

**Section on Legal Education & Admission to the Bar
American Bar Association
Standards Review Committee, Open Session
Friday, May 12, 2017
Nashville, Tennessee**

Report to Membership

Attendee: Wanda M. Temm

One of the areas I do not believe we have done a good enough job is informing our members of the activities of ALWD's ABA Task Force. Part of the reason is that most of the standards currently under review do not affect, directly or indirectly, LRW faculty. As part of the ABA Task Force's charge is to monitor activities, I would like to update you on the May Standards Review Committee meeting held in Nashville this past weekend.

No actions were taken. The meeting focused on discussion of standards under review. The committee is divided into working groups to consider revisions to standards. This meeting was a report from these working groups. I hope this gives you a feel for the direction of the discussion. As always, discussion can be a bit disjointed.

Standard 105/106: Acquiescence for Major Change in Program or Structure

Currently the standard does not track the Department of Education standards for what constitutes a significant change. All of the DOE regulations are present, but not organized in the same manner. This revision will reorganize Standard 105 to track the DOE regulations.

The working group of the committee focused on this standard sought direction on whether to continue to distinguish between separate locations versus branch campuses. Should these changes requires notice, acquiescence, or something greater?

Full time and part time divisions are not defined in this standard and should be.

The discussion then focused on what matters/changes may then be better on notice rather than after review. An example would be a school wanting to offer a Masters in Legal Studies. Perhaps this is better left to the schools and notice is all that is required. One distinguishing characteristic is whether these students will be in JD courses or if only in courses with other non-JD students. The first would require more than notice.

The committee then requested the working group continue its work by perhaps eliminating the distinction between separate locations versus branch campuses.

Standard 205/206: Non-Discrimination and Equality of Opportunity Standard

A working group will be formed to look at the language of these standards for the October meeting.

Standard 301: Objectives of Program of Legal Education

A problem that has arisen is a school's requirement of taking and passing bar pass courses for graduation to weed out students. Crafting an interpretation may be in order. There is a lack of

information on how extensive the problem is. An interpretation may not be in order and an additional question added to the Annual Questionnaire (AQ). Perhaps redrafting the template on attribution is in order. A problem would be if a significant number of students were not passing the course and then not graduating.

Before moving forward, information needs to be gathered on attrition to find out if this really is a problem. The staff will look at the AQ to revise to capture the data.

Standard 307: Studies, Activities, and Field Placements Outside of the United States

Discussion centered on whether field placements should be treated the same whether inside or outside of the United States. An issue is whether a field placement be included in the 64 credit requirement. Another consideration is whether the field placement is part of a program or course and whether placements can count in the credits. Another consideration is whether the placement is from a foreign law school, rather than under a US School. After this discussion, the working group will rework and bring back to the committee.