

## MEMORANDUM

To: Law Faculty

From: Curriculum Committee

Date: May 1, 2018

Re: New Course Proposals and Transitioning Classroom Courses to be Taught Online<sup>1</sup>

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The purpose of this memorandum is to update the process for proposing a new course at Cleveland-Marshall College of Law and transitioning an established course to be taught online or in a blended format. An update to the process is necessary because of a variety of new ABA standards which the Curriculum Committee must apply to course proposals.

### New Courses

Individuals interested in teaching a new course must present a proposal to the Curriculum Committee for its approval. Proposals should be submitted as early as possible in the semester prior to the one in which you wish to teach the course. A failure to submit a timely proposal may impact the course's inclusion on the schedule for the next semester and enrollment in the course.

A course proposal must include the following:

- 1) a substantially complete syllabus<sup>2</sup> that includes a list of 3-5 learning objectives for the course that are consistent with the learning outcomes set forth in ABA Standard 302 and the law school's learning outcomes (examples are provided in Attachment A),<sup>3</sup>
- 2) the number of credits sought and a description of how the course will meet ABA Standard 310 (Attachment B),
- 3) the textbook or reading materials that will be used,

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<sup>1</sup> This memo is based on and replaces a November 11, 2008 memo from Phyllis Crocker that is contained in the current Faculty Manual.

<sup>2</sup> Please see suggested language regarding reasonable accommodations and Title IX from the Offices of Disability Services and Institutional Equity in Attachment C for our syllabi.

<sup>3</sup> Please note that new courses that are limited to MLS students must be approved through the Law School Curriculum Committee, the Dean's Office, and the Graduate Council or Graduate College Dean. Course proposals for those courses must be accompanied by a complete syllabus and submitted to the Graduate Council or Graduate College Dean through the University's Curriculog System.

- 4) the basis for assigning a grade in the course (letter or pass/fail),
- 5) the type of assessments that will be used in the course – formative, summative or both,
- 6) whether the course will be a traditional classroom course or a distance learning course,<sup>4</sup>
- 7) whether the course will be offered to JD, MLS, or, LLM students,
- 8) whether the course meets the designation of a seminar, upper level writing course, third semester legal writing course, or experiential course (please attach the experiential checklist), and,
- 9) a course description for the catalog.

Course proposals to teach distance learning courses must evidence how the faculty member and the course will meet C|M Law's Distance Learning Policy (Attachment D).

In deciding the number of credit hours, consider the scope of the course, the amount of class preparation time that you expect students to spend and the class meeting times. In deciding the number of credit hours in a distance learning course, consider the length of recorded lectures or presentations, the assigned student readings, the amount of online discussions, as well as other assignments.

For traditional classroom courses, ABA Standard 310 defines one credit hour "as an amount of work that reasonably approximates" not less than 50 minutes of classroom or direct faculty instruction and two hours of out-of-work class student work per week for 15 weeks, or the equivalent amount of work over a different amount of time." During the fall or spring semester, a 3-credit course would have to meet 150 minutes per week and assign 6 hours of student work each week. During the summer semester (seven weeks), a 3-credit course would have to meet 320 minutes per week and assign 12 hours and 52 minutes of student work each week. A seminar or other upper level course that requires preparation of a ULWR paper (see Attachment G) may meet for the hours required for a two-credit course while offering the course for three credits.<sup>5</sup>

For courses that meet outside of the classroom, such as clinics, externships and distance learning courses, Standard 310 requires "at least an equivalent amount of work required" as a traditional classroom course.

Depending on the type of course, you may also want to consider whether it satisfies

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<sup>4</sup> A distance learning course is defined by the ABA as a course in which "students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction..."

<sup>5</sup> A professor may also permit students to take a seminar or upper level course for two credits if a student does not write a paper satisfying the ULWR and for three credits if a student writes a paper satisfying the requirement.

our criteria for designation as a seminar (see Attachment E), a third semester legal writing course, or an experiential course (see Attachment F, Experiential Checklist). If you decide that you want students to submit a paper, you may consider whether you want the paper to count toward satisfying the Upper Level Writing Requirement (see Attachment G). Each student must complete the ULWR in order to graduate. Typically, students satisfy the ULWR through independent study with a faculty member or a seminar. If you want the course paper to satisfy the ULWR you must explain how you will accomplish that.

In deciding the basis for assigning a grade in the course you have a number of options to consider: a final examination (in-class or take-home), a final paper, a series of small papers or quizzes, group or individual presentations, or a combination. In addition, you might want to count class participation as part of the final grade, or, if students will participate in group exercises, you will want to decide how to grade those. You must identify your basis for assessing students in the course proposal or syllabus.

Finally, your course proposal should contain a proposed course description for the course catalog that identifies the following: 1) prerequisites or co-requisites, 2) the number of credits available, 3) whether the course will be offered online, 4) if the course is offered online, whether the course is asynchronous, synchronous, or, blended, 5) how the course will be graded (letter or pass/fail), 6) list any graduation requirement that the course fulfills, 7) whether permission from the instructor is required before registration, 8) whether the course may be repeated, and, 9) the CIP code for the course (CIP codes may be found at <https://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>)

### Transitioning Classroom Courses to an Online Format

Faculty wishing to transition a classroom course to an online format should submit a substantially complete syllabus for the online course, a statement of how the course will meet Standard 310, and an explanation of how the course will comply with C|M Law's Distance Learning Policy (Attachment D).

## **ATTACHMENT A**

### **EXAMPLES OF LEARNING OBJECTIVES**

Course learning objectives may include one or more of our faculty-approved learning outcomes for our program of legal education (attached). Learning objectives may also be more course specific than our learning outcomes. Examples of learning objectives from currently offered courses are below.

#### **Land Use Planning (LAW 608)**

##### **Learning Objectives**

This survey course is designed with two broad objectives. First, it is intended to guide students through the major legal and policy issues confronting local governments when they seek to plan for and regulate the use and development of land. Second, the course is also designed to introduce students to the practical aspects of “day-to-day” administration of the fundamental tools for land-use regulation: zoning, subdivision regulation, Planned Unit Development, and the various “flexibility devices” (such as variances and conditional uses) that can be used to tailor these tools to particular circumstances. In more concrete terms, students should acquire an understanding of and ability to critically evaluate:

- the different approaches local governments have taken to plan for the use and development of land, with a particular focus on current approaches in Ohio
- the relationship between legal doctrines and the goals of land-use planning
- the federal constitutional and statutory constraints on how local governments have taken to control the use and development of land
- the most common tools used by local governments to control the use and development of land
- the “nuts and bolts” of the zoning and subdivision regulation processes

## **PROPERTY (LAW 514)**

### **LEARNING OBJECTIVES**

This course is designed with two broad objectives. First, it is intended to introduce students to the major legal and policy issues societies and legal systems grapple with in dealing with tangible and intangible “things” grouped under the concept of “property.” Second, the course is also designed to introduce students to the practical aspects of how our legal system conceives of, creates rights in, and allows for the disposition of “property” in various forms. In more concrete terms, students should acquire an understanding of and ability to evaluate:

- Whether a “property interest” is at issue in any given set of facts?
- If a “property interest” is at issue, what type of property interest is it?
- How are different types of property interests created or acquired?
- Who “owns” any given property interest and how are competing ownership claims decided?
- What “property rights” does ownership in any given property interest entail, and with what limits/scope and duties?
- What is required to make a valid transfer of any given property interest

## **TRANSACTIONAL LAW CLINIC (LAW 826)**

### **LEARNING OBJECTIVES**

In this course, you will learn to:

- Identify client issues,
- Understand client goals,
- Identify and learn the relevant law,
- Identify and evaluate potential solutions and approaches to client issues,
- Counsel clients about potential solutions and approaches,
- Execute or carry out appropriate solutions, and,
- Engage in self-assessment of your skills and abilities.

Cleveland Marshall College of Law  
Learning Outcomes  
(adopted November 12, 2015)

- I. Knowledge and understanding of substantive and procedural law.**
  - A. Understand and apply identified core legal concepts in all required courses.
  - B. Understand the processes by which the law develops and changes.
  - C. Understand the processes by which legal rights and duties are enforced.
  
- II. Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.**
  - A. Legal Analysis**
    - 1. Apply all relevant legal rules to specific factual situations and appropriately predict legal outcomes by identifying legal issues and assessing the validity of legal arguments.
    - 2. Connect legal concepts across the curriculum.
    - 3. Identify, articulate and explain legal rules.
  - B. Legal Research**
    - 1. Understand the similarities, differences and interrelationships among and between United States federal, state, and local legal systems.
    - 2. Find, categorize, evaluate, and distinguish sources of legal authority.
    - 3. Construct and implement efficient, cost effective research strategies, including demonstrating an understanding of the importance of confirming and validating the information obtained.
    - 4. Critically evaluate the quality of the legal information consulted and apply information effectively and ethically to resolve a specific issue or need.

### C. Problem Solving

1. Develop a reasoned analytical framework for identifying and resolving problems.
2. Solve problems by and through collaboration with colleagues in a professional setting.
3. Recognize client goals and relevant facts, including ethical and societal issues that affect problem solving, and financial, commercial, and personal constraints on clients.
4. Use relevant facts, client goals, and law to identify solutions to client problems and advise clients on the merits and risks of each potential solution.
5. Prioritize tasks and assess time requirements to solve client and professional problems within time and financial restraints.

### D. Written and Oral Communication in a Professional Context

1. Demonstrate written communication at a professional level, appropriate to the context.
2. Demonstrate oral communication at a professional level, appropriate to the context.
3. Communicate legal analysis to different audiences for different purposes.
4. Draft objective, persuasive and transactional documents.

## **III. Exercise of proper professional and ethical responsibilities to clients and the legal system**

- A. Identify, analyze and resolve ethical dilemmas in clinical or simulated practice settings.
- B. Demonstrate professionalism in all aspects of legal work.
- C. Understand the role of the lawyer in civil society.

**IV. Other professional skills needed for competent and ethical participation as a member of the legal profession**

- A. Plan and implement strategies to move cases, transactions, and client matters forward.
- B. Seek and receive professional feedback.
- C. Recognize personal and professional strengths and weaknesses based upon self-reflection.
- D. Interact effectively and sensitively with clients, colleagues and others from varied backgrounds.
- E. Transfer lessons and skills learned in one context to another.
- F. Understand the need to strategically build professional networks to help meet personal, client, and professional challenges.
- G. Promote improvement of the law and legal institutions.

**ATTACHMENT B**

**ABA STANDARD 310**

**MEMORANDUM**

To: The Faculty

From: The Curriculum Committee

Date: April 11, 2016

Re: ABA Standard 310 re Credit Hours

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The ABA Standards Committee has revised standards as well as introduced new standards governing our program of legal education over the last two years. One of the new standards is Standard 310.

**Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK**

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) A "credit hour" is an amount of work that reasonably approximates<sup>1</sup>:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Given that the law school does not have the policy required by 310(a), the Curriculum Committee recommends that the faculty adopt the standard set forth in 310(b) as our written policy that determines the number of credits that are awarded for coursework.

The Committee also recommends that the faculty adopt as its written policy, two recent interpretations regarding Standard 310. The interpretations are:

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<sup>1</sup> The standard uses the U.S. Department of Education's definition of a credit hour.

***Interpretation 310-1***

*For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An "hour" for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.*

***Interpretation 310-2***

*A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work specified in Standard 310(b).*

If the faculty adopts the Curriculum Committee's proposal, the Curriculum Committee will require all future course proposals to address the standard.<sup>2</sup>

Please note that Revised Standard 311(b) replaces "58,000 minutes of instruction time" found in prior Standard 304(a) with "83 credit hours," 64 of which must be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction.

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<sup>2</sup> The faculty adopted the Curriculum Committee's proposal on April 14, 2016.

## ATTACHMENT C

### Suggested Language from Office of Disability Services re Accommodations

Educational access is the provision of classroom accommodations, auxiliary aids and services to ensure equal educational opportunities for all students regardless of their disability. Any student who feels he or she may need an accommodation based on the impact of a disability should contact the Office of Disability Services at (216)867-2015. The Office is located in MC 147. Accommodations need to be requested in advance and will not be granted retroactively.

### Suggested Language from Office of Institutional Equity re: Title IX

Federal law, including *Title IX*, and University policy require that CSU address discrimination, harassment and sexual violence and enable students affected by these issues to have the same opportunity to succeed as other students. The Office for Institutional Equity (OIE) provides information, identifies resources, and issues academic and other accommodations. Any student affected by discrimination, harassment and/or sexual violence and seeking assistance should contact OIE at [216-687-2223](tel:216-687-2223) or [OIE@csuohio.edu](mailto:OIE@csuohio.edu) or visiting AC 236.

Faculty members are Responsible Employees who have a duty to report to OIE when students disclose experiences with discrimination, harassment and/or sexual violence. Faculty members' duty to report to OIE includes disclosures made by students in class or in autobiographical and/or nonfiction writing assignments.

## ATTACHMENT D

### C|M|LAW DISTANCE LEARNING POLICY

This policy is designed to guide the law school in the development, approval, and administration of Distance Learning Courses for the J.D., L.L.M. and M.L.S programs in accordance with the requirements of American Bar Association's Standard 306 and Cleveland State University policies. Distance education is an educational process characterized by the separation, in time or place, between instructor and student.

Distance learning courses may be conducted completely online or partially on-line. A fully online course meets online for 100% of the class meetings while a blended course contains a mixture of face-to-face classes and sessions conducted online. This policy applies to both fully online and blended courses ("Distance Courses") as defined by ABA Standard 306 and University Policies.<sup>1</sup>

#### **1. Administration**

1.1 J.D. students may not count more than 15 credits earned in Distance Courses toward the J.D. degree. No J.D. student may enroll in a Distance Course until that student has completed 28 credit hours toward the J.D. degree. Students who are pursuing L.L.M. or M.L.S. degrees may take an unlimited number of Distance Courses at any time during their matriculation.

1.2 All Distance Courses must be approved in accordance with the school's normal approval process, even if the course is already offered in the residential program.

1.3 For purposes of teaching loads, a Distance Course will be treated the same as a comparable residential course.

1.4 All law school and university policies will apply to all Distance Courses unless stated otherwise herein.

#### **2. Courses**

2.1 Each Distance Course will be designed to utilize the technological resources available at the institution, supportable by the institution, and reasonably available to students.

2.2 Each Distance Course will include sufficient interactive tools and course design elements that allow faculty and students interactive opportunities that equal or exceed the interaction found in a traditional classroom setting. Each Distance Course must meet ABA Standard 310 which

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<sup>1</sup> ABA Standard 306 defines a distance learning course as one in which "students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology..."

University policy defines a blended course as a course that contains a mixture of face-to-face classes and sessions conducted online, with no more than 40% of class meetings held in assigned on-campus classroom locations and 60% of class sessions are held online. In other words, a blended class is held 60% or more online.

determines how many credit hours can be offered for coursework. Each petition for the creation of a Distance Course must explicitly state how Standard 310 will be met.

2.3 Each Distance Course will require students to have, at minimum, a unique login and password when accessing the Distance Course website.

2.4 Student identity during Distance Course participation and the taking of examinations must be verified by the use of technological tools (such as unique login and password) or the use of proctored examinations by appropriate personnel.

### **3. Faculty**

3.1 Faculty members who teach a Distance Course will participate in mandatory technology and distance learning teaching training.

3.2 Faculty members who teach a Distance Course will be present online, will monitor and, as appropriate, participate in class delivery, for at least the number of hours necessary for the credit hour allocation made to the class.

3.3 While teaching a Distance Course, the faculty member will answer student questions and concerns promptly during the period in which the Distance Course is offered. If a faculty member is unable to participate in a scheduled Distance Course activity, the faculty member will alert students in advance.

3.4 While teaching a Distance Course, the faculty member will regularly monitor student participation and accomplishment.

### **4. Students**

4.1 All students who participate in a Distance Course must participate in a mandatory orientation program, which will, at minimum, train students in technology used and distance learning protocols and etiquette.

4.2 All students will abide by the law school Honor Code in all Distance Courses.

## Standard 306. DISTANCE EDUCATION

- (a) A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.
- (b) Credit for a distance education course shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.
- (c) A law school shall have the technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education.
- (d) A law school may award credit for distance education and may count that credit toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 311(b) if:
  - (1) there is opportunity for regular and substantive interaction between faculty member and student and among students;
  - (2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and
  - (3) the learning outcomes for the course are consistent with Standard 302.
- (e) A law school shall not grant a student more than a total of 15 credit hours toward the J.D. degree for courses qualifying under this Standard.
- (f) A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.
- (g) A law school shall establish an effective process for verifying the identity of students taking distance education courses and that also protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

### Interpretation 306-1

*Technology used to support a distance education course may include, for example:*

- (a) *The Internet;*
- (b) *One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;*
- (c) *Audio and video conferencing; or*
- (d) *Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (a) through (c).*
- (e) *One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;*
- (f) *Audio and video conferencing; or*
- (g) *Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (a) through (c).*

### **Interpretation 306-2**

*Methods to verify student identity as required in Standard 306(g) include, but are not limited to (i) a secure login and pass code, (ii) proctored examinations, and (iii) other technologies and practices that are effective in verifying student identity. As part of the verification process, a law school shall verify that the student who registers for a class is the same student that participates and takes any examinations for the class.*

## ATTACHMENT E

### CRITERIA FOR DESIGNATION OF A COURSE AS A SEMINAR\*

1. A seminar is a small class, enrollment in which should normally not exceed fifteen students, that is designed to examine intensively a single topic or a limited range of topics within a general area of law. A seminar is not designed to offer a comprehensive survey of a field of law.
2. A seminar is designed to foster maximum interchange in discussion between students and instructor and among students.
3. A seminar shall require a substantial paper or equivalent written product.
4. A grade in a seminar may be based entirely on the paper, or on some combination of a paper, class participation, final examination, or other relevant factors.
5. A seminar may be given for two or three credits.

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\*Approved by the faculty on Oct. 21, 2004.

## ATTACHMENT F

### CHECKLIST FOR EXPERIENTIAL COURSES

This checklist was created to assist the Curriculum Committee and faculty with identifying which courses will fulfill the ABA's requirement that each student take 6 credits of experiential education. The checklist was created from a review of ABA Standards 303 and 304 as well as a guidance issued by and information obtained from the ABA's Section of Legal Education.

Our law school requires that each student take a 3-credit clinic or externship and take an additional 3 credits in courses which meet the ABA's standard for experiential courses.<sup>1</sup>

The guiding principles for identifying an experiential course are found in Standards 303 and 304 which require an experiential course to be:

1. A Law Clinic,
2. A Field Experience, or,
3. A Simulation Course

Those types of courses are defined in Standard 304 which requires:

1. A Simulation Course to:

- \_\_\_\_\_ A. Provides a substantial lawyering experience
- \_\_\_\_\_ B. Not involving an actual client
- \_\_\_\_\_ C. That 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, that includes all of the following:
  - \_\_\_\_\_ direct supervision of the student's performance by the faculty member
  - \_\_\_\_\_ opportunities for performance
  - \_\_\_\_\_ opportunities for feedback from a faculty member
  - \_\_\_\_\_ opportunities for self-evaluation

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<sup>1</sup> This standard applies to students who began law school in the fall of 2016 and later. Students who began law school in 2013, 2014 or 2015 are required to take one three-credit externship or clinic.

\_\_\_\_\_ a classroom instructional component (a series of faculty supervised practices in a moot court competition will not meet the standard)<sup>2</sup>

2. A Law Clinic to:

- \_\_\_\_\_ A. Provides a substantial lawyering experience
- \_\_\_\_\_ B. That includes advising or representing one or more clients or serving as a third-party neutral, and,
- \_\_\_\_\_ C. That includes all of the following:
  - \_\_\_\_\_ direct supervision of the student's performance by the faculty
  - \_\_\_\_\_ opportunities for performance
  - \_\_\_\_\_ opportunities for feedback from a faculty member
  - \_\_\_\_\_ opportunities for self-evaluation
  - \_\_\_\_\_ a classroom instructional component

3. A Field Experience (includes externships) to:

- \_\_\_\_\_ A. Provide a substantial lawyering experience
- \_\_\_\_\_ B. That is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks
- \_\_\_\_\_ C. In a setting outside a law clinic under the supervision of a licensed attorney or otherwise qualified individual
- \_\_\_\_\_ D. That includes all of the following:

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<sup>2</sup> Managing Director's Guidance Memo, ABA Section of Legal Education and Admissions to the Bar, p.4.  
[https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2015\\_standards\\_303\\_304\\_experiential\\_course\\_requirement\\_authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_authcheckdam.pdf)

- \_\_\_\_\_ direct supervision of the student’s performance by a faculty member or site supervisor
- \_\_\_\_\_ opportunities for performance
- \_\_\_\_\_ opportunities for feedback (from a faculty member or site supervisor)
- \_\_\_\_\_ opportunities for self-evaluation
- \_\_\_\_\_ A written understanding among the student, faculty member and a person in authority
- \_\_\_\_\_ A method for selecting, training, evaluating and communicating with site supervisors including regular contact between faculty and site supervisors
- \_\_\_\_\_ A classroom component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection
- \_\_\_\_\_ Evaluation of each student’s educational achievement by a faculty member
- \_\_\_\_\_ Sufficient control over the student’s experience to ensure that the requirements of the standards are met

Once a course meets the requirements set forth above and is determined to be a simulation course, a law clinic or an externship, Standard 303 requires the simulation, law clinic or externship to:

- \_\_\_\_\_ 1. Be primarily experiential in nature (primarily means the main purpose of the course must be experiential and the experiential nature of the course should be its organizing principal). Simulation courses should provide experiences similar to those of a clinic or externship.<sup>3</sup>
- \_\_\_\_\_ 2. Integrate doctrine, theory, skills, and legal ethics
- \_\_\_\_\_ 3. Engage students in performance of one or more of the following professional skills:

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<sup>3</sup> Guidance Memo, pp. 3,5

- \_\_\_\_\_ knowledge and understanding of substantive and procedural law
  - \_\_\_\_\_ legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context
  - \_\_\_\_\_ exercise of proper professional and ethical responsibilities to clients and the legal system
  - \_\_\_\_\_ other professional skills needed for competent and ethical participation as a member of the legal profession
- \_\_\_\_\_ 4. Develop the concepts underlying the professional skills being taught
  - \_\_\_\_\_ 5. Provide multiple opportunities for performance
  - \_\_\_\_\_ 6. Provide opportunities for self-evaluation
  - \_\_\_\_\_ 7. Credit granted for the course shall be commensurate with the time and effort required and comply with Standard 310
  - \_\_\_\_\_ 8. Assess performance of professional skills versus knowledge of legal subject matter.

## ATTACHMENT G

### UPPER LEVEL WRITING REQUIREMENT\*

The purpose of the Upper Level Writing Requirement is to have each student undertake at least one rigorous writing experience prior to graduation, in addition to Legal Writing, Research and Advocacy (L504) and the third semester of legal writing. Although the focus of this requirement is writing skills, effective legal writing requires application of the broad spectrum of skills essential to effective lawyering generally. Thus, research, analysis, and organization are important components in the preparation of any quality product of legal writing. For this reason, the goal of the Upper Level Writing Requirement is to require each student to demonstrate his or her ability to apply each of these skills in producing one substantial, cohesive piece of legal writing prior to graduating from law school.

1. Students may satisfy this requirement by completion of any one of the following:
  - a. A seminar for which a paper is required;
  - b. A specially designated upper level course for which a paper is required or offered for writing credit; or
  - c. An appropriate two or three semester-hour Independent Legal Research (L860) project.
2. The Upper Level Writing Requirement is satisfied by the completion of a paper, brief, casenote, or other piece of legal writing that combines writing, research, analytical and organizational skills into one substantial written product under the direction of a faculty supervisor. As a general rule, “faculty supervisor” means full-time tenured or tenure-track faculty member, full-time legal writing professor, or full-time clinical professor.
3. What constitutes a “substantial” written product is left to the discretion of the instructor, subject to review by the Curriculum Committee at the time the course is submitted for approval.<sup>1</sup>

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<sup>1</sup> Please note the following as a point of comparison for courses other than Independent Research in which a student may satisfy the ULWR:

The text page minimum for Independent Legal Research (L860) projects completed to satisfy the Upper Level Writing Requirement should ordinarily be 12 to 15 double-spaced pages, exclusive of footnotes or endnotes, per credit hour, but in no case less than 10 pages, exclusive of footnotes or endnotes, per credit hour. Faculty may, in their discretion, define a “page” in terms of font size, margins, approximate number of words, etc. Independent Legal Research (L860) Standards B 2.

4. To complete the Upper Level Writing Requirement, it is assumed that the student will undertake exhaustive library or other approved investigation under the supervision of a faculty member. In order to insure a meaningful one-on-one consultation and critique between the student and instructor, it is strongly urged that the instructor:
  - a. Require the student to meet regularly with the faculty sponsor during the course of the project;
  - b. Require the student doing an Independent Legal Research (L860) project to obtain the faculty sponsor's written approval of a proposal prior to signing up for credit;
  - c. Require the student to submit and discuss an outline of the writing project prior to commencing the first draft;
  - d. Provide written comments concerning submitted drafts and discuss those comments in a meeting with the student;
  - e. Require the student to submit a detailed research path of one or two pages with the rough draft, indicating the full extent of the student's research and sources used and showing unproductive investigation as well as that which produces materials bearing on the problem;
  - f. Require the student to familiarize himself or herself with the concept of plagiarism;
  - g. Make clear to the student that the Upper Level Writing Requirement is unrelated to, and independent of, any non-curricular requirements, such as those needed for acceptance of the paper by a student journal.
5. Any instructor wishing to designate a course as satisfying the Upper Level Writing Requirement must first obtain authorization from the Curriculum Committee.
6. Faculty have discretion, while awarding a passing grade to a student enrolled in a course to determine that nonetheless the student has not satisfied the Upper Level Writing Requirement. Students should be advised of this faculty option.
7. Copies of papers submitted in satisfaction of the Upper Level Writing Requirement shall be retained by the administration in the same manner as final examinations.

\* The Upper Level Writing Requirements were approved by the faculty in November 1997 and amended in May 1999.