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# SALT - Society of American Law Teachers

William S. Boyd School of Law, UNLV  
Box 451098  
4505 S. Maryland Parkway  
Las Vegas, NV 89154-1098  
www.saltlaw.org

## COMMENT OF SOCIETY OF AMERICAN LAW TEACHERS ON PROPOSED STANDARD 303

The Society of American Law Teachers (SALT) is an organization of law teachers, with members in almost every law school in the country and from all parts of the legal academy, whose mission embraces social justice, diversity, and excellence in legal education. We write in support of the proposal on Standard 303(a)(3) that would require every J.D. student to complete fifteen credit hours in experiential courses before graduation. Fifteen credit-hours represents approximately 1/6 of the credit hours required for graduation, a reasonable and necessary mandate to ensure law schools are preparing students to practice law competently and fulfill their professional responsibilities to clients and to the court. The expanded requirement may also serve to encourage more students to participate in work that serves the needs of under-served communities, whether in law school clinics (many of which represent low-income individuals and others who cannot afford representation) or in field placements with non-profit organizations and others doing pro-bono and public service work. That, in turn, will help students appreciate how the profession itself values service to those who cannot afford private counsel, as reflected in the *pro bono* requirement of ABA's Model Rule of Professional Responsibility 6.1.

Proposed Standard 303 would allow students to satisfy the experiential requirement through simulation courses, clinical courses, or field placements, leaving both law schools and students with flexibility to design courses that have the required components of experiential work, performance of professional skills, and integrated study of doctrine, theory, skills, and legal ethics. Law schools are already experimenting with a variety of ways to incorporate performance of professional skills into coursework and the Standard 303 mandate would support and further those efforts. In order to ensure that law schools have the needed flexibility, and to support efforts to incorporate skills performance across the curriculum, we agree with the Clinical Legal Education Association (CLEA) that the standard should permit "practice-based" experiential coursework to count in satisfying the standard, instead of counting only courses that are completely experiential.<sup>1</sup> That additional flexibility would also help avoid concerns that a 15-credit experiential component would detract from other important aspects of law school curricula, including educating students about theories of justice and engaging them in high-level conceptual thinking and analysis. Because of the importance of educating students about their

responsibilities under ABA Model Rule of Professional Responsibility 6.1, we also urge the Council to consider language that would explicitly encourage law schools to develop experiential opportunities in the service of under-served communities or to require that at least part of each student's experience occur in support of social justice lawyering.

Legal educators have a responsibility to ensure that students graduate with essential lawyering skills and to instill in students professional values, including recognizing their responsibility to the broader community and to under-served individuals. Law school graduates likewise place a premium on the importance of experiential courses; surveys of graduates show strong support for faculty-supervised clinics and externship courses while in law school. Other professional academies have long understood the need to mandate that students have experience working in realistic settings where doctrine, practice, and values are integrated in order to ensure that their graduates not only know theory but also are competent practitioners who are ready and able to serve the profession and their communities. It is time that the legal academy followed these examples in preparing its graduates to enter the profession.

Submitted on behalf of the Society of American Law Teachers by



Olympia Duhart  
Co-President



Ruben Garcia  
Co-President