



# Online Law Schools Inch Closer to ABA Accreditation

By Vicky Phillips

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Accredited online law schools inched closer to becoming a reality as the American Bar Association (ABA) met recently and considered relaxing the regulations that have prevented entire JD degrees from being offered online by any of its member schools.

The ABA is debating new rules that will allow its accredited, residential law school members to offer more online courses as a part of the JD degree.

Although the ABA is not expected to fully approve online law schools in the near future, momentum is building for increased acceptance of online courses in the curriculum of ABA-approved residential law schools.

## ABA Approved Online Courses — Recent Developments

Recent online legal education developments:

1. A group of nonprofit law schools is joining forces to develop technology that will make it easier for accredited residential schools to offer quality online and blended distance education courses.

2. Professors from Harvard Law School and Vermont Law School are organizing fall 2011 closed-door meetings with nonprofit law school representatives to iron out a list of best practices for online legal education.

## **ABA to Liberalize Online Education Standards**

The ABA has proposed changes to its online education rules that would allow residential law students to complete a full semester's worth of courses online.

The new standard would change the maximum number of online law credits a student at an ABA-approved school can take from 12 to 20. It would also remove the previous four-credit limit on the number of online courses a student can take in any one semester.

These changes would allow a student to work a semester-long internship, take medical leave, or serve in the military while still keeping up via online courses, says Andrea Johnson, professor at California Western School of Law, who serves on the ABA's distance education standards committee and also teaches online law courses.

These changes are specifically aimed at helping more non-traditional adult and working students engage successfully in law school.

Freshmen law students would, however, still be barred from online courses, says Johnson.

The ABA's hesitance to approve fully online legal education, says Johnson, is due to worry that online courses might not provide enough student-teacher interaction, especially when they are asynchronous (meaning they are not offered "live" to everyone at once).

## **Barriers to ABA Approved Online Law Schools**

Johnson says she expects the revised ABA online course standards to pass association approval. Over the next three to five years, she believes the regulations will be progressively relaxed on distance education for students at ABA-accredited law schools.

"Necessity will continue to require changes to make [online legal education] more readily acceptable," predicts Johnson.

In other words, schools will need to offer online law programs to meet the needs of today's non-traditional, older students (who can't always leave jobs and families to commit to residential law programs). The ABA will need to shift its stance in response to this growing demographic.

For now, however, there remain heady obstacles that must be removed before online law schools can be fully approved by the ABA. For instance, says Johnson, “there’s a generation gap in terms of comfort level of the faculty.” A new generation of faculty is coming into practice who are comfortable with online pedagogy, she notes, whereas existing faculty are not always eager to embrace new learning technology, having learned the old way themselves.

While acceptance of online law courses has been growing, Johnson predicts a fully online JD program that would allow legal students to site for the bar exam nationwide and practice at the bench, won’t be approved until “there is enough of a groundswell” from students and faculty.

### **Law School Group to Study Online Course Technology**

New York Law School and six others have joined together in a consortium focused on technology used in online legal education, including distance learning and blended classes, says Barry Currier, former dean of Concord University Law School.

Currier now runs a legal education consultancy and is one of the founders of this new online law education group.

The new online learning group may pay for the development of a legal content course management system, which participating law schools would then own.

Other members of the new technology consortium include the Australian National University College of Law, IIT Chicago-Kent College of Law, the University of Miami School of Law, the University of the Pacific McGeorge School of Law, the University of Northumbria, and Southwestern Law School.

Currier says he hopes to provide a different, more “ground-up” model of curriculum development to help defuse some of the faculty resistance that is slowing adoption of online legal education. Long-term, he hopes the collaboration will become “what most people will think about when they think about distance learning in legal education.”

### **Law School Professors Study Best Online Law School Practices**

Harvard University’s “Future Ed” workshops in 2010 looked at, among other innovations, online legal education. Now some of the participants are continuing the conversation by planning formal meetings in October 2011 into 2012 to further explore what makes for good, high-quality online legal education.

Rebecca Purdom, professor at Vermont Law School, is working with Harvard’s Eric Ramanathan to set the agenda for these sessions, which will likely be closed to the public so that participants can be off-the-record frank with each other.

“We’re going to have hard conversations [about standards and best practices],” says Purdom. “I want to make darn sure [best practices] are not setting up a video camera across the room and letting someone drone their lecture for two hours and [then] call that distance learning.” If schools are doing this, says Purdom, “we’re going to call them on that.”

For-profit law school representatives most likely will not be participating—only nonprofit ones in an effort to keep the focus on curriculum and teaching practices rather than monetary models.

“Frankly, we have an eye on the ABA,” says Purdom. “We want the nonprofit schools to be driving the conversation, not the for-profit schools...We want to make sure the ABA is hearing from us when they think about what makes the most sense.

“They’re making small modifications to those regulations right now, but I think in three, four or five years out, there’s going to be some pressure to make major modifications. We want to be able to say, ‘This is what should happen.’”

It is entirely possible that ABA approval may someday be granted to a 100 percent online law school. It is also possible that traditional law schools who are ABA approved may someday get the green light to offer the JD degree online in its entirety.

But for now, any student seeking an ABA approved online law school will need to accept some severe limitations. ABA approved schools can—and increasingly are—offer a master's in law 100 percent online.

The JD degree, the classic degree required to take the bar and become an attorney, remains a forbidden fruit, offered only by second-tier online law schools that have neither the blessing nor the approval of the ABA.



[Vicky Phillips](#) was cited by US News & World Report as "for 20 years the leading consumer advocate for online college students." In 1989 she designed America's first online counseling center for distance learners on AOL. In 1998 she authored the first print guide to online graduate degrees, *Best Distance Learning Graduate Schools* put out by the Princeton Review. She is also the author of *Never Too Late to Learn: the Adult Student's Guide to College*.

