values, rules, and responsibilities of the legal profession and its members required by Standard 302(d)(2) includes instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association.

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. ~~For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty.~~ 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 ~~the~~ its goals and methods, and a demonstrated relationship between those goals and methods ~~to~~ 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 ~~field placement~~ site supervisor;

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

(5) ~~periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credit (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;~~ 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 ~~one academic year of study~~ 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 ~~four~~ three or more academic credit hours (or equivalent) in the ~~program for fieldwork~~ a field placement program, the opportunity for student reflection, the seminar, tutorial, or other means of guided 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 ~~the~~ a college or university outside the law school for which credit toward the J.D. degree is granted.

Interpretation 305-2

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

Interpretation ~~305-2~~ 305-3

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~~ 305-4

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

~~(b)~~ In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

Interpretation ~~305-5~~

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

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) 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.~~

~~(b) (a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such 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.

~~(e)(d) A law school may award credit for distance education and may count that credit toward the 45,000 minutes of instruction 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 310(b)-304(b) if:~~

~~(1) there is opportunity for regular and substantive interaction between faculty member and student and between students; there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and~~

~~(2) there is ample regular monitoring of student effort by the faculty member and opportunity for communication about that effort and accomplishment as the course progresses; and~~

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

~~(d)(e) A law school shall not grant a student more than a total of 15 credit hours ~~four credit hours in any term, nor more than a total of 12 credit hours,~~ toward the J.D. degree for courses qualifying under this Standard.~~

~~(e)(f) ~~No student~~ 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.~~

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

course.

(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 ~~306-10~~

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) ~~new or~~ 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.

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 opportunities 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

~~Courses in which two thirds or more of the course instruction consists of regular classroom instruction shall not be treated as “distance education” for purposes of 306(d) and (e) even though they also include substantial on-line interaction or other common components of “distance education” courses so long as such instruction complies with the provisions of subsections (1) and (2) of Standard 306(e).~~

Interpretation 306-4

~~Law schools shall 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 304-4 that requires 700 minutes of instruction for each credit awarded.

Interpretation 306-8

A law school 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 304-4. Law schools that use quarter hours of credit shall convert these credits in a manner that is consistent with the provisions of Interpretation 304-4.

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) only if the 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 307-2 307-1

In addition to studies or activities covered by Criteria adopted by the Council, a law school may grant credit for (a) studies or activities in a foreign country that meet the requirements of Standard 305 and (b) brief visits to a foreign country that are part of a law school course approved through the school's regular curriculum approval process.

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 303 308. ACADEMIC STANDARDS AND ACHIEVEMENTS

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

(b) A law school shall monitor students' academic progress and achievement from the beginning of and periodically throughout their studies.

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

(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.

Interpretation 303-1

Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.

Interpretation 303-2

A law school shall provide academic advising to students to communicate effectively to them the school's academic standards and graduation requirements, and guidance regarding course selection and sequencing. Academic advising should include assisting each student with planning a program of study consistent with that student's goals.

Interpretation 303-3

A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.

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~~ 304. COURSE OF STUDY ACADEMIC PROGRAM AND ACADEMIC CALENDAR

(a) A law school shall have an academic year of not fewer than ~~130~~ 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, ~~examinations~~, and breaks, but such time does not count toward the ~~130~~ 140 day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study ~~in residence~~ of not fewer than 83 credit hours. ~~58,000 minutes of instruction time, except as otherwise provided.~~ At least ~~45,000~~ 64 of these ~~minutes~~ credit hours shall be by in courses that require attendance in regularly scheduled class classroom sessions or direct faculty instruction at the law school.

(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)-(e)~~ A law school shall not permit a student to be enrolled at any time in coursework that, ~~if successfully completed, would exceed~~ exceeds 20 percent of the total ~~coursework credit hours~~ required by that school for graduation ~~(or a proportionate number for schools on other academic schedules, such as a quarter system).~~

(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) (d)~~ A law school shall adopt, publish and adhere to a ~~require regular and punctual~~ written policy requiring regular class attendance.

~~(f) A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.~~

Interpretation 304-1

This Standard establishes a minimum period of academic instruction as a condition for graduation. While the academic year is typically divided into two equal terms of at least thirteen weeks, that equal division is not required. The Standard accommodates deviations from a conventional semester system, including quarter systems, trimesters, and mini-terms.

Interpretation 311-1 304-2

A law school may not count more than five class days each week toward the ~~130~~ 140-day requirement.

Interpretation 311-2 304-3

In calculating the 45,000 minutes of “regularly scheduled class sessions” for the purpose of Standard 304 305(b), the time may include:

(a) coursework at a law school for which a student receives credit toward the J.D. degree by the law school, so long as that work itself meets the requirements of Standard 304;

(b) coursework for which a student receives credit toward the J.D. degree that is work done in a foreign study program that qualifies under Standard 307;

(c) law school coursework that meets the requirements of Standard 306(e);

(d) in a seminar or other upper-level course other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(e) in a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.

A law school shall not include in the 45,000 minutes required by Standard 304(b) to be by attendance in regularly scheduled class sessions at the law school any other coursework, including but not limited to (i) work qualifying for credit under Standard 305; (ii) coursework completed in another department, school or college of the university with which the law school is affiliated or at another institution of higher learning; and (iii) co-curricular activities such as law review, moot court, and trial competitions.

(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 304-4

Law schools may find the following examples useful. Law schools on a conventional semester system typically require 700 minutes of instruction time per “credit,” exclusive of time for an examination. A quarter hour of credit requires 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 58,000 minutes of instruction time, a law school must require at least 83 semester hours of credit, or 129 quarter hours of credit. If a law school on a semester system 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. If a law school on a quarter system 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 58,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements.

Interpretation 304-5

Credit for a J.D. degree shall is only to 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.

Interpretation 304-6

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 and, attendance, and limitation on employment.

Interpretation 304-7 MOVE TO CHAPTER 5

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) (b) Standard 304 and that meets all of the school's requirement for the awarding of the J.D. degree.

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

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

Standard 313 308. 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 degree program does not interfere with the ability of the law school to operate in compliance with the Standards and to carry out its academic program.

~~**A law school may not establish a degree program other than its J.D. degree program without obtaining the Council's prior acquiescence. A law school may not establish a degree program in addition to its J.D. degree program unless the school is fully approved.**~~

~~The additional degree program may not detract from a law school's ability to maintain a J.D. degree program that meets the requirements of the Standards.~~

Interpretation 313-1 ~~308-2~~

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.

Interpretation 308-1

Reasons for withholding acquiescence in an advanced degree program include:

- (1) Lack of sufficient full-time faculty to conduct the J.D. degree program;*
- (2) Lack of adequate physical facilities, which has a negative and material effect on the education students receive;*
- (3) Lack of an adequate law library to support both a J.D. and an advanced degree program; and*
- (4) A J.D. degree curriculum lacking sufficient diversity and richness in course offerings.*

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.

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

Chapter 3 – PROGRAM OF LEGAL EDUCATION

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. 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.

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

*Chapter 4
Explanation of Changes*

The recommended changes to Chapter 4, The Faculty, are intended primarily to:

1. Clarify the language of the current Standards governing faculty qualifications (Standard 401), the instructional role of the faculty (Standard 403), and the responsibilities of the full-time faculty (Standard 404).
2. Change the requirement in Standard 402, Size of Full-Time Faculty, and its Interpretations, by eliminating the student/faculty ratio as a specific matter to be considered in determining whether a law school has a sufficient full-time faculty.
3. Provide alternative draft language to clarify the requirements of Standard 405, Professional Environment.

DEFINITIONS

The definition of “full-time faculty member” has been moved from Standard 402(b) to the Definitions section of the Standards.

The proposal treats as full-time faculty those individuals whose primary professional employment is with a law school, who are employed by the law school as a full-time faculty member, and who devote substantially all their working time during the academic years to the types of responsibilities described in Standard 404. In addition, a full-time faculty member may have outside professional activities as long as they do not unduly interfere with their responsibilities.

The proposed definition removes the limitation that a faculty member’s outside professional interests “are limited to those that relate to major academic interests or enrich the faculty member’s capacity as a scholar or teacher, [or] are of service to the legal profession and the public generally.”

Standard 401. QUALIFICATIONS

Consistent with other changes in the Standards, proposed Standard 401 clarifies that the law school must have a faculty whose qualifications and experience “enable the law school to operate in compliance with the Standards and carry out its academic program.”

As a factor in demonstrating whether the faculty possesses a high degree of competence, “scholarly research and writing” has been replaced by “scholarship.” A similar change is made in Standard 404.

Standard 402. SIZE OF FULL-TIME FACULTY

Proposed Standard 402 is largely unchanged from current Standard 402(a).

Current Standard 402(b), which defines “full-time faculty member,” has been moved to the Definitions section of the Standards.

Current Interpretations 402-1 and 402-2 on student-faculty ratio have been removed from the Standards. In 2008, the same recommendation was made by the Standards Review Committee and was sent out for Notice and Comment by the Council. When the Comprehensive Review of the Standards began, the matter was postponed for later review.

The Standards Review Committee concluded that the student-faculty ratio as derived under the current Interpretations to Standard 402 should be discontinued because the ratio does not account for all students enrolled in a law school and because it does not appropriately account for size of the faculty given the important changes in law school curriculum, teaching methodologies, and administrative structures in law schools since adoption of these Interpretations many years ago. Furthermore, the Standards Review Committee concluded that the present student-faculty ratio is misleading because it does not provide a useful measure of the adequacy of the full-time faculty’s size to address the totality of the faculty’s obligations under Standard 404.

The Standard Review Committee concluded that the difficulties in developing a ratio that would fully and fairly measure the adequacy of the size of the full-time faculty to address all of the responsibilities of the full-time faculty under Standard 404 made calculation of a ratio practically unfeasible.

The Accreditation Committee, in determining whether a law school’s faculty is large enough, looks at a number of factors including what portions of the first-year curriculum and upper-level curriculum in the day and evening divisions are taught by full-time and part-time faculty, what core subjects beyond the first-year courses are taught by full-time and part-time faculty, and the extent to which faculty members are meeting all of their obligations under Standard 404.

The *ABA/LSAC Official Guide to ABA-Approved Law Schools* presently publishes some useful consumer information regarding teaching resources at law schools. Much of the data reports on full- and part-time faculty and students and provides other data such as the typical size of first year classes, whether there are small section first-year classes beyond legal writing, the typical size of those other small section classes, number of courses offered beyond the first year of law school, the numbers of upper-level classes offered in various size ranges, number of seminars, and number of positions available and filled in seminars, simulation courses and clinical courses. The student-faculty ratio, however, has not proven to be a useful or accurate indicator of what ranges of class size prospective students will experience in law school. The Standards Review Committee believes that Standard 509 ought to require disclosure of additional data on faculty, such as number of courses taught by adjuncts and full-time faculty, as a matter of consumer information related to the adequacy of the faculty to satisfy its core teaching responsibilities under 402(a)(1).

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

Proposed Standard 403(a) clarifies the current requirement by stating that full-time faculty shall teach “more than half of all of the credit hours actually offered by the school or two-thirds of the student contact hours generated by student enrollment at the school” rather than “the major

portion of law school's curriculum." The proposed Standard retains the direction that full-time faculty shall teach substantially all of the first one-third of each student's coursework.

Current Standard 403(c), regarding the use of practicing lawyers and judges, has been deleted. Law schools may, of course, use practicing lawyers and judges to deliver instruction, but are not obligated under the Standards to do so.

Current Interpretation 403-1 is also deleted because it is unnecessary and is addressed in the Standard itself.

Proposed Interpretation 403-1 is a redraft of current Interpretation 403-2.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY

Proposed Standard 404(a) clarifies that a law school must provide written policies with respect to the responsibilities of the full-time faculty as a whole. The areas of responsibility addressed in the proposed Standard are generally the same as those in the current Standard with some clarifications. The responsibility of teaching in 404(a)(1) also addresses the responsibility to assess student performance and to remain current in the subjects being taught. Proposed Standard 404(a)(3) clarifies that scholarship is defined by the law school. Proposed Standard 404(a)(4) clarifies that the faculty are responsible for governance as well as curriculum development and other institutional responsibilities described in the Standards.

Proposed Standard 404(b) requires a law school to periodically evaluate the extent to which the faculty discharges its core responsibilities as well as the contributions of each faculty member in meeting those responsibilities.

Standard 405. PROFESSIONAL ENVIRONMENT

One of the important goals of the comprehensive review of the Standards is to ensure that accreditation requirements are clear to law schools and can readily be interpreted by the Accreditation Committee. Therefore, interests of greater clarity and transparency require that the revised Standards explicitly state whether or not schools must provide tenure rights and, if so, for whom on the law faculty.

The Council is distributing two alternatives for comment: one, Alternative 1, that includes a requirement that law schools provide full-time faculty members with a form of security of position sufficient to ensure academic freedom and to attract and retain a competent full-time faculty; and a second, Alternative 2, that does not include a provision regarding security of position.

The Council reviewed two other alternatives that had been prepared by the Standards Review Committee. One was intended to be a clarification of the current Standard and the other would have required all full-time faculty to have the same form of security of position. The Council determined that it would not send out the other two alternatives for notice and comment.

In four respects – on the issues of attracting and retaining a competent faculty, academic freedom, participation in governance, and due process – the alternatives are very similar. The main difference in the alternatives is the treatment of security of position.

Protection of academic freedom

Both alternatives explicitly articulate the obligation that schools have processes or programs that protect the academic freedom of their faculty members and possess the ability to attract and retain a qualified faculty. This is a significant change from the current language that requires only that approved schools have an “announced policy” concerning academic freedom protections. Moreover, the proposed Interpretations create a clearer statement of presumptions and burdens of proof in the accreditation process.

Law school governance

Both alternatives require law schools to provide for the meaningful participation of all full-time faculty members in the governance of the law school.

Conditions to attract and retain a competent full-time faculty

Both alternatives retain the current requirement that law schools must establish and maintain conditions that are adequate to attract and retain a competent full-time faculty.

Due process

Both alternatives add into the Standard a due process provision similar to one that is currently found in Interpretation 405-3.

Security of Position

Alternative 1 requires, in 405(d), that all full-time faculty have a form of security of position sufficient to ensure academic freedom and to attract and retain a competent full-time faculty. It does not require that all full-time faculty have the same form of security of position, and it does not require tenure.

Proposed Interpretations 405-1 and 405-2 provide that a tenure system is a safe-harbor for satisfying the security of position required in Standard 405(d). For full-time faculty positions not covered by tenure, the law school must establish that its policies establish conditions sufficient to attract and retain a competent full-time faculty and protect academic freedom.

Alternative 2 requires a law school to maintain conditions adequate to attract and retain a competent full-time faculty sufficient to permit the law school to comply with the Standards. It requires policies to protect academic freedom of its faculty and provide for meaningful participation of full-time faculty in the governance of the school. Alternative 2 does not require tenure or security of position for any full-time faculty.

Proposed Interpretations 405-1 and 405-2 provide that a tenure system is a safe-harbor for satisfying the attract and retain provision and the academic freedom provision of Alternative 2. For full-time faculty positions not covered by tenure, the law school must establish that its

policies establish conditions sufficient to attract and retain a competent full-time faculty and protect academic freedom.

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

Chapter 4 - THE FACULTY

Strike-outs and underlines show changes from the current Standards.

To be added to Definitions Section:

“Full-time faculty member” means ~~(b) A full-time faculty member is one~~ **an individual whose primary professional employment is with the law school, who is employed by the law school as a full-time faculty member, and who devotes substantially all working time during the academic year to the responsibilities described in Standard 404(a), and whose outside professional activities, other than those described in Standard 404(a), if any, are limited to those that relate to major academic interests or enrich the faculty member’s capacity as a scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one’s his or her responsibility** **responsibilities as a full-time faculty member.**

Standard 401. QUALIFICATIONS

A law school shall have a faculty whose qualifications and experience ~~are appropriate to the stated mission of the law school~~ **enable the law school to operate in compliance with the Standards and carry out its and to maintaining a academic program of legal education consistent with the requirements of Standards 301 and 302.** The faculty shall possess a high degree of competence, as demonstrated by ~~its education~~ **academic qualification**, experience in teaching or practice, teaching effectiveness, and ~~scholarly research and writing~~ **scholarship.**

Standard 402. SIZE OF FULL-TIME FACULTY

(a) A law school shall have a sufficient number of full-time faculty to **enable the law school to operate in compliance with the Standards and carry out its academic program** ~~fulfill the requirements of the Standards and meet the goals of its educational program.~~ The number of full-time faculty necessary depends on:

- ~~(1)~~ **(a)** the size of the student body and the opportunity for students to meet individually with and consult full-time faculty members;
- ~~(2)~~ **(b)** the nature and scope of the educational program; and
- ~~(3)~~ **(c)** the opportunities for the full-time faculty to adequately fulfill its teaching obligations, conduct scholarly research, ~~and~~ **participate effectively in the governance of the law school, and in provide** service to the legal profession and the public.

~~(b) A full-time faculty member is one whose primary professional employment is with the~~

~~law school and who devotes substantially all working time during the academic year to the responsibilities described in Standard 404(a), and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as a scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one's responsibility as a faculty member.~~

Interpretation 402-1

~~In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.~~

~~(1) In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources" as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.~~

~~(A) Additional teaching resources and the proportional weight assigned to each category include:~~

~~(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;~~

~~(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and~~

~~(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.~~

~~(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources. To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers.~~

~~(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school, provided that no student who is enrolled in fewer than ten credit hours in a term shall be considered a full-time student, and no student enrolled in more than 13 credit hours shall be considered a part-time student. A part-time student is counted as a two-thirds equivalent student.~~

~~(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school are considered to determine the adequacy of the teaching resources available for the J.D. program.~~

Interpretation 402-2

Student/faculty ratios are considered in determining a law school's compliance with the Standards.

(1) A ratio of 20:1 or less presumptively indicates that a law school complies with the Standards. However, the educational effects shall be examined to determine whether the size and duties of the full-time faculty meet the Standards.

(2) A ratio of 30:1 or more presumptively indicates that a law school does not comply with the Standards.

(3) At a ratio of between 20:1 and 30:1 and to rebut the presumption created by a ratio of 30:1 or greater, the examination will take into account the effects of all teaching resources on the school's educational program, including such matters as quality of teaching, class size, availability of small group classes and seminars, student/faculty contact, examinations and grading, scholarly contributions, public service, discharge of governance responsibilities, and the ability of the law school to carry out its announced mission.

Interpretation 402-3 402-1

A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.

Interpretation 402-4 402-2

Regularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not a full-time faculty member under this Standard. This presumption may be rebutted if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

(a) The full-time faculty shall teach ~~the major portion of the law school's curriculum including~~ substantially all of the first one-third of each student's coursework. The full-time faculty shall also teach during the academic year either (1) more than half of all of the credit hours actually offered by the school, or (2) two-thirds of the student contact hours generated by student enrollment at the school.

(b) A law school shall ensure effective teaching by all persons providing instruction to its students.

(c) ~~A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.~~

Interpretation 403-1

The full-time faculty's teaching responsibility will usually be determined by the proportion of student credit hours taught by full-time faculty in each of the law school's programs or divisions (such as full-time, part-time evening study, and part-time weekend study). For purposes of Standard 403(a), a faculty member is considered full-time if that person's primary professional employment is with the law school.

Interpretation 403-2 403-1

Efforts to ensure teaching effectiveness may include: orientation, guidance and mentoring for new faculty members; a faculty committee on effective teaching; class visits visitations; critiques of videotaped teaching; institutional review of student course evaluations; evaluation of teaching; colloquia on effective teaching; and recognition and use of creative scholarship in law school teaching methodology. ~~A law school shall provide all new faculty members with orientation, guidance, mentoring, and periodic evaluation.~~

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY

(a) A law school shall ~~establish~~ **adopt, publish, and adhere to written policies** with respect to ~~a full-time faculty members' member's~~ **responsibilities**. **The policies shall require that the full-time faculty, as a collective body, fulfill these core responsibilities: in teaching, scholarship, service to the law school community, and professional activities outside the law school.** ~~The policies need not seek uniformity among faculty members, but should address:~~

(1) Faculty Teaching responsibilities, including carrying a fair share of the law school's course offerings preparing for classes, being available for student consultation about those classes, assessing student performance in those classes, and remaining current in the subjects being taught;

(2) Participating in academic advising, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas, and assessing student learning at the law school;

(3)(2) Engaging in scholarship, as defined by the law school; Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;

(4)(3) Service Obligations to the law school and university community, including participation in the governance of the law school, curriculum development, and other institutional responsibilities described in the Standards;

(5)(4) Obligations Service to the profession, including working with the practicing bar and judiciary to improve the profession; and

(6)(5) Obligations Service to the public, including participation in pro bono activities; and

(7) Any other contributions deemed important by the law school for the achievement of its mission.

(b) The A-law school shall periodically evaluate periodically the extent to which each the faculty member discharges his or her its core responsibilities under the law school's policies and the contributions of each full-time faculty member to meeting the core responsibilities of the faculty, adopted pursuant to Standard 404(a).

~~Standard 405. PROFESSIONAL ENVIRONMENT~~

~~(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.~~

~~(b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix 1 herein is an example but is not obligatory.~~

~~(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.~~

~~(d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well-qualified to provide legal writing instruction as required by Standard 302(a)(3), and (2) safeguard academic freedom.~~

Interpretation 405-1

A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards.

Interpretation 405-2

A law faculty as professionals should not be required to be a part of the general university bargaining unit.

Interpretation 405-3

A law school shall have a comprehensive system for evaluating candidates for promotion and tenure or other forms of security of position, including written criteria and procedures that are made available to the faculty.

Interpretation 405-4

A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have procedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If the dean and faculty have made a recommendation that is unfavorable to a

~~candidate, the candidate should be given an opportunity to appeal to the president, chairman, or governing board.~~

~~Interpretation 405-5~~

~~If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.~~

~~Interpretation 405-6~~

~~A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long term contracts. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the entire clinical program. A program of renewable long term contracts shall provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract. For the purposes of this Interpretation, "long-term contract" means at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom. During the initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the entire clinical program.~~

~~Interpretation 405-7~~

~~In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty.~~

~~Interpretation 405-8~~

~~A law school shall afford to full-time clinical faculty members participation in faculty meetings, committees, and other aspects of law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(e).~~

~~Interpretation 405-9~~

~~Subsection (d) of this Standard does not preclude the use of short-term contracts for legal writing teachers, nor does it preclude law schools from offering fellowship programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experience.~~

Standard 405. PROFESSIONAL ENVIRONMENT

ALTERNATIVE 1

(a) A law school shall establish and maintain conditions that are adequate to attract and retain a competent full-time faculty that will enable the law school to operate in compliance with the Standards and accomplish its mission.

(b) A law school shall adopt, publish and adhere to policies and procedures that provide protection for the academic freedom of all of its full-time and part-time faculty in exercising their teaching responsibilities, including those related to client representation in clinical programs, and in pursuing their research activities, governance responsibilities, and law school related public service activities.

(c) A law school shall adopt, publish and adhere to written policies and procedures for considering and making decisions regarding [appointments,] promotions, tenure awards, renewal of contracts or other forms of security of position, and terminations for all full-time faculty positions.

(d) A law school shall afford all full-time faculty members a form of security of position sufficient to ensure academic freedom and attraction and retention of a competent full-time faculty.

(e) A law school shall adopt, publish and adhere to policies and procedures that provide for the meaningful participation of all full-time faculty members in the governance of the school.

Interpretation 405-1

A system of tenure earning rights can be an effective method of attracting and retaining a competent full-time faculty. For full-time faculty positions that do not include the possibility of a tenured appointment, the law school bears the burden of showing that it has established sufficient conditions to attract and retain competent faculty in those positions. In assessing whether the school has met that burden, the following should be considered: evidence of turnover in full-time faculty members; history of successful hiring of full-time faculty members; evidence of a system that permits full-time faculty members in those positions to be appointed with long-term; presumptively renewable contracts; evidence of full-time faculty members' ability to participate in governance of the law school; and evidence of other perquisites similar to tenured faculty, such as participation in faculty development and support programs.

Interpretation 405-2

A system of tenure earning rights can be an effective method of protecting faculty members' academic freedom. For full-time faculty positions in the law school that do not carry traditional tenure, the law school bears the burden of establishing that it provides sufficient protection for academic freedom. The law school's written policy with respect to the protection of the academic freedom of its full-time faculty members should provide procedures to ensure that its policy is followed, including rules that prohibit the non-renewal, denial of promotion, or loss of a faculty position unless a representative group of law faculty agree that the determination is not a violation of academic freedom and that offer the affected faculty member the opportunity to

present any claims to the faculty making that determination. The law school should also have written and announced policies and procedures protecting the academic freedom of part-time faculty members, as appropriate for their positions. A school may meet its burden by presenting evidence of its, or its university's, explicit acceptance of the academic freedom protections articulated in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments.

Interpretation 405-3

This Standard does not preclude the use of short-term contracts for a limited number of fixed term appointments, so long as they are not utilized as the predominant method for staffing a particular program or teaching methodology within the law school nor does it preclude a law school from offering fellowship or visiting assistant professor programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experiences of limited duration.

Interpretation 405-4

Meaningful participation in law school governance minimally includes participation and voting in decisions affecting the mission and direction of the law school, and academic matters such as curriculum, academic standards, and methods of instruction. The law school shall have a written policy on full-time faculty participation in appointment, renewal, promotion, and grant of tenure or presumptively renewable contract status of members of the faculty.

Standard 405. PROFESSIONAL ENVIRONMENT

ALTERNATIVE 2

(a) A law school shall establish and maintain conditions that are adequate to attract and retain a competent full-time faculty that will enable the law school to operate in compliance with the Standards and accomplish its mission.

(b) A law school shall adopt, publish and adhere to policies and procedures that provide protection for the academic freedom of all of its full-time and part-time faculty in exercising their teaching responsibilities, including those related to client representation in clinical programs, and in pursuing their research activities, governance responsibilities, and law school related public service activities.

(c) A law school shall adopt, publish and adhere to policies and procedures that provide for the meaningful participation of all full-time faculty members in the governance of the school.

(d) A law school shall adopt, publish and adhere to written policies and procedures for retention, promotion, and termination decisions for all full-time faculty positions.

Interpretation 405-1

A system of tenure earning rights, while not required, can be an effective method of attracting and retaining a competent full time faculty. For full-time faculty positions that do not include the possibility of a tenured appointment, the law school bears the burden of showing that it has established sufficient conditions to attract and retain competent faculty in those positions. In assessing whether the school has met that burden, the following should be considered: evidence of turnover in full time faculty members, history of successful hiring of full time faculty members, evidence of a system that permits full time faculty members in those positions to be appointed with long-term, presumptively renewable contracts, evidence of full-time faculty members ability to participate in governance of the law school, and evidence of other perquisites similar to tenured faculty, such as participation in faculty development and support programs.

Interpretation 405-2

A system of tenure earning rights, while not required, can be an effective method of protecting faculty members' academic freedom. For full-time faculty positions in the law school that do not carry traditional tenure, the law school bears the burden of establishing that it provides sufficient protection for academic freedom. A school may meet its burden by presenting evidence of its, or its university's, explicit acceptance of the protections articulated in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments and an established procedure involving a representative group of faculty to review the performance of those faculty for appointment, renewal of contracts of appointment, and termination that effectively protects academic freedom involving the faculty, or a subset thereof.

Interpretation 405-3

The law school's written policy with respect to the protection of the academic freedom of its full time faculty members should provide procedures to ensure that its policy is followed, including rules that prohibit the non-renewal, denial of promotion, or loss of a faculty position unless a

representative group of law faculty agree that the determination is not a violation of academic freedom and that offer the affected faculty member the opportunity to present any claims to the faculty making that determination.

Interpretation 405-4

Meaningful participation in law school governance minimally includes participation and voting in decisions affecting the mission and direction of the law school, and academic matters such as curriculum, academic standards, and methods of instruction. The law school shall have a written policy on full-time faculty participation in appointment, renewal, promotion, and grant of tenure or presumptively renewable contract status of members of the faculty.

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

Chapter 4 - THE FACULTY

To be added to Definitions Section:

“Full-time faculty member” means an individual whose primary professional employment is with the law school, who is employed by the law school as a full-time faculty member, who devotes substantially all working time during the academic year to responsibilities described in Standard 404(a), and whose outside professional activities, other than those described in Standard 404(a), if any, do not unduly interfere with his or her responsibilities as a full-time faculty member.

Standard 401. QUALIFICATIONS

A law school shall have a faculty whose qualifications and experience enable the law school to operate in compliance with the Standards and carry out its academic program. The faculty shall possess a high degree of competence, as demonstrated by academic qualification, experience in teaching or practice, teaching effectiveness, and scholarship.

Standard 402. SIZE OF FULL-TIME FACULTY

A law school shall have a sufficient number of full-time faculty to enable the law school to operate in compliance with the Standards and carry out its academic program. The number of full-time faculty necessary depends on:

- (a) the size of the student body and the opportunity for students to meet individually with and consult full-time faculty members;**
- (b) the nature and scope of the educational program; and**
- (c) the opportunities for the full-time faculty to adequately fulfill its teaching obligations, conduct scholarly research, participate effectively in the governance of the law school, and provide service to the legal profession and the public.**

Interpretation 402-1

A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.

Interpretation 402-2

Regularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not a full-time faculty member under this

Standard. This presumption may be rebutted if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

(a) The full-time faculty shall teach substantially all of the first one-third of each student's coursework. The full-time faculty shall also teach during the academic year either (1) more than half of all of the credit hours actually offered by the school, or (2) two-thirds of the student contact hours generated by student enrollment at the school.

(b) A law school shall ensure effective teaching by all persons providing instruction to its students.

Interpretation 403-1

Efforts to ensure teaching effectiveness may include: orientation, guidance and mentoring for new faculty members; a faculty committee on effective teaching; class visits; critiques of videotaped teaching; institutional review of student course evaluations; colloquia on effective teaching; and recognition and use of creative scholarship in law school teaching methodology.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY

(a) A law school shall adopt, publish, and adhere to written policies with respect to full-time faculty members' responsibilities. The policies shall require that the full-time faculty, as a collective body, fulfill these core responsibilities:

(1) Teaching, preparing for classes, being available for student consultation about those classes, assessing student performance in those classes, and remaining current in the subjects being taught;

(2) Participating in academic advising, creating an atmosphere in which students and faculty may voice opinions and exchange ideas, and assessing student learning at the law school;

(3) Engaging in scholarship, as defined by the law school;

(4) Service to the law school and university community, including participation in the governance of the law school, curriculum development, and other institutional responsibilities described in the Standards;

(5) Service to the profession, including working with the practicing bar and judiciary to improve the profession;

(6) Service to the public, including participation in pro bono activities; and

(7) Any other contributions deemed important by the law school for the achievement of its mission.

(b) The law school shall periodically evaluate the extent to which the faculty discharges its core responsibilities under the law school's policies and the contributions of each full-time faculty member to meeting the core responsibilities of the faculty.

Standard 405. PROFESSIONAL ENVIRONMENT

ALTERNATIVE 1

(a) A law school shall establish and maintain conditions that are adequate to attract and retain a competent full-time faculty that will enable the law school to operate in compliance with the Standards and accomplish its mission.

(b) A law school shall adopt, publish and adhere to policies and procedures that provide protection for the academic freedom of all of its full-time and part-time faculty in exercising their teaching responsibilities, including those related to client representation in clinical programs, and in pursuing their research activities, governance responsibilities, and law school related public service activities.

(c) A law school shall adopt, publish and adhere to written policies and procedures for considering and making decisions regarding [appointments,] promotions, tenure awards, renewal of contracts or other forms of security of position, and terminations for all full-time faculty positions.

(d) A law school shall afford all full-time faculty members a form of security of position sufficient to ensure academic freedom and attraction and retention of a competent full-time faculty.

(e) A law school shall adopt, publish and adhere to policies and procedures that provide for the meaningful participation of all full-time faculty members in the governance of the school.

Interpretation 405-1

A system of tenure earning rights can be an effective method of attracting and retaining a competent full-time faculty. For full-time faculty positions that do not include the possibility of a tenured appointment, the law school bears the burden of showing that it has established sufficient conditions to attract and retain competent faculty in those positions. In assessing whether the school has met that burden, the following should be considered: evidence of turnover in full-time faculty members; history of successful hiring of full-time faculty members; evidence of a system that permits full-time faculty members in those positions to be appointed with long-term; presumptively renewable contracts; evidence of full-time faculty members' ability to participate in governance of the law school; and evidence of other perquisites similar to tenured faculty, such as participation in faculty development and support programs.

Interpretation 405-2

A system of tenure earning rights can be an effective method of protecting faculty members'

academic freedom. For full-time faculty positions in the law school that do not carry traditional tenure, the law school bears the burden of establishing that it provides sufficient protection for academic freedom. The law school's written policy with respect to the protection of the academic freedom of its full-time faculty members should provide procedures to ensure that its policy is followed, including rules that prohibit the non-renewal, denial of promotion, or loss of a faculty position unless a representative group of law faculty agree that the determination is not a violation of academic freedom and that offer the affected faculty member the opportunity to present any claims to the faculty making that determination. The law school should also have written and announced policies and procedures protecting the academic freedom of part-time faculty members, as appropriate for their positions. A school may meet its burden by presenting evidence of its, or its university's, explicit acceptance of the academic freedom protections articulated in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments.

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ALTERNATIVE 2

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(c) A law school shall adopt, publish and adhere to policies and procedures that provide for the meaningful participation of all full-time faculty members in the governance of the school.

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freedom and that offer the affected faculty member the opportunity to present any claims to the faculty making that determination.

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

***Standards 203(b) and 603(d)*
*Explanation of Changes***

Proposed Standard 203(b) [Dean] and Standard 603(d) [Director of the Law Library] were considered along with the review of Standard 405 [Professional Environment], and were not sent forward with their respective chapters.

Proposed Standard 203(b). DEAN

The language of current Standard 206(c), which states that “a dean shall also hold appointment as a member of the faculty with tenure,” has been replaced in proposed Standard 203(b) with the requirement that the dean “shall hold appointment as a member of the law faculty with the rights and protections accorded to other members of the full-time faculty under Standard 405.”

Proposed Standard 603(d). DIRECTOR OF THE LAW LIBRARY

The language of current Standard 603(d), which states that “a law library director shall hold a law faculty appointment with security of faculty position,” has been replaced in proposed Standard 603(d) with the requirement that the law library director “shall hold appointment as a member of the law faculty with the rights and protections accorded to other members of the full-time faculty under Standard 405.”

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

Standard 203(b) [DEAN] and Standard 603(d) [DIRECTOR OF THE LAW LIBRARY]

Strike-outs and underlines show changes from the current Standards.

Standard 203 206. DEAN

(b) (c) Except in extraordinary circumstances, a A dean shall also hold appointment as a member of the law faculty with tenure the rights and protections accorded to other members of the full time-faculty under Standard 405.

Standard 603. DIRECTOR OF THE LAW LIBRARY

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position. The law library director shall hold appointment as a member of the law faculty with the rights and protections accorded to other members of the full-time faculty under Standard 405.

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

Standard 203(b) [DEAN] and Standard 603(d) [DIRECTOR OF THE LAW LIBRARY]

Standard 203. DEAN

(b) A dean shall hold appointment as a member of the law faculty with the rights and protections accorded to other members of the full time-faculty under Standard 405.

Standard 603. DIRECTOR OF THE LAW LIBRARY

(d) The law library director shall hold appointment as a member of the law faculty with the rights and protections accorded to other members of the full-time faculty under Standard 405.