Policy on Approving Courses under the Legal Writing and Experiential Learning Requirements

Adopted by the Faculty on Feb. 24, 2015 and amended on April 30, 2015

1. Scope. This policy provides criteria for determining which courses may be “approved” for purposes of Academic Rule provisions requiring students to satisfactorily complete courses from an approved list.

2. Second Year & Upper Division Writing Requirement: Journal Notes.

A note may earn credit under Rules 5.3(a)(i) and 5.4(a)(iv) only if it is written as part of a full-year two-credit course required for and limited to staff members for the journal associated with the course. Each journal will be associated with a separate course. The courses may be divided into sections (including by subject area). Courses will be titled: “[Journal Name]: Research & Writing.”

(a) The courses will be structured as a hybrid of a seminar and independent research class.

i. Group Component. Each course will meet 2-4 times in the fall to discuss the process of selecting note topics, preparing a research plan, and writing the note. These meetings may involve multiple courses (i.e., staff members of some or all journals would meet together).

ii. Independent Research Component. Instructors shall meet individually at least twice with each student during the year to discuss the student’s topic, research plan, and draft(s). Each student must prepare at least three drafts for review and comment by the journal’s note editors; at least one of those drafts must also be submitted to the course instructor for review and comment. Each student must also consult with a reference librarian.

iii. Presentation Component. In the spring, each student must orally present his or her note and respond to questions from the instructor and other students. The instructor may decide to allow presentations to a subset of the class rather than the entire class.

(b) Notes must be at least 5000 words (excluding bibliography and table of contents). However, journals, with approval from the instructor, may allow (but not require) staff members to prepare shorter written projects (such as case comments, book reviews, etc.). If a student prepares a shorter project, the instructor must assign at least one additional supervised writing project to make the student’s aggregate written production equivalent to that of students writing traditional notes.

(c) Grading will be on the H/P/LP/F basis. Written work must be well-written, well-organized, original, on a legal topic, and include appropriate citation to applicable authority.
Grades will be based on written work and oral presentations; adjustments may be made for attendance and participation.

(d) Journals, with permission of the instructor, may allow staff members to collaborate on a project if each author’s contribution is at least equivalent to what is required under sections (b) and (c).

(e) Nothing in this policy precludes journals from imposing additional editorial requirements for publication, supervised by their editors.

(f) The faculty editor for the faculty/student edited ABA Journal of Labor and Employment Law may choose to structure the associated 2L writing course without regard to sections (a)(i) and (a)(iii).

3. Upper Division Writing Requirement. A course may satisfy Rule 5.4(a)(i) if it conditions a passing grade on submission of: (i) well-written, well-organized, and original work on a legal topic with appropriate citation to applicable authority; and (ii) the written work is faculty supervised and fits within either category (a) or (b) below.

a. Single Project Category. The course requires preparation of a paper, brief, application, report, contract, or similar work product of at least 5000 words (excluding bibliography and table of contents), consultation between the student and instructor on the topic and research plan, and feedback from the instructor on the drafting process.

b. Intensive Writing Category. The course requires multiple graded written assignments with detailed feedback from the instructor that includes substantial discussion of legal writing strategy and technique. Each student’s aggregate writing output should be at least equivalent to the output required under the single project category in section (a).

c. Collaborative Writing Exercises. Courses may allow collaborative written exercises if each author’s individual contribution is at least equivalent to what is required under sections (a) or (b).

4. Experiential Learning.

(a) A course may satisfy Rule 5.45 if it is primarily experiential in nature and:

(i) integrates doctrine, theory, skills, and legal ethics;

(ii) engages students in performance of at least two of the following professional skills needed for competent and ethical participation as a member of the legal profession: problem-solving, interviewing, counseling, negotiation, fact development and analysis, trial practice, appellate practice, regulatory practice, document drafting, conflict
resolution, organization and management of legal work, collaboration, and cultural competency.

(iii) develops the concepts underlying the professional skills being taught;

(iv) provides multiple opportunities for performance;

(v) provides opportunities for feedback from an instructor or a site supervisor and for self-evaluation; and

(vi) fits into one of the following two categories:

(A) Clinic/Simulation. The course must include:
   (1) substantial lawyering experience under direct faculty supervision; and
   (2) either representation of a client or a simulation that is reasonably similar to the experience of representing a client.

(B) Externship/Field Placements. The course must comply with Academic Rule 10.5 and must include substantial lawyering experience under the direct supervision of a faculty instructor and/or a supervisor at the placement site who consults with the faculty instructor about the student’s performance.

b. Courses taken at another ABA-accredited Law School under Rules 8.1 or 8.6 may satisfy Rule 5.45 if the student provides the Associate Dean for Academic Affairs with a written certification from an appropriate administrator at the host school confirming that the course credits meet the host school’s criteria for experiential learning that satisfies ABA Standard 303.

5. Implementation. The Educational Policy Committee shall determine whether courses should be approved and whether approval should be revoked. The Associate Dean for Academic Affairs may temporarily revoke approval from courses in appropriate circumstances (e.g., when an instructor plans to alter a course in a particular semester). Courses may be approved retroactively in appropriate circumstances.

6. Interpretation. The Associate Dean for Academic Affairs may make interpretations of this Policy.

7. Amendments. The faculty may amend this policy.