



# Standard 306 and Hybrid Legal Education Without Variances

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# ABA Standard 306

- ABA Standard 306
    - Up to one-third of all JD credits may be “Distance Education”
      - Including up to 10 of first third
- AND
- Up to one-third of required classroom minutes may be satisfied at distance, without counting as “Distance Education” credits
  - Allows for either synchronous or asynchronous delivery
  - For example, if 90 credits required:
    - $1/3$  of 90 = **30** (total) +  $1/3$  of remaining 60 = **20** ( $1/3$  of minutes), so up to **50** of 90 credit equivalents, or **55.5%** of the JD



# But we aren't fully there yet . . .

- New York independently regulates distance education under its rules for admission to the bar
- Rule 520.3(c)(6)
  - Allows only 15 credits of distance education
    - And allows none of the first 28 credits
  - No recognition of ABA variances
- NYSBA Commission on Legal Ed and Admission to the Bar voted to recommend that NY follow ABA Standard 306 and recognize ABA variances
  - Issue is now before NY Court of Appeals



# So what can you do under ABA Standard 306 without a variance?

- Weekend JD (analogous to Exec MBA)
  - Meets every other weekend (7 + exams)
    - If 11 credits per semester, with 8,250 min, or 5,500 min in person on 8 weekends = 688 minutes per weekend
    - A little over 11 hours each weekend with asynchronous content as bridge between weekends
- Or Sunday JD (e.g., Touro's FlexTime JD Program)
  - Meets 26 Sundays per year (incl exams)
    - 24 credits over 12 months, with 18,000 min, or 12,000 in person on 26 Sundays = 462 min per Sunday



# Using longer blocks of in-person time without a variance

- Week-long in-person programs at beginning and end of each semester (each 6 days)
  - If 11 credits per semester, then 8,250 total minutes, or 5,500 in person, or 2,750 per week, or about 460 minutes
    - Just under 8 classroom hours per day for 6 days
  - In-person launch and conclusion
  - Distance education for everything in between



# But wait, we have even talked yet about real distance education

- . . . this all gets even easier when you start weaving in 15 to 30 credits of pure distance education
  - Especially if you can include 10 credits of pure distance learning in the first year
- In fact, one might reasonably question the need for any variance, considering all the creative possibilities available under ABA Standard 306



# No, good pedagogy is NOT just about classroom minutes,

- . . . whether in person or at a distance
- A good hybrid program is designed just like any other good program of legal education
  - Define the outcomes
  - Design and develop an effective plan to achieve those outcomes
    - And, hopefully, do it in a manner that **maximizes accessibility** and **minimizes student debt**
  - Having done so, ABA Standard 306 facilitates opportunities to do this innovatively without the need for a variance