
Faculty Scholarship

2003

Part-Time Legal Education: It's Not Your Parents' Old Oldsmobile

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Publication Information

35 University of Toledo Law Review 25 (2003)

Repository Citation

Butterfoss, Edwin J., "Part-Time Legal Education: It's Not Your Parents' Old Oldsmobile" (2003). *Faculty Scholarship*. Paper 356.
<http://open.mitchellhamline.edu/facsch/356>

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Part-Time Legal Education: It's Not Your Parents' Old Oldsmobile

Abstract

When I am asked to name my accomplishments as dean,¹ the one that often piques the listener's interest is "starting a weekend law program." Their reaction usually is along the lines of, "A weekend law program? That's different." But depending on to whom I am talking, that "uniform" response needs to be interpreted based on the tone of voice, facial expression, and other body language of the listener. If I happen to be talking to a faculty member from another school, the translation is, "I hope my dean doesn't get a crazy idea like that and make me work on weekends." The translation if I am talking with a dean from a similarly situated law school is, "Does it generate significant revenue? And how on earth did you get the faculty to agree to work on weekends and the ABA to approve the program." If the dean I am talking with is from an "elite" law school, the translation is more along the lines of, "And you pretend to be a real law school?"

Practicing attorneys react along the same lines as deans. Lawyers at large, traditional law firms (who likely graduated from an elite law school) think much like their dean. If I happen to be talking to a lawyer who graduated from an evening program, they immediately start analyzing whether weekends would have been a better alternative than the evening program they attended.

These varied reactions illustrate the range of issues raised by the prospect of starting a weekend law program. The weekend program at Hamline is one of the main initiatives identified with my time as dean. As we prepare to welcome our third class of weekend law students this fall, I feel comfortable that more "credit" than "blame" has come my way as the result of proposing and implementing the weekend program.² While it would be an exaggeration to call the program an unqualified success, it certainly has been a success. In this brief essay, I will explore why a law school might want to start a weekend law program and some of the philosophic, strategic and practical issues a school will face in doing so.

Keywords

Legal education

Disciplines

Legal Education

PART-TIME LEGAL EDUCATION IT'S NOT YOUR PARENTS' OLD OLDSMOBILE*

Edwin J. Butterfoss

WHEN I am asked to name my accomplishments as dean,¹ the one that often piques the listener's interest is "starting a weekend law program." Their reaction usually is along the lines of, "A weekend law program? That's different." But depending on to whom I am talking, that "uniform" response needs to be interpreted based on the tone of voice, facial expression, and other body language of the listener. If I happen to be talking to a faculty member from another school, the translation is, "I hope my dean doesn't get a crazy idea like that and make me work on weekends." The translation if I am talking with a dean from a similarly situated law school is, "Does it generate significant revenue? And how on earth did you get the faculty to agree to work on weekends and the ABA to approve the program." If the dean I am talking with is from an "elite" law school, the translation is more along the lines of, "And you pretend to be a real law school?"

Practicing attorneys react along the same lines as deans. Lawyers at large, traditional law firms (who likely graduated from an elite law school) think much like their dean. If I happen to be talking to a lawyer who graduated from an evening program, they immediately start analyzing whether weekends would have been a better alternative than the evening program they attended.

These varied reactions illustrate the range of issues raised by the prospect of starting a weekend law program. The weekend program at Hamline is one of the main initiatives identified with my time as dean. As we prepare to welcome our third class of weekend law students this fall, I feel comfortable that more "credit" than "blame" has come my way as the result of proposing and implementing the weekend program.² While it would be an exaggeration to call the program an unqualified success, it certainly has been a success. In this brief essay, I will explore why a law school might want to start a weekend law program and some of the philosophic, strategic and practical issues a school will face in doing so.

* This title was the title of a panel on which I participated at the 2003 AALS Annual Meeting; this essay is based on that presentation. The title is a play on the slogan used in a series of Oldsmobile commercials—"It's not your father's Oldsmobile"—designed to convey the message that the company was no longer producing the staid, traditional cars for which it was known, but instead was producing vehicles outside that mold, cars that fit the needs, desires and image of a new generation of drivers. Of course, not long after the commercials ran, General Motors announced it would be discontinuing the Oldsmobile division, a fate that weekend programs hopefully will avoid.

1. I completed my service as dean of Hamline University School of Law on June 30, 2003, having assumed the deanship in July 1998.

2. The credit also belongs to a graduate of Hamline, Elizabeth Koenig. The idea for a weekend law program was generated during a conversation I had with Beth when she was attending Hamline part time during the day while working part time at the College of Saint Catherine, which has been offering weekend programs for twenty years. After our initial discussion, Beth took the initiative to set up meetings to pursue the idea.

BACKGROUND

Part-time legal education is not a recent innovation. Night law schools, particularly at “stand alone” law schools, have a long history. Until recently, however, part-time legal education has been limited to night or evening programs. Weekend programs, common in other educational fields, are a new development in part-time legal education. The delay in the expansion of part-time legal education to weekends was due, at least in part, to restrictions imposed on legal education by the ABA Standards for Approval of Law Schools and Interpretations. The main obstacle was Standard 304(a), which states, “An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight months.” Meeting the 130-day standard requires at least two, 13-week semesters with classes meeting five days per week. Obviously if only the weekend days are counted, a weekend program falls far short. That is why Hamline’s program was originally turned down. The Accreditation Committee viewed the weekend program as a separate program and ruled it did not meet the 130 day standard.

After being turned down, we requested reconsideration of the Accreditation Committee’s decision. We argued that a weekend program was similar to an evening program, many of which only met two or three evenings per week. Evening programs that meet fewer than 130 days are viewed as meeting Standard 304 because they are considered to be part of the law school’s overall program, which includes the school’s day program in which classes meet 5 days per week. We realized we had to make a better showing that our Weekend Option (the name was changed from Program to Option to emphasize it was part of the overall law school program) was not a separate program. We pointed to our unified admission process for both the weekday and weekend options, the availability of open or cross enrollment after the first year, the fact that the same full-time faculty were teaching in both programs, and that we were committed to offering the weekend students a full range of course offerings, clinical opportunities, moot court and law review opportunities, and extra-curricular opportunities. On this showing, our program was approved.³ Shortly thereafter, new Standard 301(c) and Interpretations 301-2 and 301-3 were adopted “to address the academic calendar, residency, and educational program issues generated in large part by new part-time weekend programs of legal education.”⁴ The Standard and Interpretations essentially adopt the view that weekend programs should be judged similarly to evening programs.⁵ The

3. Some factual issues concerning the location of the program were also clarified, and the class days were changed from Friday evening and Saturday to Saturday and Sunday.

4. ABA COMMENTARY ON THE CHANGES TO THE STANDARDS FOR THE APPROVAL OF LAW SCHOOLS AND RULES OF PROCEDURE AND THE WORK OF THE STANDARDS REVIEW COMMITTEE, 2001-2002 (Aug. 2002), available at <http://www.abanet.org/legaled/standards/commentary-2002.doc> [hereinafter ABA COMMENTARY].

5. Standard 301(c) and Interpretations 301-2 and 301-3 provide:

(c) A law school shall ensure that its educational program, co-curricular programs, and other educational benefits are available to all students.

Commentary accompanying this new Standard and the Interpretations explain the rationale of the Council on Legal Education:

New Standard 301(c) and the new Interpretations assume that one cannot meaningfully distinguish a well-constructed weekend course of study from a well-constructed evening part-time program simply on the basis of when the classes meet. The Standards require a sound program of legal education. If that program can be delivered in the evening or on the weekend, then the Standards should not forbid such a course of study.... Thus, the changes to Standard 301 and the new Interpretations of that Standard direct a school's attention to making certain that all students have opportunities to benefit from [the] overall program offered by the school regardless of whether they are full-time, evening, weekend, or flexible part-time program students. Rather than prescribing a certain scheduling pattern or prohibiting certain scheduling patterns, these changes establish requirements that those and other similar programs will have to meet. This is not likely to be a burden easily met. Schools must show that students pursuing a weekend scheduling options are taken into account by the law school, integrated into the life of the law school to the extent possible, and provided opportunities to benefit from the school's overall program.⁶

These changes open the door for schools to start weekend programs, but schools must still decide whether such a move is right for them.

WHY START A WEEKEND LAW PROGRAM?

There are a variety of reasons a law school might want to start a weekend program. The school may be responding to market forces, attempting to enhance the academic community and/or raise the visibility of the school, or seeking to generate resources, to name a few

Market Forces

A weekend program presents an opportunity to compete in the marketplace and can be utilized as a strategy to maintain or increase class size and/or quality. In

Interpretation 301-2:

Among the factors to consider in assessing compliance with Standard 301(c) are whether students have the realistic opportunity to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors. (August 2002)

Interpretation 301-3:

For schools that have more than one enrollment or scheduling option for students, the school's educational program, co-curricular activities, and other educational benefits shall be available to all students on a basis roughly proportional to the number of students in the various options. (August 2002)

ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS 24 (2002-2003) [hereinafter ABA STANDARDS].

6. ABA COMMENTARY, *supra* note 4.

Hamline's case, market forces were a big factor in deciding to start a weekend program. Over the years, the issue of whether to reenter the part-time legal education market occasionally (usually during periods of depressed applicant pools) was discussed at the school. Some thought we needed to increase the enrollment options we offered students in order to compete in the market and to maintain or improve the quality of our entering classes. Others had long lamented the loss of the talented and motivated individuals they believed were attracted to a part-time evening program. Hamline began as a night law school, but eventually dropped the evening division in its quest for ABA accreditation. For some individuals a return to our roots offered sufficient motivation for creating a part-time program.

When a local university announced plans to open a fourth law school in the Twin Cities, a fairly unique situation was created that made a weekend program an attractive option. Obviously when the new law school opened its doors, the competition for students would increase. However, only one of the four schools offered a part-time program. That school also offered a large full-time day program. Hamline was faced with the choice of continuing to compete only for full-time students with three local competitors or reentering the part-time market to also compete for part-time students with just one other competitor.

The weekend option presented an attractive option for reentering the part-time market for several reasons. With a weekend option, we could compete for students interested in a part-time legal education (students who previously could not attend Hamline), but avoid going "head to head" with a long established evening program. We could also tout the new program legitimately as an innovation in legal education, not just an attempt to "grab" more students and train more lawyers.⁷ We would be offering an opportunity for a legal education to talented and motivated individuals who currently could not attend law school either during the day or in the evening. Taking classes only on the weekend offered an attractive (and perhaps the only feasible) option for individuals whose full-time employment included significant travel during the week and for individuals living in regional cities too distant to commute to the Twin Cities three or four evenings a week.

Enhanced Academic Community

A weekend program also presents an opportunity to enhance the academic community of the law school. At Hamline, we were able to attract nontraditional students in greater numbers, students who brought extensive life and work experience to the classroom.⁸ In addition, nontraditional students tend to be

7 Our original plan was to reduce the size of the entering class of day students from approximately 195 to 165 (allowing us to maintain or increase our quality in the face of additional competition) and, in effect, replace our third section of day students with a weekend section. Because we planned a weekend class of 45 to 55, we would be increasing our head count slightly, but this was necessary to account for the higher costs of offering a weekend program rather than simply a third weekday section, as well as the fact that the weekend students were part time and therefore paying less tuition per semester. As it turns out, given the heated market for legal education, we have had difficulty reducing the size of our day class, but this likely is temporary: our long term plans (and budgets) are based on an incoming day class of 165.

8. The average age of the initial weekend class was 37 a full 10 years greater than the average

extremely motivated in pursuing their legal education and knowledgeable about networking and job searching.⁹ The richness the weekend students bring to classroom, and the maturity and experience they bring to the student body, I believe, will be the true benefit to Hamline in offering the program.

An additional enhancement to the academic community is the opportunity to hire new faculty. Faculty turnover at Hamline had been minimal for years and with the student body size stable, very little hiring had taken place. There was a widely perceived need for new blood, but few opportunities for that were likely to occur in the near future. The weekend program presented that opportunity—it required additional staffing and generated resources to hire the additional faculty.

Reputation

The reputational effect of starting a weekend program is a mixed bag. Hamline has always prided itself on being innovative, and starting this program added to that reputation. It also provided visibility for the school. But in some circles—where tradition was king—the program raised questions about the quality of a legal education that was offered on the weekend.¹⁰ It may also have had a spillover effect to the perceived quality of all our educational programs. The extensive presence in the local community of graduates of the long established part-time evening program likely tempered this feeling, and we were also confident that once we started graduating talented individuals from the program, the quality would sell itself. Nevertheless, at least until weekend programs become more common and accepted, the initial reputational effect of a weekend program may be to weaken, or at least not strengthen, a school's reputation.

At Hamline, we again had a unique situation that added to the positive reputational effect. We began the weekend program in collaboration with a highly respected local college, the College of St. Catherine,¹¹ which had been offering weekend education for more than 20 years. This collaboration had a number of positive effects. It helped us promote the idea that the program was an exciting innovation in legal education. Also, the College of St. Catherine counts several thousand alumni among the local bar. These alumni were more likely to be positively disposed toward the idea of weekend legal education given its connection to their alma mater, and the program also gave them an instant connection to Hamline. Also, St. Catherine's offers extensive graduate programs, which presented the opportunity for extending the collaboration to dual degree programs, particularly in areas in which Hamline did not have a particular strength in its law

age of the weekday class.

9. Assuming they will be looking for a job upon graduation. Many weekend law students attend law school in order to enhance opportunities in their current employment.

10. Some members of the Council on Legal Education hold this view: "Some Council members, however, remained concerned about the quality and rigor of a course of study concentrated into a weekend." ABA COMMENTARY, *supra* note 4.

11. The College of Saint Catherine is the largest Catholic, women's college in the country. It offers a traditional four-year undergraduate program, a weekend undergraduate college, and several coeducational graduate programs.

school or graduate schools.¹² Finally the St. Catherine's faculty has presented a workshop to the Hamline faculty each year providing insights into adult learning styles and teaching on the weekend.

Resources

A weekend program can generate significant resources. With an entering class of approximately 50 students per year, and with students taking 3½ to 4½ years complete their degree, by the fourth year the program adds approximately 200 students (150 full time equivalents) to the law school. This occurs with few fixed costs and relatively limited start up costs. Start up costs include staff to implement the program and marketing expenses. While the program likely will generate a fair amount of free publicity, an investment for targeted advertising and mailings will be essential to successfully attracting the initial class. Arguably, existing staff could be assigned the task of starting up the program, but the enormous amount of planning and work justifies at least one new staff position. At Hamline, we hired a senior staff person a year in advance of the first entering class, and six months later hired an administrative assistant to support the new staff person. These positions (and the individuals who filled them) were integral to the successful implementation of the program.

Beyond staff, fixed costs are relatively few and do not occur prior to the revenue flow from the new program. The classes are held in existing classrooms that likely sat empty on the weekend, eliminating most facility expenses. The most significant costs are faculty although initially very few faculty are needed to staff the program. Because the program is part time and begins with required classes, only 3-4 classes per semester need to be staffed the first year. Depending on the current student faculty ratio, it may be possible in the first year to use existing faculty, utilizing adjuncts or visitors to make up the lost teaching capacity in the weekday program. Over the long term, if no reduction in the weekday program occurs, at least 3-5 new faculty will be required to staff the new program adequately. For schools with little turnover of faculty, the weekend program provides the opportunity to inject some new blood into the faculty.¹³

STARTING A WEEKEND PROGRAM

Once you decide a weekend program may be an attractive option for your school, how do you go about starting one? The most important step is making certain the

12. We recently established two dual degree programs with The College of St. Catherine: a Masters in Organizational Leadership and a Masters in Library Science. We also have established a fellowship program by which selected individuals in the Library Science program can gain law librarian experience working in the Hamline University Law Library while obtaining their J.D. degree. We have also collaborated on an annual symposium, "The Reflective Lawyer," examining issues surrounding the idea of law as vocation, a topic of interest to faculty at both institutions as well as the local bar.

13. Of course, it is important that the new faculty are not hired as "weekend faculty." They are hired to keep faculty student ratio stable and to insure sufficient full-time faculty across the curriculum. Faculty are not separately identified or classified. Everyone takes a turn teaching on the weekends.

entire law school community is behind the effort. Faculty approval is a prerequisite, but buy in from staff, current students, and alumni is also crucial. Bringing the bench and bar along will be crucial once the decision to go forward has been made.

Faculty

There are two major hurdles to faculty enthusiasm for a weekend program: the specter of working on weekends and concerns about quality. Even if your faculty is generally open to innovation and change, a weekend program is a significant endeavor. At Hamline, we had the history of having had a part-time program and an existing desire by some to reestablish a part-time option. We also began our discussions in the midst of the depressed application pools of the late 1990's, adding weight to the argument that because the local competition for full-time students was stiff (and about to get stiffer) but there was little or no competition for part-time students, a weekend program could help us maintain the quality of our incoming class and the quality of our program.¹⁴ The faculty also was excited about the opportunity to fill new faculty positions.

The concern about working on the weekend must be faced head on. The short of it is that a vote for starting a weekend program is a vote to work on weekends occasionally. Several things can mollify faculty resistance to this. They should be reminded they will not have to teach on weekends every semester. A reasonable estimate is that a faculty member will be asked to teach on the weekends one semester every two to three years. Also, it is important that faculty realize they will be teaching only one day on the weekend. To the extent it will not forever compromise the dean's credibility, you can also explain that there are attractive features to teaching on the weekend.¹⁵ A week's worth of teaching is accomplished in half a day freeing up large blocks of time for research and writing.¹⁶ Also, the longer teaching blocks are conducive to trying innovative teaching techniques.

14. Although at some schools there is quite a disparity in the LSAT scores and GPAs of the incoming students in the full- and part-time programs, the faculty was less concerned with the quality of the incoming class (they believed the same admission standards would be applied to both) than they were with the quality of learning that might take place in a compressed weekend environment.

15. In advance, it is nearly impossible (and strains credibility) to suggest some faculty may actually prefer or at least enjoy teaching on weekends. The faculty members from the College of Saint Catherine who conducted our workshops told me that while you will never find a faculty member who prefers teaching in the evening, there will be faculty members who prefer weekends. I was very skeptical, but in fact, it turned out to be true. See *infra* note 17. Even those who did not actually prefer teaching on weekend almost unanimously agreed it was an enjoyable experience, in large part due to the enthusiasm and motivation of the students in the weekend program.

16. The more cynical deans expected this sentence to end with more time for "consulting" or "golf." But there may be individuals on your faculty who are serious about scholarship but have been frustrated by the inability of the school to provide a teaching schedule with large blocks of time, which the faculty member believes is necessary or conducive to research and writing. In fact, this was true at Hamline, and led one of our more traditional faculty members to agree to teach on weekends. The schedule worked so well, and he was so impressed with the students, he volunteered to teach on the weekends the following year.

Finally if realistic, the faculty should be made aware of the administration's willingness to construct attractive schedules for those teaching on weekends.¹⁷

Despite all the arguments in favor of starting a weekend program, it likely would not have been approved by the Hamline faculty had not the shadow of a fourth local law school been looming in the distance. The sentiment ranged from opposition, to acceptance in light of the circumstances, to legitimate enthusiasm for an innovative program with great potential to benefit the school. One indication of the success of the program is the fairly widespread opinion among the faculty that the program has been good for the school.

Staff

Staff are more likely to be open to the idea of a weekend program, although it also means working some weekends for most of them. Once the weekend program is up and running, the law school likely will be quite a bit larger. That raises significant issues for all administrative offices and the library. Sufficient resources need to be budgeted to enable the offices to serve a larger student body. And, of course, most of the additional service will occur on the weekend. The program-specific staff who are hired to administer the weekend program expect to work weekends and can handle many student needs, but the students will want and need to deal directly with the various offices. At Hamline, we designate the second Saturday of every month as "Student Services Saturday" and expect all administrative offices to be open during specified hours.

Current Students

An important group that should not be overlooked is the current students at the school. Many of them will share the concerns about reputation and quality. More importantly, they will be concerned about whether the resources that will be devoted to starting and running the weekend program will drain resources from the weekday program. They will be especially concerned that the weekend program will mean limited availability of the classes and professors they want during the week.¹⁸

17 For example, by assigning a seminar that only meets one day per week as the faculty member's second course.

18. This is an issue that will require constant attention once the program is up and running. Even if the reality is to the contrary, the students will be convinced that "all the good classes" and "all the good professors" are being offered on the weekend. In fact, if the weekend program is being started as part of a strategy to reduce the size of the incoming class in the weekday program, there will be some truth to this perception. At Hamline, we reduced the number of sections in our weekday class from three to two. This meant the class size of the sections grew from around 70 to slightly more than 80. In addition, because the overall size of the weekday student body will decrease as the smaller entering classes move through, some classes that have been offered every semester may only be offered three out of every four semesters during the weekday. There will be some adjustment in culture as students come to understand that while there will be plenty of opportunity to take whatever class they desire, it may not come in the precise semester they had hoped. This can be especially frustrating if the class they wanted a particular semester is not being offered during the week, but is offered on the weekend. They may be free to take it, but will be unhappy to have to attend classes on the weekend.

Alumni

The alumni are another important constituency that needs to be communicated with about the weekend program. Many will support the idea. They will view it as an indication that the school is "moving forward" and continues to innovate. I occasionally even heard the comment "I wish I could have attended on weekends." At Hamline, the alumni who had been unhappy that the school terminated the evening program were very happy to see the school once again reaching out to "nontraditional" students. In at least one case, an alumnus made a financial contribution to support the new weekend students. Of course, some alumni will share the concern of faculty and students about the effect of the program on the school's reputation. Having read all the upbeat dean's letters and alumni publications, the alumni may not appreciate the need (in terms of generating resources or maintaining quality) for the program. Continuing stories in those publications about the success of the program and profiles of some of the remarkable students attracted to it will go a long way to making the alumni comfortable with this latest innovation.

Bench and Bar

The reaction of the bench and bar is what concerns all the other constituencies, so a well planned and executed public relations effort is crucial. The new program should generate some stories in the press. It is crucial that your message about the program (innovative, offering opportunity to individuals unable to pursue legal education, attracting highly qualified students with life and work experience, etc.) comes through in the press stories. The message can be reinforced with advertising and mailings. The reaction of the bench and bar will also depend on their familiarity with, and acceptance of, part-time legal education. If there are several well established and well regarded evening programs in your area, the bench and bar may be more open to a weekend program. Still, a weekend program is different, and many people will immediately equate it with weekend M.B.A. or other graduate programs that they feel are not as rigorous as law school. My experience is that attorneys and judges were comforted to learn that the weekend program is very similar to an evening program in terms of number of hours and credits and time to complete. They seemed to understand the attraction for students of focusing on school on weekends¹⁹ as opposed to attending classes four or five nights a week after a long day at work. In the end, the bench and bar likely will be truly sold on the program only after it is well established and has produced some high profile successful graduates.

Also, even if there is no reduction in offerings, the students invariably will perceive this to have occurred and complain. During the first year of the weekend program, we received several comments in our Student Satisfaction Survey stating that "all the good" or "too many" seminars were offered on the weekend, despite the fact that since the weekend program was in its first year we had offered no seminars on the weekend.

19. Most are further persuaded when they learn classes generally are scheduled to meet only 3 out of every 4 weekends per month.

PRACTICAL ISSUES/SPECIFICS

If you make the decision to start a weekend program, there are a host of practical decisions to make and issues to address. First, what days will classes be offered? We originally contemplated offering classes Friday evening and all day Saturday. Apparently, that was too compressed to pass ABA muster. When we sought reconsideration, we amended the program to offer classes on Saturday and Sunday, which has worked well. Of course, any of the three possibilities raise potential conflicts with various religious practices. Now that we are moving into significant elective offerings as our initial class becomes upper division students, we are considering offering additional electives on Friday evening.

Providing sufficient course offerings is uncomplicated during the first two to three semesters when the students are taking required courses. Some courses, such as legal writing, may require some redesign, especially if the class includes individual conferences to provide one-on-one feedback. Time on the weekend may be too limited to meet individually with students, but this presents a perfect opportunity to utilize on-line capabilities. Providing sufficient elective offerings in the upper division presents a greater challenge. There are really only four three-hour blocks that can be utilized for classes on Saturday and Sunday. This is slightly less than an evening program that offers classes four nights a week from 5 to 10 p.m. A multi-year rotation of "bar courses" is essential to permit students to plan ahead in order to take all the bar courses they need or desire.

Realistically, it is unlikely a school will be able to offer the same variety of courses that are offered on the weekday but the students should be able to take all bar courses and have a good selection of electives.²⁰ We have found that if a highly specialized course that is attractive to a weekend student is offered during the week, the weekend student can often make arrangements at work in order to take the class. If the course is a specialized course taught in the evening by an adjunct, it may be very easy for a student with a full-time job to take the class. Already, the weekend students at Hamline have taken advantage of the option to "cross-enroll" in weekday classes in order to take courses they want or simply to lighten their load on the weekend.

Providing opportunities to participate in clinics and externships can present a challenge, but should be explored. Interpretation 301-3 requires schools with more than one scheduling option to make available "the school's educational program, co-curricular activities, and other educational benefits . . . on a basis roughly proportional to the number of students in the various options."²¹ Access to law reviews, journals, moot court teams, etc., should not be as difficult to arrange, and is required by Interpretation 301-2.²²

20. Keep in mind that Standard 301(c) requires: "A law school shall ensure that its educational programs . . . are available to all students." ABA STANDARDS, *supra* note 5, at 24.

21. *Id.*

22. Interpretation 301-2 states: "Among the factors to consider in assessing compliance with Standard 301(c) are whether students have the realistic opportunity to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors." ABA COMMENTARY, *supra* note 4.

As mentioned earlier, providing student services is also something of a challenge. We utilized the "Student Services Saturday" concept on the second Saturday of each month, as well as making sure a number of special programs and events were scheduled on the weekend. In addition to insuring access to law school student services, it is important that weekend students have access to services provided by the University such as financial aid, student accounts, etc. In Hamline's case, this was relatively easy because the other graduate schools on campus had extensive programming on weekends (at least on Saturday) so the necessary offices were open. Standard 511 was amended to address weekend programs and other scheduling options and now requires that "a law school shall provide *all* its students, *regardless of enrollment or scheduling option*, with basic student services, including maintenance of accurate student records, academic advising and counseling, and financial aid counseling."²³

CONCLUSION

The future for weekend programs is hard to predict. Now that such an option is explicitly recognized in the Standards and Interpretations, the door is open for schools to embark down the path. So far, no one has followed Thomas Cooley and Hamline. If other schools decide to start weekend programs, it likely will be during the next downturn in applications. Whether weekend programs become as common and accepted as evening programs, or go the way of the Oldsmobile, is also difficult to predict. At Hamline, it has been a success so far, but it is not fully implemented. Each year brings new challenges. Perhaps it was the special situation we faced at Hamline—a previous part-time program, a desire to reenter the part-time market, new competitive pressures in the market, a culture of innovation—that made a weekend program right for us. A college president with whom I was discussing the program commented that it seemed like a very good idea, but thought it might have a limited life, perhaps ten years or so. I had never thought in terms of the life of the program; I assumed it would be part of our offerings indefinitely. Ending a part-time program would not be unprecedented. We ended our evening program years back, and other schools have done so more recently.²⁴ Even if it does end, that decision will likely be based on some of the same reasoning that led us to open the program—market conditions. And if it does end, hopefully it will be viewed as a good idea at the time and something that added to the law school during its tenure, rather than as a "costly mistake." Even if it comes to be viewed as a mistake, it shouldn't be costly. The relatively limited start-up costs and fixed costs will be more than recouped if the program lasts even a short time. As it looks now, it will be around at least a decade—longer than our evening program was offered. At the very least, if it lasts a decade or two but is then closed, hopefully no one will remember whose idea it was.

23. ABA STANDARDS, *supra* note 5, at 44 (emphasis added).

24. The most recent that I am aware of is the University of Miami, which ceased admitting students to its evening program last fall. Interestingly, part of the rationale likely was a change in the market due to a new law school opening in Miami. While a new law school caused us to start a part-time program, the circumstances in Miami suggested just the opposite course for the established law school.

