

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

**Student Learning Outcomes
DRAFT FOR January 8 - 9, 2010 Meeting**

CHAPTER 3 PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES

(a) A law school shall maintain an educational program that prepares its students for admission to the bar and effective, ethical and responsible participation in the legal profession.

(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

This Chapter includes Standards to ensure that law schools maintain an education program that prepares students for the effective, ethical and responsible participation in the legal profession. Standard 302 provides that law schools identify desired learning outcomes. Standard 303 provides that law schools offer a curriculum that is designed to produce graduates that have attained the identified learning outcomes. Standard 304(a) provides that law schools assess whether students are achieving the identified learning outcomes. Standard 304(b) provides that law schools review the pedagogical effectiveness of its curriculum and improve its curriculum with the goal that all students are likely to achieve proficiency in the identified learning outcomes. These Standards do not require that law schools determine that each and every law student, as a condition of graduation, be proficient in each and every outcome that the law school determines pursuant to Standard 302.

Interpretation 301-2

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 301-3

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.

*[Interpretation 301-6 (changed to 301-4)
NO CHANGE PROPOSED.]*

Standard 302. LEARNING OUTCOMES

(a) A law school shall identify, define, and disseminate the learning outcomes it seeks for its graduating students and for its program of legal education to enable its students to participate effectively, responsibly and ethically in the legal profession.

(b) The learning outcomes shall be consistent with and support the stated mission and goals of the law school. The learning outcomes shall include:

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

(2) proficiency as an entry level practitioner in:

(i) legal analysis and reasoning, legal research, problem solving, written and oral communication in a legal context;

**(ii) the ability to recognize and resolve ethical and other professional dilemmas;
and**

Alternative One

(iii) a sufficient depth and breadth of other professional skills that the law school identifies as necessary for effective, responsible and ethical participation in the legal profession.

Or Alternative Two

(iii) a sufficient depth and breadth of other professional skills that the law school identifies as necessary for effective, responsible and ethical participation in the legal profession, which shall include trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, factual investigation, organization and management of legal work, and drafting.

(3) knowledge and understanding of:

(i) a lawyer's ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;

(ii) the legal profession's values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and respect for the rule of law; and

(iii) a lawyer's responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them;

(4) any other outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the school's mission and goals. The additional learning outcomes may be targeted for all students or only for students choosing particular courses of study.

Interpretation 302-1

Training with respect to individual skills can be delivered in a variety of ways and the Standard does not require individual classes with respect to individual professional skills.

Interpretation 302-2 (Alternative One Only)

For the purposes of Standard 302(b)(2)(iii), a law school shall determine in which other professional skills its graduating students shall have proficiency, in a way that fulfills the mission of and uses effectively the strengths and resources available to the law school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, factual investigation, organization and management of legal work, and drafting are among the professional skills that could fulfill Standard 302(a)(2)(iii).

Interpretation 302-3 (Alternative One Only)

Standard 302(b)(2)(iii) does not require that a law school seeks for each of its graduating students to have the same breadth and depth of proficiency in each of the professional skills, so long as the law school seeks that each graduating student have a sufficient depth and breadth in a sufficient number of professional skills for effective, responsible and ethical participation as an entry level practitioner in the legal profession. A law school may determine tracks for students, such that graduates from different tracks have proficiency in differing bundles of professional skill.

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that:

- (1) is designed to produce graduates who have attained the learning outcomes identified in Standard 302;**
- (2) requires every student to complete satisfactorily one course in professional responsibility;**
- (3) requires every student to complete satisfactorily at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year; and**
- (4) requires every student to complete satisfactorily at least one appropriately supervised learning experience in either (i) a substantial simulated exercise that engages students in performances of professional skills involving a type of case**

or problem that practitioners encounter; or (ii) a live client clinic or field placement.

(b) A law school shall provide substantial opportunities to students for:

- (1) live-client clinics or other real-life practice experiences; and**
- (2) participation in pro bono legal services or law-related public service activities.**

Interpretation 303-1

Factors to be considered in evaluating the rigor of writing instruction 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 individualized assessment of the student's written products; the number of drafts that a student must produce of any writing project; and the form of assessment used by the writing instructor.

Interpretation 303-2

Pro bono opportunities should, at a minimum, involve the rendering of meaningful law-related service to persons of limited means, organizations that serve such persons or other public service organizations not able to afford legal representation. Law-related service includes, among other things, activities providing information about justice, the law or the legal system to those who might not otherwise have such information and activities enhancing the capacity of the law and legal institutions to do justice. Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302(a). While most existing law school law-related pro bono programs include only activities for which students do not receive academic credit, this Standard 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

A law school's curriculum should encourage reflection by students on their values and experiences and on the values and responsibilities of the legal profession, as well as the development of one's ability to assess his or her performance, professionalism and level of competence.

Standard 304. ASSESSMENT OF LEARNING OUTCOMES AND INSTITUTIONAL EFFECTIVENESS

(a) In assessing student learning outcomes, the dean and faculty of a law school shall

- (1) identify, define, carry out and disseminate methods used for assessment about the attainment of its learning outcomes and determine the pedagogical effectiveness of the assessment activities;**
- (2) employ a variety of assessment methods and activities, consistent with effective pedagogy, systematically and sequentially throughout the curriculum to assess**

student attainment its learning outcomes; and

(3) provide feedback to students periodically and throughout their studies about their progress in achieving its learning outcomes.

(b) In assessing its institutional effectiveness pursuant to Standard 203, the dean and faculty of a law school shall:

- (1) gather data to measure the degree to which its students, by the time of graduation, have attained its learning outcomes;**
- (2) periodically review whether its learning outcomes, the pedagogical effectiveness of the curriculum and its delivery, the pedagogical effectiveness of its assessment methods and the rate of student attainment of proficiency in the learning outcomes are sufficient to ensure that its students are prepared to participate effectively, ethically, and responsibly as entry level practitioners in the legal profession; and**
- (3) use the results of the review in subsection (2) to:**
 - (i) determine whether the law school has identified the appropriate learning outcomes for its graduating students to participate effectively, ethically, and responsibly as entry level practitioners in the legal profession;**
 - (ii) determine whether the law school can improve its assessment methods and activities to better measure the attain of learning outcomes; and**
 - (iii) improve the curriculum and its delivery with the goal that all students are likely to achieve proficiency in the learning outcomes.**

Interpretation 304-1

Assessment activities and tools are likely to be different from school to school and law schools are not required by Standard 303 to use any particular activities or tools.

Learning and other outcomes should be assessed using tools both internal to the law school and external to the law school. The following internal tools, when properly applied and given proper weight, are among the tools generally regarded to be pedagogically effective to assess student performance: completion of courses with appropriate assessment mechanisms, performance in clinical programs, performance in simulations, preparation of in-depth research papers, preparations of pleadings and briefs, performance in internships, peer (student to student) assessment, compliance with an honor code, achievement in co-curricular programming, evaluation of student learning portfolios, student evaluation of the sufficiency of their education and performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge. The following external tools, when properly applied and given proper weight, are among the tools generally regarded to be pedagogically effective: 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.

Standard 305. ACADEMIC STANDARDS AND ACHIEVEMENTS

- (a) A law school shall publicize and adhere to sound academic standards, including clearly defined standards for good standing, graduation and dismissal.**
- (b) A law school shall publicize and adhere to a fair process for taking any action that adversely affects the good standing or graduation of a student. The process should include timely notice of the impending actions, a disclosure of the evidence on which the action would be based, an opportunity for the student to respond, and an opportunity to appeal any adverse decisions related to good standing, graduation or dismissal.**
- (c) 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 shall include assisting each student with planning a program of study consistent with that student’s goals.**
- (d) 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.**
- (e) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest such that it is not probable that the student will successfully complete the course of study at the law school and be admitted to the bar**

The following standards were not with the scope of the subcommittee’s charge: Standard 304 (Course of Study and Academic Calendar); Standard 305 (Study Outside of the Classroom); Standard 306 (Distance Education), Standard 307 (Participation in Studies or Activities in a Foreign Country; or Standards 308 (Degree Programs in Additional to J.D.).

The committee does recommend deleting the following interpretation, consistent with Standard 303:

Interpretation 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.