

Legal Academics Challenge ABA's Proposed Educational Standards



Academic Community Fights Against Proposed ABA Guidelines

Legal educators and institutions are raising objections to a recent proposal from the American Bar Association (ABA) that aims to define specific learning outcomes and assessment standards for law students. The contentious debate revolves around concerns that these proposed changes may hinder the freedom of educators to employ diverse teaching methods within their classrooms. We examine the key arguments surrounding this issue.

Freedom vs. Standardization: ABA's Controversial Proposal

In August, the ABA's Council of the Section of Legal Education and Admissions to the Bar unveiled its proposal, which includes a series of mandates. One central requirement is for law schools to establish and publicly disclose precise learning objectives for every course while ensuring alignment in required courses offered in multiple sections each term. The intention behind these changes is to provide clarity and direction to law schools regarding their educational responsibilities.

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Academic Backlash: The Quest for Autonomy

However, the proposal has ignited strong opposition, particularly from around 20 law professors and deans who submitted public comments. Many argue that the ABA is overreaching by prescribing what should be taught and how it should be taught. Joshua Silverstein, a law professor at the University of Arkansas at Little Rock, expressed his concerns about the ABA's evolving philosophy, suggesting that the organization and law schools should not be involved in micromanaging the teaching methods of law educators.

Balancing Act: ABA's Response to Concerns

William Adams, the ABA's Managing Director of Accreditation and Legal Education, responded to these concerns by acknowledging that some law schools found the current learning outcomes and assessment standards to be too general. He contended that the proposed changes are meant to better guide schools in shaping their educational approaches.

Diverse Perspectives: Unity and Dissent

Despite the widespread criticism, some public comments were more nuanced, expressing support for certain aspects of the ABA's proposal while opposing others. The proposal requires all first-year law classes to incorporate an early assessment, providing students with feedback on their performance before the final exams. Those students who fail to meet a satisfactory performance level must receive academic support.

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Maintaining Balance: Balancing Tradition with New Standards

The ABA's previous system of student learning outcomes, implemented in 2015, is also under scrutiny. This system obliges law schools to identify the skills and knowledge students should possess upon graduation and evaluate their achievement of these outcomes. The new proposal extends similar requirements to individual courses, stipulating that each course, whether mandatory or elective, should have defined skill and knowledge objectives.

determined by the school.

Red Tape and Lack of Clarity: School Concerns

Critics argue that this approach could lead to increased bureaucracy within law schools, as the proposal does not offer specific guidance on measuring outcomes in individual courses. The legal education council of the ABA will assess the proposal in February, and these changes' fate will be decided in due course.

Don't be a silent ninja! Let us know your thoughts in the comment section below.

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