

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

MEMORANDUM

TO: Interested Persons and Entities

FROM: The Hon. Rebecca White Berch, Council Chairperson
Barry A. Currier, Managing Director of Accreditation and Legal Education

DATE: December 11, 2015

SUBJECT: ABA Standards for Approval of Law Schools Matters for Notice and Comment

At its meeting held on December 4-5, 2015, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment the following proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools*:

- Standard 205
- Standard 206
- Standards 304 and 305

The proposed revisions and accompanying explanations are attached 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 22, 2016.

A hearing on these proposed changes is scheduled for January 29, 2016, at 10 a.m. The hearing will be held at American Bar Association (321 N. Clark St.) in the Margaret Brent Conference Room on the 18th floor.

Please address written comments on the proposals and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org, by Friday, January 22, 2016.

STANDARD 205

Current Standard 205 states that a law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. In addition, it requires a law school to foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. This proposal adds the phrase “gender identity” wherever the list of groups appears in this Standard.

The website of the Human Rights Campaign offers a definition of the phrase: “The term ‘gender identity,’ distinct from the term ‘sexual orientation’ refers to a person’s innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).”

Since this Standard already contains many groups for which the ABA does not collect statistics, it does not recommend that there be any change in data collection based on the recommended change.

Redlined:

Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

(a) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(b) A law school shall foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

(d) Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability in regard to hiring, promotion, retention and conditions of employment.

Interpretation 205-1

A law school may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.

Interpretation 205-2

So long as a school complies with Standard 205(c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, Standard 205(c) does not require a school to recognize or support organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school.

Interpretation 205-3

Standard 205(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.

Interpretation 205-4

The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Interpretation 205-5

The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an employment policy of the school that is intended to prevent the employment of individuals on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

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(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

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The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

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STANDARD 206

In August 2014, as part of the Comprehensive Review of the Standards, the Council approved revised Standard 206. The title of the revised Standard was changed from “Equal Opportunity and Diversity” in former Standard 212 to “Diversity and Inclusion” to emphasize the purpose of the Standard. The language of Standard 206 continued to focus on providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

A suggestion to include “gender identity, sexual orientation, age, and disability” in the list of specifically identified underrepresented groups was not adopted by the Council; however, the Council leadership indicated that it would continue to review the issue. Following the Comprehensive Review, the Council directed the Standards Review Committee to review the concerns raised and to draft any appropriate recommendations.

The Standards Review Committee presented possible revisions to Standard 206 to the Council in June 2015. The text of proposed Standard 206 stated: “Consistent with sound legal education policy and the Standards, a law school shall provide an environment in which diversity and inclusion are welcomed and embraced. A law school shall demonstrate this commitment to diversity and inclusion by concrete action.” During the discussion of the proposed revisions at the Council Meeting, Council members expressed concern that the proposed changes would result in diluting the Standards’ commitment to historically underrepresented groups. The Council discussed the possibility of separating into two different provisions the commitment to historically underrepresented groups and the requirement of having an environment in which diversity and inclusion are welcomed and embraced.

Rather than send the proposal out for comment as drafted, the Council decided to ask the Committee to consider the concerns raised and draft revised recommendations.

These proposed revisions are responsive to the Council’s concerns. The revised Standard would require a school to demonstrate by concrete action (1) a commitment to providing an environment in which diversity and inclusion are welcomed and embraced; (2) a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities; and (3) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

Before moving to the Interpretations, it is important to say something about the use of and requirement for statistics under this Standard. Standard 206 always has been viewed as an “efforts” standard for which statistics alone are not adequate proof that a school has succeeded or failed in showing by concrete action a commitment to providing full opportunities for the study of law and entry into the profession. The proposed changes would not require that any additional statistics be gathered annually or regularly in order to demonstrate compliance with the Standard. The requirement that a school must demonstrate a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity set out in

proposed Standard 206(b) remains unchanged, and statistics on those characteristics would continue to be collected and used to assist in the determination of whether a diverse community exists with regard to these three areas under that Standard. Proposed Standard 206(a)'s requirement that the law school provide an environment that welcomes and embraces diversity in its broadest sense is not one that is discernable through statistics, but only through a recitation of efforts undertaken to create a diverse and inclusive environment.

Interpretation 206-1 is unchanged. A new Interpretation 206-2 describes the value of creating a diverse and inclusive environment.

For an overall commitment to diversity and inclusion, new Interpretation 206-3 specifies no required steps to demonstrate compliance but does offer a list of the types of actions that might be taken to satisfy the Standard. The language of the current Interpretation 206-2 that "[t]he determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved," is retained in the new Interpretation 206-3. For some groups, positive (or negative) results can be ascertained during site visits by interviewing faculty and students. For those groups for which statistics are required, the numerical results could be an important method of showing the outcome of efforts. However, in some settings, a law school may be fortuitous in having a diverse population without having taken any action, and so information regarding statistical results alone would not prove adequate to show the efforts made in order to demonstrate a commitment to diversity and inclusion.

For members of underrepresented groups, new Interpretation 206-4 takes the language of the former Interpretation 206-2 in setting out how a school demonstrates a commitment to providing full opportunities for members of these groups (the admission process, special recruitment efforts, and programs that assist in meeting the special academic and financial needs of many of these students).

Redlined:

Standard 206. DIVERSITY AND INCLUSION

~~(a)~~—Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to:

(a) providing an environment in which diversity and inclusion are welcomed and embraced;

(b) by providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities, and

(c) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

~~(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.~~

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

A diverse and inclusive law school environment is an environment that promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of different backgrounds. It also enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

Interpretation 206-2~~3~~

~~*In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this Standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity and inclusion. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.*~~

Interpretation 206-4

The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

Clean:

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Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to:

- (a) providing an environment in which diversity and inclusion are welcomed and embraced;
- (b) providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities, and
- (c) having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

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The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

A diverse and inclusive law school environment is an environment that promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of different backgrounds. It also requires that a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race, and ethnicity. It also enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this Standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

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The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

STANDARDS 304 and 305

The proposal moves the field placement experience from Standard 305 into Standard 304 with simulation courses and law clinics, the other categories of experiential learning identified in the Standards. The assumption is that the experiences from field placements are more in keeping with those programs than with offerings such as law review and moot court, which are covered in Standard 305. In moving field placements to Standard 304, requirements are added that are commensurate with those required for clinics and simulation courses—a means of guided reflection; opportunities for performance, feedback, and self-evaluation; and direct supervision. The new Standard also defines a field placement course as one that provides substantial lawyering experience and calls for the creation of a written understanding for the experience. It also imports components from Standard 305 such as the requirement for appropriate prerequisites or sufficient training, and the need for credit granted to be commensurate with the time and effort required. The revision removes any distinctions in the requirements for these programs based on credits offered, and mandates that records should be maintained for all placements. The revision also requires that law schools maintain sufficient control of the student experience at the field placement site to ensure that the requirements of the Standard are met.

Standard 305 remains to provide guidance for other academic study that does not involve attendance at a regularly scheduled class session, including, but not limited to, moot court, law review, and directed research. A new interpretation is added to Standard 305 similar to that recently adopted for Standard 304 that alerts schools that any program offered under the Standard that is intended to satisfy Standard 303 (as a writing experience or an experiential course) must comply with the requirements of that Standard.

The changes in Standard 304 and 305 require citation changes in Standard 307 (in which field placements outside of the United States are described), and in Interpretation 311-2 (in which calculation of credit hours is described).

Please note that this proposal eliminates current 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.”) and does not include a similar prohibition in revised Standard 304. The proposal is based on the assumption that adequate protections have been created in the revised Standard so as to ensure that students participating in field placements for which compensation is offered would be receiving a substantial lawyering experience deserving of academic credit.

Redlined:

Standard 304. SIMULATION COURSES, ~~AND~~-LAW CLINICS, AND FIELD PLACEMENTS

(a) A simulation course provides substantial experience not involving an actual client that (1) 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 (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member or site supervisor;
- (ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;
- (iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
- (v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; ~~and~~
- (vi) evaluation of each student's educational achievement by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

Standard 305. ~~FIELD PLACEMENTS AND OTHER~~ ACADEMIC STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, courses approved as part of a field placement program, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's educational achievement in such a course shall be evaluated by a faculty member. ~~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;~~

~~(6) a requirement that each student has successfully completed sufficient prerequisites or receives sufficient training to assure the quality of the student educational experience in the field placement program; instruction equivalent to 28 credit hours toward the J.D. degree before 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 may earn three or more credit hours in a field placement program, the opportunity for student reflection must be provided contemporaneously.~~

~~(f) 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.~~

Interpretation 305-1

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).

Interpretation 305-1

Regular contact may be achieved through in-person visits or other methods of communication that will assure the quality of the student educational experience.

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

To qualify as an experiential course under Standard 303, a field placement must also comply with the requirements set out in Standard 303(a)(3).

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

(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard ~~305~~-304 and are not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Standard 311. ACADEMIC PRORAM AND ACADEMIC CALENDAR

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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 a simulation course or law clinic 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 country outside the United States in compliance with Standard 307.*

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

- (1) Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
- (2) Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
- (4) Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

Clean:

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

(a) A simulation course provides substantial experience not involving an actual client that (1) 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 (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member or site supervisor;
- (ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;
- (iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
- (v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection;

(vi) evaluation of each student's educational achievement by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

Standard 305. OTHER ACADEMIC STUDY

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's educational achievement in such a course shall be evaluated by a faculty member.

Interpretation 305-1

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).

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(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard 304 and are

not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Standard 311. ACADEMIC PRORAM AND ACADEMIC CALENDAR

...

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 a simulation course or law clinic 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 country outside the United States in compliance with Standard 307.*

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

- (1) Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
- (2) Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
- (4) Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*