

University of Massachusetts Dartmouth

Final Application for New Program

Proposal to Add the Juris Doctor Degree

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PROGRAM ABSTRACT

The University of Massachusetts Dartmouth intends to accept a significant donation of cash, real estate, equipment and furnishings, and library resources with a combined estimated value of approximately \$22 million from the Southern New England School of Law (SNE SL). These assets will add substantial value to a small, quality public law program located at the University of Massachusetts Dartmouth.

The curriculum of the proposed law program is modeled after those offered at UConn, CUNY Queens, and SUNY Buffalo and is focused on instilling in its students a love of the law. It will be rigorous and require of students a well practiced intellectual discipline that leads to the truly generative professional analytical skills needed to practice their profession effectively and to respond to the continual changes in the law and the society it serves.

Because of the significant donation of assets as well as the enrollment growth capacity of the proposed law program, no new state funds will be required to begin the program now or to sustain it in the future. No existing program at UMass Dartmouth will be negatively impacted by adding a law program. In fact, this program will generate revenue for the campus and Commonwealth.

The goal is to achieve all required program approvals and transfer of assets in order to recruit and enroll the first class in the University of Massachusetts Dartmouth law program in fall of 2010.

Proposal Development

Indicating in a July 2008 letter that “economy of time and expense remains important to the applicants for a public law degree program,” the Department of Higher Education (DHE) has outlined an expedited and focused review process for the University to present a new application for a Juris Doctor degree. The University of Massachusetts Dartmouth is now initiating an expedited and focused review process. The UMass System Board of Trustees voted December 2004 to support the establishment of a law program at UMass Dartmouth and will review this refined proposal. The proposal has been unanimously approved by the Faculty Senate and has the support of the faculty and campus leadership.

The proposal outlined here is *not* a proposal to take over the Southern New England School of Law or add another law program to Massachusetts. Rather, the University intends to create a public alternative, built on the major assets that will be donated by SNE SL to the University once UMass Dartmouth is successful in gaining authority to offer the Juris Doctor degree. After the transfer of assets, SNE SL will no longer offer a law program.

Program Purpose and Goals

The University of Massachusetts Dartmouth law program will be the Commonwealth's only public law program, and it will become the only law program of any kind in Southeastern Massachusetts. It will prepare its students to practice law in various settings and successfully meet all bar requirements and as a special focus will attract some highly qualified students to consider meaningful public service law careers in underrepresented areas of the state. The program will also be especially committed to increasing the diversity of those who practice law in the Commonwealth. The program will be rigorous and challenging and will encourage students to become professionally engaged in their community through clinics and internships while they study. It will distinguish itself as well by creating an intellectual climate that supports and encourages public policy issues to be debated and explored in classrooms, public forums, and in distinguished guest lectures. It will put particular emphasis on encouraging and connecting the scholarship, professional activities, and grant activity of the law program faculty and students to public needs. Its clinic programs, while allowing students to practice all necessary "lawyering" skills, will provide a training context rooted in fundamental social justice issues and in understanding of the Gideon mandates for broader citizen access to counsel.

The JD Program is highly congruent with the goals and objectives of the UMass System and UMass Dartmouth to provide excellent and accessible higher education opportunities. It is an important element in the UMass Dartmouth strategic plan to grow the campus's reach in graduate profession-based education.

Need for the Program

The law continues to be one of the most stable professions in the national and Massachusetts job markets and is showing no signs of long-term, post-recession decline. Despite national economic uncertainties, there is still a documented need for lawyers and other JD-qualified professionals in the Commonwealth. Massachusetts law schools show 89-90 percent of their graduates being employed professionally within 9 months of graduation (this rate has been stable since 1998 and is strong when compared to other graduate program outcomes). While some job-placement rate decline is expected during the recession, relatively high job-placement rates still demonstrate how viable and dynamic the profession of law is. An informal tabulation of jobs for JD-qualified people posted this week on FindLaw.com shows 119 vacant Massachusetts jobs; with a typical posting time of just a week or two, across the year the number would be much larger.

The Department of Labor projects nationally that job openings for lawyers will grow 11% through 2016. In Massachusetts, the data show the demand for lawyers mirrors this growth, increasing steadily during the past decade. According to the Massachusetts Executive Office of Labor and Workforce Development, the number of attorneys employed full-time in the practice of law increased by 10.9% statewide during the period from 1997 to 2008, a number that is 70% greater than overall job growth for the Commonwealth. It should be noted that this increase would be much larger if it included

other JD career choices often pursued by many JD graduates such as management, arbitration, law enforcement, or public policy.

The UMass Dartmouth law program projects that it will award a JD degree to just 318 *more* law graduates over the next five years than are *now* being produced, at present rates, by present programs. The post-recession job market will need these 318 additional graduates. There are 4,700 lawyer job openings projected in Massachusetts between 2006 and 2016, not counting those occupations (business management, law enforcement, public policy, etc.) in which the JD is a valued credential.

With Southeastern Massachusetts representing 14 percent of the Commonwealth's population, this translates into 658 law job openings being created in Southeastern Massachusetts alone, through 2016. Further growth in law positions will result from projected population growth in Southeastern Massachusetts and in other Massachusetts locations. The current strong focus on economic development strategies that will specifically strengthen regional commerce in areas like life sciences, marine technology, alternative and green energy will, if successful, build additional demand for legal help. For instance, studies indicate that "Legal services" is a vibrant and growing share of the Massachusetts innovation economy (2008 Index of the Innovation Economy, published by the Massachusetts Technology Collaborative). Well organized regional organizations such as the *SouthCoast Development Partnership* – a group of civic, governmental, business, and education leaders – believe strongly that the continued development of the UMass Dartmouth academic program, including the creation of a public law program, is critical to the region's ability to attract and retain innovation-driven industries. They, and many other regional groups, strongly urge us to take advantage of this opportunity.

Priced at \$23,565 (combined tuition and mandatory fees for in-state students) with opportunities for public service law-related fellowships and other forms of increased financial aid, the UMass Dartmouth law program will provide an affordable legal education, thus expanding educational opportunity for talented, motivated students who have otherwise been shut out of the law program experience. The law program's relatively low cost/low debt model, combined with the University's nationally recognized civic engagement programs, will help address the well-documented need for attorneys willing and able to represent poor people, as documented thoroughly in studies like the 2008 report by the Boston Bar Association Task Force on Expanding the Civil Right to Counsel (*Gideon's New Trumpet: Expanding the Civil Right to Counsel*): "Although more than 965,000 Massachusetts residents are eligible for free legal services, most of them are turned away because legal aid programs do not have the attorney resources to assist everyone needing counsel. A total of 272 attorneys work for the twenty-one legal services organizations, representing one lawyer for every 3,350 poor persons in the state."

There will be no other Massachusetts law program, public or private, within proximity to the UMass Dartmouth law program. Currently, 5,500 of the 6,500 Massachusetts law program seats are situated in Greater Boston, making the offering of the JD the most geographically concentrated academic pursuit in the Commonwealth.

Faculty

The JD program will have 13 full-time faculty members to start, with plans to add faculty as enrollment increases. In addition, the JD program will enjoy the instructional assistance of more than 30 adjunct faculty members, from the ranks of practicing attorneys and from among qualified UMass faculty members. The JD program will require of its faculty a high level of scholarly activity and service engagement as well as excellence in teaching. The JD program's faculty will be held to the University's standards for hiring and promotional advancement, based on the faculty performance expectations of the University of Massachusetts and expectations in the legal field. The variety of expertise across the UMass system will strengthen the law program. The five-campus UMass system currently has 47 faculty members with the JD degree. We expect to strengthen linkages with existing UMass Dartmouth programs: with relevant academic areas such as Forensics, Crime and Justice, Sociology, Political Science, and to help shape core ethics, school law, and business law offerings in our undergraduate, MBA, MAT, and MPP programs.

Students

Demand is shown by a number of measures. During the University's 2004-2005 attempt to secure approval of the JD program, applications for Southern New England rose 44% and both LSAT and GPA scores for applicants rose. In addition, surveys indicate widespread support for creating a public law program in Massachusetts and significant interest in attending such a law program.

A nationwide survey of Massachusetts residents by the UMass Dartmouth Center for Marketing Research indicates widespread support for the creation of a public law program in Dartmouth. Of 456 statewide individuals interviewed between October 22-28 of this year, 377 or 82.7 percent responded "yes" when asked whether they support the idea of accepting an approximately \$22 million donation of assets to start the state's first public law program. Meanwhile, one out of 10 interviewees indicated that they would "be interested in pursuing a law degree at the University of Massachusetts Dartmouth." These responses are similar to those offered in 2005, when the Center conducted a regional survey following the BHE's rejection of the last proposal. The findings of the 2005 survey, which was focused on college graduates and soon-to-be college graduates, indicated:

- 27% would "definitely" or "probably" be interested in pursuing a law degree.
- 82% would "definitely" or "probably" be more likely to attend a law program attached to a comprehensive university.
- 86% indicated that location of the law program close to home or work would be "very or "somewhat" important in their decision to pursue a law degree.
- 91% indicated that cost is "very or "somewhat" important in their decision to pursue a law degree.

- Respondents indicated that cost and proximity are as important as national accreditation, supporting that there will be demand during the initial period while transitioning to ABA approval.
- 87% indicated that they were “very” or “somewhat” confident that UMass could achieve national accreditation for a law program.

The program plans to reach a steady-state enrollment of 559, which is just shy of the 585-student capacity of the facility. Students will enter with LSAT and college GPA scores that are typical of those in public law programs and consistent with achieving ABA accreditation. While the program will attract some out-of-state students, enrollments are anticipated from across Massachusetts, including UMass and State College graduates. The program will meet the needs of both part-time and full-time students. Qualified students will be assisted by scholarships and a loan-forgiveness program for JD graduates entering public-service law. The University will invite current academically qualified second and third year students at Southern New England to transfer into the UMass Dartmouth law program.

Administration and Operation

The law program will be housed within a college or school that reports within Academic Affairs at UMass Dartmouth. The law program’s head administrator will sit as a member of the Council of Deans, chaired by the Provost. General academic policies for admission, curriculum change, program evaluation, etc., will be those in use at UMass Dartmouth, appropriately adapted to meet the autonomy requirements of the ABA and the needs of a graduate program. The law program will be subject to and supported by UMass Dartmouth procedures for financial accounting and budgeting, grants and contracts, human resources, institutional research, technology systems and so forth. The law program will be operated at an alternative instructional location similar to our School of Marine Science and Technology and College of Visual and Performing Arts in New Bedford, with key administrative and support staff located there.

Curriculum

The proposed program has both academic integrity and appropriate subject area coverage. The curriculum will be enlivened by its public mission, by the civil discourse among faculty and students, and by the collegial atmosphere of classes. To address issues of lawyer professionalism, we are following a new model across the curriculum, based on the “Best Practices” movement that encourages students to learn by engagement. Over time, regular reviews and assessments will ensure appropriate changes in curriculum.

Students will complete a minimum of 90 hours of credit across the range of foundational, theory, and practice courses. The core program will require completion of the following courses: Contracts, Property, Torts, Civil Procedure, Constitutional Law, Criminal Law and Procedure, Administrative Law, and Professional Legal Ethics. Four distinct study areas that are particularly appropriate for a public law program will support our mission: Civil and Human Rights, Legal Support for Operating Businesses and Creating

Innovation, Community Law Practice, and Economic Justice. The UMass Dartmouth law program will offer, as do other programs around the nation, a one-credit course to senior law students for bar preparation.

A three-semester requirement in Legal Skills uses an innovative approach that combines instruction in fundamental lawyering skills with a significant simulation component, sometimes called the “law firm” model, with writing skills embedded. In addition, students must complete an upper-level writing course. Students will also study at least two statutory/regulatory experience-based classes to gain a full understanding of the important role statutes play in today’s legal culture, choosing from among such courses as Bankruptcy, Secured Transactions, Immigration Law, Commercial Law, Evidence, and Tax.

The program emphasizes the necessity and value of putting knowledge into practice by requiring each student to complete 6 credits in “practice” courses that offer a variety of opportunities for independent work and internships. These include: civil legal clinics concerned with assisting low-income clients in a variety of civil matters, with non-profit corporations in the community, and with immigrants’ rights; clerkships in a variety of law offices through an extensive Clerking program; an international Clerking program at the International Criminal Tribunal at the Hague, Netherlands (working as prosecutors, defenders, and with judges directly); one-credit “mini-clerkships” linked with substantive law classes; and prestigious internships with judges. We have commitments from current sites and new clinical sites to expand the numbers of students they take to meet our enrollment growth. All students must complete a 30-hour Pro Bono requirement in which they conduct volunteer legal work for the equivalent of one work-week in a law office, community organization, government office or other non-profit organization.

Resources

Although in this current time of recession any new proposal raises concerns, our proposal capitalizes on an opportunity that will not be repeated, to implement an investment strategy that brings real, new revenue to the University. Every public campus leader is faced with the challenge of shrinking state resources and urged to be “entrepreneurial” in finding new revenue sources that will support and enhance achieving their mission. This proposal is a strong example of how to do that effectively. It fills a significant gap in the University of Massachusetts curriculum and it is aligned with the expertise and interest of many current faculty. As noted earlier, because of the significant donation as well as the program’s enrollment growth capacity, this program will not require any new state funds now or in the future. No existing program at UMass Dartmouth will be negatively impacted by adding a law program. In fact, this program will provide many new interdisciplinary learning opportunities as well as generate revenue for the campus and Commonwealth.

UMass Dartmouth has prepared a comprehensive fiscal plan, based on conservative growth assumptions. The plan demonstrates continuing resources to maintain a strong academic program, with strategic investments to achieve national accreditation based on

reviews by external experts. Central to the finance plan will be the donation of approximately \$22 million worth of assets from the Southern New England School of Law to the UMass Dartmouth law program. The equity from the assets and the ongoing tuition and fee-generated revenues will provide adequate revenue to sustain a quality program, achieve ABA accreditation, and maintain a reasonable reserve. Between \$670,000 and \$1.3 million annually of additional assets may be returned to the Commonwealth through tuition remittance as a result of the creation of this public program.

The excellent law program facilities being donated to the university are located just three miles from the UMass Dartmouth campus. Both the physical plant and associated furnishings, equipment, and technology, can accommodate anticipated enrollments. All facility and equipment needs are met within existing revenue resources. Appropriate administrative, admissions, student support, and library staff will be located at the law program site. The library will be housed in an existing modern facility and will have significant strategic investments to sustain ample holdings and retain its current forward-looking uses of technology-mediated resources. At the same time, law students will have access to the full resources of the UMass Dartmouth library, including nearly 55,000 law-related holdings. The total for law library acquisitions funding will be \$3.7 million over the five-year projected budget period.

We project academic charges in the first year of the program to be \$23,565 for in-state students and \$31,209 for out-of state students. We anticipate investing \$13.8 million in cumulative accreditation-related activities (increased instructional resources, enhanced academic support, library resources, merit aid, etc.) from FY11 through FY15. This builds on significant investments made in the past at SNESSL. Funds for these investments will be generated from enrollment revenues, initial donation of cash, and an equity draw down on the facility. An additional source of revenue to support the program will come in the form of future solicitation of private donations.

External Review

The University has asked external experts to evaluate this program, and we will submit their reviews and our response to them.

In summary, the University believes that the proposed graduate program leading to the degree of Juris Doctor is central to the mission of UMass Dartmouth, serves an important workforce need in the region and state, and represents a logical programmatic development for the campus that is well supported with resources.

1. PROPOSAL DEVELOPMENT

1.1 History of Collaboration

In 2000, a study group was formed of faculty, staff, and administrators from both UMass Dartmouth and Southern New England School of Law to carefully review the possibility of joint academic program activity. The study group assessed whether there were substantive mission, organizational, fiscal, and policy synergies between the institutions to support more formal collaboration. They presented a report that the UMass Dartmouth Faculty Senate reviewed and approved on May 11, 2000.

The initial proposal moved forward into an informal phase of broader consultation within the University, with the BHE, and with legislative leaders. After several months of discussions, the principals involved decided not to move forward with a formal proposal for UMass Dartmouth degree granting authority at that time. Focus was instead put on the success of shared institutional initiatives and programs in the region.

1.2 Academic and Program Partnerships

Both institutions have continued their academic and programmatic partnerships, which have grown and flourished since 2000.

The two institutions have three joint degree programs – a three-plus-three program that leads to the award of a bachelor's degree by UMass Dartmouth and a Juris Doctor degree by SNESE in six years rather than the usual seven years; and two joint graduate programs – the JD/MBA and JD/MPP degrees. The latter program, which emphasizes public policy and law, was created one year ago.

Further, the two institutions collaborate in research, service, and teaching. Highlights include an annual public program celebrating Constitution Day; a professor-led annual student trip to the U.S. Supreme Court; professional development events (recently, two workshop sessions in Promoting Diversity in the Workplace and a three-session DNA Symposium for students interested in forensic law); a screening of the “Traces of the Trade” documentary; the Northeast People of Color Legal Scholarship Conference; development support such as joint SNESE/UMass Dartmouth Public Interest Fellows; joint service on institutional committees such as the UMD Animal Care and Use Committee and the UMD Center for Marketing Research Advisory Board; and a recent Symposium on the Law and Terrorism.

1.3 Preparing the First UMass Dartmouth Law Program Application

In 2004, the discussions for a possible public law program were renewed at the campus and UMass System level. At this time SNESE made a generous offer to donate assets to the University. The previous discussions were developed into a new, more detailed

academic and fiscal plan that would have allowed UMass Dartmouth to operate a quality, ABA-accredited law program at no cost to the Commonwealth.

This initial proposal suggested using the UMass Dartmouth Division of Continuing Education as the venue to offer the law program. This was consistent with the current practice at most other public colleges and the University – to use DCE’s self-supporting financial structure to provide needed programs when state support was not available.

Following the normal governance process of the University, and with an extensive review and debate among its members, the UMass Board of Trustees voted on December 21, 2004 to approve the plan for the University to offer the Juris Doctor degree at the University of Massachusetts Dartmouth.

A final academic proposal was developed and presented to the BHE for consideration and approval. This proposal was reviewed by external evaluators from the University of Nebraska-Lincoln School of Law, Thurgood Marshall School of Law at Texas Southern University, George Washington University School of Law, State University of New York-Buffalo School of Law, and a financial officer from Rhode Island College. The feedback received was incorporated into the final application.

The formal review process for the proposal at the BHE was unusual. There was a great deal of public attention given to the proposal, particularly by certain private law schools. When a BHE committee reviewed the proposal in public for the first time, more than 200 people attended the meeting and many testified.

Interactions with the University about the proposal were unlike previous review processes. Although the University responded to all the questions asked, and provided all the data requested at the BHE’s full Board meeting on April 31, 2005, the Board of Higher Education, acting on advice of its General Counsel, declined to approve the application as presented. The BHE focused on issues related to offering the program through the Division of Continuing Education.

1.4 Aftermath of the 2004/2005 BHE Review Process

Believing that there had been serious missteps in the process, a group of students from SNESL sued the BHE. As a result of that lawsuit, there was a settlement agreement reached between the students and the BHE, and signed on July 29, 2008. The agreement outlined an expedited review process should UMass choose to present a new application for a Juris Doctor degree.

1.5 A New Application for Degree Granting Authority

The UMass System Board of Trustees voted to support the establishment of a law program at UMass Dartmouth in 2005. The present document is the Final Application to the Board of Trustees. The proposal has been unanimously approved by the Faculty Senate and has the support of the faculty and campus leadership.

It should be clear that the proposal outlined here is not a proposal to take over the Southern New England School of Law. Rather, the University intends to build a public law program with the major assets that will be donated by SNESE, which will cease to offer a law program.

In submitting the current proposal, we assert again that we see significant merit in establishing a public law program leading to the degree of Juris Doctor. We are confident that the University has significant intellectual assets to bring to the program to assure a quality academic experience.

The University is clear that the significant donation of physical (approximately \$22 million) and intellectual assets from the Southern New England School of Law provides a unique opportunity to expand the program offerings at the University and that offering a law program is entirely congruent with our purposes and goals. The University has the goal of achieving all required approvals and the transfer of SNESE assets in order to enroll the first class in the University of Massachusetts Dartmouth law program no later than fall 2010.

1.6 A Proposal Reshaped by Constructive Feedback

We are confident of the proposal's academic strength and financial integrity because of the feedback received in the external review conducted in 2005 and the significant comparative analysis of law programs undertaken in preparing this updated proposal. We have benefited from the feedback of the past BHE review with information gathered from its public comments and by the opportunity to carefully review how the proposed curriculum compares with other successful public law programs.

The University recognizes that SNESE is making a substantial asset and mission investment in UMass Dartmouth because of its deep conviction that both institutions share a commitment to accessible, affordable, high quality law education. The University pledges to sustain and enhance this mission and be effective stewards of the assets that are being entrusted to us.

2. PURPOSE AND GOALS

2.1 Program Purpose and Link with Campus Mission Priorities

The University of Massachusetts Dartmouth law program will be the Commonwealth's only public law program, and it will be the only law program of any kind in southeastern Massachusetts.

It will prepare its students to practice law in various settings and meet all bar requirements, and as a special focus will attract some highly qualified students to consider meaningful public service law careers in underrepresented areas of the state.

The program will be especially committed to increasing the diversity of those who practice law in the Commonwealth. The program will be rigorous and challenging, and will encourage students to become professionally engaged in their community through clinics and internships while they study.

The program will distinguish itself as well by creating an intellectual climate that supports and encourages public policy issues to be debated and explored in classrooms, public forums, and in distinguished guest lectures. This will build on the university's national recognition by the Carnegie Foundation as a "civic engagement university" and placement on the President's Higher Education Community Service Honor Roll. Hence, the law program will connect the scholarship, professional activities, and grant activity of the law program faculty and students to public needs. Its clinic programs, while allowing students to practice all necessary "lawyering" skills, will provide a training context rooted in fundamental social justice issues and in understanding of the Gideon mandates for broader citizen access to counsel.

The program is highly congruent with the goals and objectives of the UMass System and UMass Dartmouth to provide excellent and accessible higher education opportunities. It is an important element in the UMass Dartmouth strategic plan to grow the campus's reach in graduate profession-based education.

According to its Vision Statement, UMass "shall provide a quality, affordable university education to the citizens of the Commonwealth..., striv[ing] to serve all qualified students regardless of their economic means." UMass "shall enroll and employ a diverse community of people." UMass "shall provide the state with policy research, programs, and leadership to address public needs.... [and] ... continue to promote the economic development of the state and its regions." Finally, "The University shall encourage its five campuses to pursue with distinction their respective strengths and strive to serve the best interests of their communities."

The UMass Dartmouth campus mission is to "distinguish itself as a vibrant public university actively engaged in personalized teaching and innovative research, and acting as an intellectual catalyst for regional economic, social, and cultural development." The

campus's Vision Statement includes an intention that "UMass Dartmouth will be the university of choice for students seeking ... professional academic programs that build a foundation for civic responsibility, individual skills, and professional success." Specifically, "UMass Dartmouth aspires to create additional Masters and Doctoral programs, with commensurate support, in addition to enhanced technological capabilities for the delivery of our educational and outreach programs." Thus, the addition of the JD program will contribute to realizing the campus's goals.

Among the strategic actions embraced by the UMass campuses are developing partnerships and interdisciplinary cooperation. The JD program helps this to happen by providing the disciplinary context around which additional and expanded partnerships with the key colleges and centers within the UMass system, and public service organizations, businesses, and industries around the Commonwealth can happen. We look forward to strengthening linkages with existing UMass programs and to utilizing existing faculty expertise, as explained in more detail in Section 6. Creating interdisciplinary links between law and environmental issues, lab science and forensic analysis, law and policy directions in science, health, and research, law and intellectual property and tech transfer issues, and law and immigration policy are all areas which strengthen the University's ability to meet the 21st century obligations of its land grant tradition and mission. It will seek to connect the scholarship, professional activities, and grant activity of the law program faculty and students to public needs.

Lastly, the UMass Dartmouth law program will respond to the need to fill a gap in the UMass curriculum. In recognition that the United States is a nation of laws, the study of law has been a core offering of most major public universities, consistent with the belief that an informed, educated citizenry who understand the rule of law supports the preservation of democracy.

2.2 Goals of the Program

The UMass Dartmouth JD program aspires to:

- Provide rigorous intellectual and practice based training for its students preparing them effectively to contribute to their field and to participate in the "legal services" economic sector of Massachusetts;
- Offer legal education at an affordable price, striving to open the doors of this important field to populations that are currently shut out due to geographical, financial, and temporal barriers;
- Be valued by its stakeholders and peers for its innovative, flexible, responsive, and inclusive legal programming and partnerships in the community, in state and federal government, and in public service sectors, as well as within public and private higher education in Massachusetts;

- Be distinct in mission from other (private) law programs in the Commonwealth by specializing in integrating the University's mission of public service and engagement, as well as providing expanded access to careers in the Commonwealth's public law arena;
- Offer competitive public law fellowships which will reduce costs for selected students in order to give students choices to enter legal fields that are focused on serving the community and meeting currently unmet legal needs. Such legal fields are currently having a difficult time attracting and retaining talented lawyers who are burdened by large student loans.

Working collaboratively with other campuses and public entities, the program will:

- Contribute to the skill and knowledge of Massachusetts citizens, strengthening the economic and social fabric of the Commonwealth.
- Through our graduates, contribute to closing the legal representation gap in middle-and lower-income populations to achieve greater social justice.
- Work collaboratively with other organizations, particularly other UMass campuses, to maximize legal education opportunities for Massachusetts citizens.
- Become a source of pride for the University and the Commonwealth.

Benefits to the Commonwealth and the University

Both the University and the law program benefit by the association of a JD program with a major research university. Phillip McConaughay articulates this well, referring to the formerly independent Dickinson School of Law, which recently joined Penn State University. Benefits extended beyond financial stability; there were important academic innovations:

No curricular or programmatic innovation ever will substitute for the analytical thinking, sound judgment, and high ethics with which our students must approach all of the problems and challenges they will confront as lawyers. But if legal education is going to keep pace with the internationalization of legal practice and the increasing intermingling of science and law, we must endeavor as educators to provide our students with more interdisciplinary classes, more joint degree opportunities, more faculty with cross-disciplinary scholarly interests, more faculty with joint appointments in other disciplines, and more faculty of different nationalities. In my view, a world-class research university is an especially important and conducive environment for the pursuit of these innovations.¹

Adding the JD degree at the University of Massachusetts will bring the following benefits:

- The program will focus on areas critical to the future of Massachusetts and focus resources where needs exist. In particular, it will offer four emphasis areas to further the public law program's emphasis on justice, society, and access. These are:
 - Civil and Human Rights
 - Legal Support for Operating Businesses and Creating Innovation
 - Community Law Practice
 - Economic Justice
- The program will fill a long-term need for broader access to legal education and will become a significant resource for ongoing education and enhancement for attorneys currently in state service. It may also be a catalyst for student- and faculty- pro bono legal assistance for populations currently lacking such resources.
- The program will be a new center of dialogue about social, legal, and policy issues critical to the Commonwealth, enhancing and benefiting from existing programs in public policy, and crime and justice.
- The program will enable UMass Dartmouth to continue to build its graduate student population, advancing a critical goal of UMass Dartmouth's strategic plan.
- Transfer students (2nd and 3rd year students coming to the program from SNESE) will have the benefit of improved student support and guidance services, library and fitness facilities, sports, social, and catering facilities through UMass Dartmouth.
- University system undergraduates will benefit from the development of articulation arrangements that will enable students to progress from one of our undergraduate campuses into the UMass Dartmouth law program.
- Faculty and administrators who will be invited to join the UMass Dartmouth law faculty and staff will benefit from robust professional development opportunities, additional library resources, and more opportunities for partnership and collaboration.
- University campus faculty will benefit from opportunities to engage with law program faculty in examinations of critical social and economic issues facing the Commonwealth and nation.
- The University will develop the capacity to assist the Commonwealth with legal needs much like the assistance now provided by the UMass Medical School through Commonwealth Medicine initiatives.

2.3 Knowledge and Skills to be Acquired by Program Graduates

The UMass JD program will provide its students the intellectual and practical training necessary for the practice of law and instill in them an appreciation of the human qualities necessary to make the practice of law a satisfying and worthwhile career. The

program seeks to accomplish these objectives by providing its students with an educational program based on three principles.

First, the educational program includes the traditional focus on required content mastery where students gain critical analytical skills.

Second, the program provides students with the opportunity to begin developing practical legal skills so as to have a realistic grasp of what practicing law means.

Finally, the educational program is designed to introduce students to the fundamental human questions connected with the study and practice of law so that they may more fully understand the responsibilities of being a lawyer and thus be better prepared to face the challenges involved in the practice of law in American society.

Skills of law practice are of special importance, and the JD program will train students to master a comprehensive list of skills through demonstrated instruction and in practical experiences. These skills include:

- legal analysis and reasoning;
- problem-solving;
- legal research, including on-line research;
- written and oral advocacy and analysis;
- client relationships, including interviewing and counseling;
- business operations issues, including regulatory and administrative law, patent law, bankruptcy, and commercial law
- drafting legal documents and pleadings;
- transactional law practice, such as real estate and corporate transactions, tax and estate planning, and small business planning;
- case preparation, including factual investigation and discovery techniques;
- dispute resolution, including negotiation, mediation, and arbitration;
- pre-trial practice, including motions and procedural practice;
- trial practice, including opening and closing statements, direct examination, cross-examination, and evidence presentation;
- appellate practice, including written and oral advocacy and appellate procedure;
- administrative practice, including administrative procedure and advocacy;
- court system protocol; and law practice management.

The JD program will offer a guiding statement of professional values. The University believes that a lawyer ultimately practices law the way she or he learned law. As aspirants to or members of a learned profession, every law student and every lawyer has the responsibility to study, reflect on, and discuss what the fundamental values of the legal profession are, what they mean, and what they require. Four principles of ethics and professional responsibility must weigh heavily in any consideration of fundamental values:

- To provide at all times competent, professional, and ethical representation of one's clients;
- To promote justice, fairness, and morality in society;
- To contribute to the improvement of the legal profession; and
- To seek constantly to improve one's skills at study, reflection and discussion.

Furthermore, the UMass Dartmouth law program will provide a professional and scholarly environment for the development of new knowledge and the advancement of educational and legal practices. Faculty will be productive scholars. Students will manage a law journal.

Innovation in teaching and learning is an important element in a public law program. UMass Dartmouth's law program will exemplify best practices in law teaching and learning and will lead in the advancement of innovation and change in legal education pedagogy. This is an appropriate emphasis for our university, one that we are also accomplishing at our new School of Education, Public Policy, and Civic Engagement.

2.4 Strategies for Their Achievement

The JD program will grow in admissions desirability, enabling more selective admissions criteria while still maintaining a mission of access. We will accomplish this through the enhancement in reputation that the program will gain from its new association with a great public University, tied to careful marketing and aggressive recruiting, and governed by the goal of achieving ABA accreditation.

Similarly, the JD program will increase its enrollments to be appropriate to the capacity of its campus and the size of its staff and faculty.

The JD program's graduates will maintain appropriate bar examination pass rates.

The JD program will maintain an appropriate level of placement of program graduates in law careers, with a special interest in careers in Massachusetts, and in the public interest sector of law.

The JD program will clearly identify desired student learning outcomes and implement processes to assess whether students succeed in accomplishing them; results will be used to improve the curriculum and instruction. The JD program will also be subject to periodic formal program reviews.

A "Blue Ribbon Law Advisory Commission" is being recruited and will be appointed by the Chancellor and President to monitor progress in meeting goals for the program.

2.5 Program Assessment Methods and Measures to Determine Accomplishment of Program Goals

The University is committed to undertaking regular assessment of its academic programs. We anticipate using the following assessment methodologies and measures for the law program:

- Assessment of growth in admissions desirability will be based on institutional research data on admissions numbers and quality, considering applications, acceptances and denials, and enrollments; LSAT scores; and undergraduate GPAs.
- We will gain comprehensive and specific strategies for program improvement by pursuing ABA accreditation for the program. ABA accreditation standards will be used to benchmark progress in annual evaluation processes.
- Bar examination pass rates will be benchmarked against standards for programs of our type and mission in New England and across the country. We will identify a set of peer institutions permitting specialized studies of standards, trends, and achievements. We will bench-mark specifically to ABA institutions, some long-standing and others who recently achieved that status.
- Placement of program graduates will be assessed by alumni surveys and employer satisfaction surveys.
- Curricular developments to emphasize public service-related law, and the overall curriculum and the performance of the faculty, will be assessed through periodic formal program reviews and accreditation reviews. The JD program will fall within the Academic Quality Assessment and Development cycle of UMass program reviews.
- Assessment of individual student learning is a mandate for the UMass campuses. When the JD program is added, it will fall within the policies and procedures that apply to this activity.

3. NEED FOR THE LAW PROGRAM

3.1 Current Context, Law as a Profession

The law continues to be one of the most stable professions in the national and Massachusetts job markets and is showing no signs of long-term, post-recession decline. Despite national economic uncertainties, there is still a documented need for lawyers and other JD-qualified professionals in the Commonwealth. Pre-recession, Massachusetts law programs show 89-90 percent of their graduates being employed professionally within 9 months of graduation (this rate has been stable since 1998 and is strong when compared to other graduate program outcomes). While some job-placement rate decline is expected during the recession, relatively high job-placement rates still demonstrate how viable and dynamic the profession of law is. An informal tabulation of jobs for JD-qualified people posted this week on FindLaw.com shows 119 vacant Massachusetts jobs; with a typical posting time of just a week or two, across the year the number would be much larger.

Broad trends across the country are also reflected in our state and region. The U.S. Department of Labor's Bureau of Labor Statistics, in its 2008-2009 *Occupational Outlook Handbook*, predicts a good national job market for individuals with law degrees. The *Handbook* reports,

Employment of lawyers is expected to grow 11 percent during the 2006-2016 decade, about as fast as the average for all occupations. This growth is primarily in response to the growth in the population and in the level of business activity. Job growth among lawyers also will result from increasing demand for legal services in such areas as health care, intellectual property, venture capital, energy, elder, antitrust, and environmental law. In addition, the wider availability and affordability of legal clinics should result in increased use of legal services by middle-income people.

The *Handbook* shows specific growth in areas relevant to our proposal, such as public law, environmental law, and arbitration. Job opportunities for attorneys are increasing steadily in "nontraditional areas for which legal training is an asset like administrative, managerial, and business positions." The *Handbook* also reports that new lawyers will find opportunities in regions outside major metropolitan areas: "For lawyers who wish to work independently, establishing a new practice will probably be easiest in small towns and expanding suburban areas. In such communities, competition from larger, established law firms is likely to be less than in big cities, and new lawyers may find it easier to establish a reputation among potential clients." This bodes well for our intentions of providing access to a non-urban region of the Commonwealth.

3.2 Evidence of Current Career Opportunities: Massachusetts Job-Growth Projections

As stated, the Department of Labor projects nationally that job openings for lawyers will grow 11% through 2016. In Massachusetts, the workforce data shows demand for lawyers that mirrors this growth, increasing steadily during the past decade. According to the Massachusetts Executive Office of Labor and Workforce Development, the number of attorneys employed full-time in the practice of law increased by 10.9% statewide during the period from 1997 to 2008, a number that is 70% greater than overall job growth for the Commonwealth. It should be noted that this increase would be much larger if it included other JD career choices pursued by many JD graduates such as management, arbitration, law enforcement, or public policy.

The graduates from our program will readily find jobs. The UMass Dartmouth law program projects that it will award a JD degree to just 318 more law graduates over the next four years than are now being produced, at present rates, by present programs. The post-recession job market will *need* these 318 additional graduates. There are 4,700 lawyer job openings projected in Massachusetts between 2006 and 2016 – not counting those occupations (business management, law enforcement, public policy, etc.) in which the JD is a valued credential.

With Southeastern Massachusetts representing 14 percent of the population, the above numbers translate into 658 law job openings being created in Southeastern Massachusetts alone, through 2016. Further growth in law positions will result from population growth in Southeastern Massachusetts and in other Massachusetts locations and from regional economic development strategies that will strengthen regional commerce and build additional demand for legal help.

The U.S. census has shown a steady shift in population from Greater Boston to Southeastern Massachusetts over the last two decades. While the Massachusetts population has grown 9 percent from 1990 to 2008, the combined population of Bristol and Plymouth counties has grown 13 percent. This has created a need for new more accessible, high quality educational opportunities in Southeastern Massachusetts.

UMass Dartmouth has responded to the growing regional demand for higher education opportunities by growing its enrollment 39% over the past decade, from 6,599 to 9,155. We have shown a particular growth trend in graduate level enrollments, growing 771 to 1173, or an increase by 52%; and we have achieved a fall 2009 graduate enrollment of 1320 graduate students. The profile of entering students has also been enhanced. This growth in enrollment has strengthened the financial condition of the campus despite significant cuts in state funding. UMass Dartmouth has demonstrated its ability to stimulate and manage enrollment growth effectively.

3.3 Societal Needs and Longer-Range Developments in Law as a Career

Contributing to the Innovation Economy

Studies indicate that “Legal services” is a vibrant and growing share of the Massachusetts innovation economy and has strategic significance for both the Commonwealth and the SouthCoast region. The *2008 Index of the Innovation Economy*, published by the Massachusetts Technology Collaborative, benchmarks the progress of the Massachusetts economy against other leading technology states (California, Connecticut, Illinois, Minnesota, New Jersey, New York, North Carolina, Pennsylvania & Virginia), all of which have public law programs. Despite the national economic recession in 2007, the Massachusetts innovation economy added jobs at a faster rate than the average of other leading technology states in healthcare, bio-pharmaceuticals, medical devices, financial services and defense-related occupations.

Legal services have been defined by University of Massachusetts researchers as a component of the “knowledge creation” portion of the Massachusetts “knowledge sector economy.” Regional organizations such as the SouthCoast Development Partnership – a group of civic, governmental business, and education leaders – believe strongly that the continued development of the UMass Dartmouth academic program, including the creation of a public law program, is critical to the region’s ability to attract and retain innovation-driven talent and industries.

Embedded within this growth is a demand for attorneys with specialization in patent law, technology transfer and business formation. “The work of innovators in Massachusetts occurs within and is supported by an outstanding constellation of organizations that are critical for the innovation process” (*Innovation Economy*). “Service providers such as patent lawyers make necessary contributions throughout the innovation process.” Lawyers play a critical role in protecting the new discoveries generated through the innovation process. “The number of invention disclosures and formal patents applications reflects the progression of innovative ideas with commercial potential,” the report states. “Massachusetts remains one of the most inventive and innovative states in the nation. Patent applications and invention disclosures by Massachusetts universities, hospitals and non-profit institutions reached an historic high in 2006, increasing 18%. In 2007, Massachusetts was virtually tied with California in the number of patents issues per capita. Total patent applications and patent disclosures in Massachusetts increased 10% in 2006 and 8% annually on average since 2000.”

A September 2008 report by the Massachusetts Life Science Center and the Massachusetts Biotechnology Council, entitled, *Growing Talent: Meeting the Evolving Needs of the Massachusetts Life Science Industry*, cited the need for “expertise in a broad range of functional areas, including clinical research, quality assurance and quality control, legal and regulatory affairs.” The report, citing a survey of life science executives, said more than 80 percent of life science firms have a difficult time finding talent to fill legal and regulatory affairs positions. The report followed a September, 2001 study entitled *The Knowledge Sector Powerhouse* conducted by the UMass Lowell

Department of Regional and Social Development and the Center for Industrial Competitiveness. The study analyzed U.S. Bureau of Economic Analysis data and presented significant evidence that this sector of the economy is thriving and represents a source of economic opportunity for those with access to legal education.

Preparation for Other Occupations

Law is excellent training for many occupations other than lawyer. “Lawyers are increasingly finding work in nontraditional areas for which legal training is an asset, but not normally a requirement – for example, administrative, managerial, and business positions in banks, insurance firms, real-estate companies, government agencies, and other organizations,” the *Occupational Outlook Handbook* reports. “Employment opportunities are expected to continue to rise in these organizations at a growing rate.” The *Handbook* also reports that “Legal training and mediation skills are useful in many other occupations, including counselors; lawyers; paralegals and legal assistants; title examiners, abstractors, and searchers; law clerks; and detectives and criminal investigators.”

Noting that most adults will change jobs and even careers multiple times, a law degree is increasingly looked upon as a valuable and flexible credential in a constantly shifting economy. As Donna Gerson, a Pittsburgh-based lawyer, author, and law school career services office director, wrote:

Part of the answer is to realize that a legal education is one of the most challenging, broadening educational experiences imaginable. The skills honed in law school – writing, research, critical thinking, the Socratic Method, and attention to minute detail – all are transferable outside the legal profession. According to one law graduate who now works as a university administrator, the problem-solving skills she acquired in law school continue to help her see the other side of a dispute and anticipate objections. (*Student Lawyer*, December 2002 -- Vol. 31, No. 4)

Law programs increasingly recognize that they are preparing not just competent attorneys, but leaders, public servants, and productive citizens. For instance, the Suffolk University Law School career center boasts that its graduates are among the “nation’s most distinguished attorneys, judges, executives, and public servants.” The New England School of Law’s Career Options handbook asks, “What can you do with a law degree?” and answers, “*Anything!*” and lists 70 occupations as law program graduate options.

The question has been asked, “Do we need more lawyers in Massachusetts?” Based on the above data, we believe the answer is “yes” if the Commonwealth is to remain a center of the innovation economy. Further, there is an important follow-up question. Do we need more lawyers from socio-economic and racially diverse backgrounds? The answer is yes. “Do we need more lawyers *from* our region?” Again, the answer is yes. We strongly believe that the sons and daughters of Southeastern Massachusetts deserve a

level playing field as they seek to achieve their own professional aspirations and become full participants in the innovation economy.

Building a Public Service Ethic

Priced at \$23,565 (combined tuition and mandatory fees for in-state students) with opportunities for public service-related fellowships and other forms of financial aid, the law program will provide an affordable legal education, thus expanding educational opportunity for talented, motivated students who have otherwise been shut out of the law program experience. The law program's relatively low cost/low debt model, combined with the university's nationally recognized civic engagement programs, will help address the well-documented need for attorneys willing and able to represent poor people, as documented thoroughly in studies like a 2008 report by the Boston Bar Association Task Force on Expanding the Civil Right to Counsel (*Gideon's New Trumpet: Expanding the Civil Right to Counsel*): "Although more than 965,000 Massachusetts residents are eligible for free legal services, most of them are turned away because legal aid programs do not have the resources to assist everyone needing counsel. A total of 272 attorneys work for the twenty-one legal services organizations, representing one lawyer for every 3,350 poor persons in the state."

As a special focus the UMass Dartmouth law program will attract some highly qualified students to consider meaningful public service law careers in underrepresented areas of the state. The "public service law" emphasis of the JD program proposed here is relevant to the question of demand and the career opportunities for program graduates. There is a need for public service-oriented attorneys – both statewide and nationally – as most attorneys' legal educational costs are a barrier to a career of public service. This has profound consequences for the citizens of Massachusetts, especially for those living in underserved communities, such as Fall River, New Bedford, Taunton, and other gateway cities.

The 2008 report by the Boston Bar Association Task Force on Expanding the Civil Right to Counsel concluded the following:

The absence of a right to counsel in certain civil matters has devastating consequences for the residents of the Commonwealth of Massachusetts. Consistent with reports across the country, large numbers of litigants appear without counsel in civil cases. The primary cause of self-representation is the high incidence of unmet legal needs among the poor, working poor and middle income litigants, combined with the shortage of lawyers available to represent those litigants.

As noted in *Gideon's New Trumpet*, "approximately 15% of Massachusetts' six million residents have incomes more than 125% below the poverty line. The poor and marginalized need access to the courts when they face the most serious possible losses involving basic human needs." The lack of counsel in these high stakes cases

can have catastrophic consequences. In situations so dire, those with the least resources and knowledge should not be turned away to fend for themselves.”

According to the 2007 report entitled *Reconnecting Massachusetts Gateway Cities: Lessons Learned and an Agenda for Renewal* published by MassInc, “the Gateway Cities are home to 30 percent of all Massachusetts residents living below the poverty line, even though these communities account for only 15 percent of the state’s population.” The demand for lawyers providing legal assistance in these key urban areas outside of Greater Boston is further evidence for the demand for attorneys committed to careers in public and community service. The Massachusetts legal community and policy makers continue to wrestle with the issue of low compensation for court-appointed attorneys and the related issues.

Legal advocates and experts argue that children and poor people are struggling to obtain lawyers in criminal and civil cases, and the system “teeters on the brink of collapse.” Lawsuits have been filed on behalf of children and poor litigants, asking the Supreme Judicial Court to appoint a special master to study the system statewide. Many of the private attorneys who accept cases through the Committee for Public Counsel Services (CPCS) are recent law program graduates. The CPCS does not have enough lawyers to handle the more than 200,000 cases involving indigent defendants each year. So the agency relies heavily on private lawyers to represent poor defendants. The agency says finding these lawyers – called “bar advocates” – has become increasingly difficult because the compensation is not sufficient to cover their overhead costs.

The issue extends well beyond the indigent criminal defendants, however. The Boston Bar Association (BBA) and the Massachusetts Legal Assistance Corporation (MLAC) have long held that many of the legal needs of the poor are unmet. Another MLAC study found that law program debt prevented 66 percent of student respondents from considering a public interest or government job. Entry-level salaries for government and other public service positions have always been significantly lower than those in private practice.² The legal profession and society pay a real price when law graduates are systematically discouraged from pursuing public service legal careers due to high educational debt burdens. Lawyers who wish to serve their communities as prosecutors, public defenders, in non-profits, or as civil legal aid lawyers are unable to use their skills to do so. The profession is, thus, unable to promote and provide real access to legal representation for all.

Diversifying the Profession

There is also well-established need to diversify the legal profession in Massachusetts. Richard C. Van Nostrand, past president of the Massachusetts Bar Association and member of the Board of Trustees of the Massachusetts Legal Assistance Corporation, wrote the following to the University of Massachusetts President Jack M. Wilson on November 1, 2004:

...The racial and ethnic composition of the legal profession both within Massachusetts and throughout the country is disproportionate to the general population. For example, Hispanic and African-American individuals make up approximately 25% of the United States population, but only 7.5% of lawyers and 13.3% of judges, magistrates and other judicial workers.

In Massachusetts, Hispanics and African-Americans make up 12.6% of our population, but less than 3.5% of our attorneys. From 1990 to 2000, the number of Hispanic and African-American attorneys increased from 815 to 890, but that 9% growth severely lagged the growth in the number of Hispanics and African-Americans in the general population (587,679 in 1990 to 827,208 in 2000 for a 40% growth rate).

Our commitment to diversity and equal opportunity is a centerpiece of the UMass Dartmouth strategic plan and that of the University of Massachusetts system, and this will be reflected in the UMass Dartmouth law program. In this we will carry on a proud tradition at SNEHL which has consistently attracted 34% of their students from minority backgrounds.

3.4 Relationship to Other Programs

In addition to Massachusetts and with the pending addition of a public law entity at the University of New Hampshire, only four states in the nation lack a public law program; the others are Alaska, Delaware, Rhode Island, and Vermont. In recognition that the United States is a nation of laws, the study of law has been a core offering of every major public university with a mission to preserve democracy. The JD program proposal presented here *will not create an additional law program* in Massachusetts as some continue to suggest. It will replace an existing private law program that will cease to offer a law degree. No other public campuses are planning to add a law program in the foreseeable future.

Because the UMass Dartmouth law program will bring new emphases and greater access to legal education than is now available, it is not competing against or overlapping with what is already available in the Commonwealth. The following points help demonstrate mission differentiation:

1) Some private law schools in Boston are increasingly positioning themselves as national and international institutions. Suffolk University School of Law, for instance, frequently notes that its applications come from 31 different states in the U.S. and 14 other countries, and that most of its applications come from outside of New England. While the UMass Dartmouth law program will accept out-of-state students, we anticipate their numbers to be relatively small and to be mostly from nearby states. In Rhode Island, Roger Williams School of Law also exemplifies a mission to attract students widely. Students enrolled at Roger Williams Law in Fall 2009 from 30 different states, and their website cites their “nationwide” student body. In this class Roger Williams accepted students from Bridgewater State College, Westfield State College,

Worcester State College, UMass Amherst, and UMass Dartmouth but from no other Massachusetts public higher education institutions.³

2) Programs with a local and regional draw (such as Western New England and New England School of Law) will not be affected adversely by our program. There will be no other Massachusetts law program, public or private, within proximity to the UMass Dartmouth law program. Currently, 5,500 of the 6,500 Massachusetts law school seats are situated in Greater Boston, making the offering of the JD the most geographically concentrated academic pursuit in the Commonwealth.

3) We are confident that there is room for a public law program option in Massachusetts. The arguments put forth by our private colleagues in the last review process, were very similar to those raised by private institutions when the UMass Medical School was to be established. The phenomenal success of the UMass Medical School and the continued growth of other medical centers in the Commonwealth indicate that those fears were unfounded and unrealized. Certainly, the Medical School’s location in Worcester has been a driving factor in the local economy. We suggest that this will also be true in the establishment of a UMass Dartmouth law program. We are confident that competition is good for all, and that in the end Massachusetts residents will benefit from all institutions having to compete for their support and enrollment. Those who are excellent, aligned with real needs, and providing valued service will thrive.

Data for Massachusetts competitors show steady or increasing quality among incoming students and steady enrollments. Our physically closest competitor, Roger Williams Law, has seen increasing quality and increasing enrollments.

School	Quality	Enrollments (FY06/ FY07/ FY08)
New England	LSAT steady; GPA up	Steady: 739/ 719 / 715
Suffolk	LSAT steady; GPA steady	Steady: 1063/ 1032/ 1021
Northeastern	LSAT steady; GPA steady	Steady: 619/ 626/ 624
Roger Williams	LSAT up; GPA up	Up: 477/ 533/ 556

3.5 Competitive Advantage

Apart from the obvious pricing advantage of public institutions, the following characteristics will distinguish the proposed program in the academic marketplace: As explained in section A on Mission priorities and in Section B.2. describing the intent/purpose of the program, the University of Massachusetts Dartmouth law program will be the Commonwealth’s first public law offering, and will prepare its students to practice law in various settings and meet all bar requirements. It will also focus on attracting some highly qualified students to public service law. It will fill a long-term need for broader access to legal education; will contribute to closing the legal

representation gap in middle-and lower-income populations to achieve greater social justice; and will become a significant resource for ongoing education for attorneys currently in state and community service. It will open the doors to the “legal services” economic sector of Massachusetts for populations that are currently shut out due to geographical, financial, and temporal barriers; be a new center of dialogue about social, legal, and policy issues critical to the Commonwealth; and integrate the University’s mission of public service and engagement through innovative, flexible, responsive, and inclusive legal programming and partnerships locally and across Massachusetts, in state and federal government, in public service sectors, and within public and private higher education in Massachusetts.

It will emphasize practical education in adopting an innovative educational methodology based in the “Best Practices” legal education model. Its curriculum focuses on broad legal education preparation with concentration areas in Civil and Human Rights, Legal Support for Operating Businesses and Creating Innovation, Community Law Practice, and Economic Justice. Finally, it utilizes the resources and intellectual capital of the broader UMass Dartmouth campus and will involve faculty from other UMass campuses as well.

4. CURRICULUM

The proposed program has both academic integrity and appropriate subject area coverage. The curriculum will be enlivened by its public mission, by civil discourse among faculty and students, and by the collegial atmosphere of classes. Over time, regular reviews and assessments will ensure appropriate changes in curriculum.

We will provide a program of study that is similar to those offered at UConn, SUNY Buffalo, and CUNY Queens. Our program of study will satisfy the students' needs to be educated about both the theory and the practice of law, and to be competitive in breath with the other public law programs in the Northeast. A required course in Professional Ethics gives a foundation in ethical practice that will be extended across the curriculum.

To address issues of lawyer professionalism, we are following a new model across the curriculum, based on the "Best Practices" movement⁴ that encourages students to learn by engagement.

Law schools will treat the teaching of essential lawyer skills and professional values as part of the core curriculum, and law faculty will coordinate what is taught throughout the entire curriculum to insure that students have sufficient opportunities to acquire and develop the skills and values they will need as twenty-first century practitioners.⁵

Understanding that the model for the study of law created in the nineteenth century, which focuses on classroom study now appears relatively limited, the UMass Dartmouth law program will step towards the future with a model that focuses on what people really do when they become lawyers – meet with and interview clients, conduct legal research and study relevant doctrine, prepare for trial while negotiating with opposing parties to try to settle their differences, and engage in the many other activities that make up a lawyer's full life.

4.1 Complete Description of the Curriculum

Students will complete a minimum of 90 hours of credit across the range of foundational, theory, and practice courses. The core program will require completion of the following courses: Contracts, Property, Torts, Civil Procedure, Constitutional Law, Criminal Law and Procedure, Administrative Law, and Professional Ethics.

Four distinct study areas that are particularly appropriate for a public law program will support our mission: Civil and Human Rights, Legal Support for Operating Businesses and Creating Innovation, Community Law Practice, and Economic Justice. In addition to studying the core required courses, students concentrating in one of the study areas will enroll in a survey course focusing on Improving the Delivery of Justice, a prerequisite for study-area concentration. Within each study area, students may take several courses that will develop both their expertise and their practical experience in that area.

A three-semester requirement in Legal Skills uses an innovative approach that combines instruction in fundamental lawyer skills such as fact-gathering, legal research and writing, interviewing, counseling, oral advocacy, and negotiation. The program has a significant simulation component, sometimes called the “law firm” model. Writing skills are embedded in the legal skills courses, and in addition, students must complete one upper-level writing course.

A required course in Professional Ethics gives a foundation in ethical practice that will be extended across the curriculum.

Students will also study at least two statutory/regulatory classes, which will enable the students to undergo two experiences in which they will parse through different types of statutes in order to gain a full understanding of the important role statutes play in today’s legal culture. Among the courses that will satisfy this requirement are Bankruptcy, Secured Transactions, Immigration Law, Commercial Law, Evidence, and Tax.

The program emphasizes the necessity and value of putting knowledge into practice by requiring each student to complete 6 credits in “practice” courses that offer a variety of opportunities for independent work and internships in civil legal clinics concerned with assisting low-income clients in a variety of civil matters, non-profit corporations in the community, and immigrants’ rights; in a variety of law offices through an extensive Clerking program; in an international Clerking program at the International Criminal Tribunal at the Hague, Netherlands (working as prosecutors, defenders, and with judges directly); in one-credit “mini-clerkships” linked with substantive law classes; and in prestigious internships with judges. We have commitments from current sites and new clinical sites to expand the numbers of students they take to meet our enrollment growth.

Finally, in order to emphasize to students that, as lawyers, they are training to gain skills and knowledge that can be used to help others and that will make them become better members of their own communities, or “citizen lawyers,” all students must complete a 30-hour *Pro Bono* requirement in which they conduct volunteer legal work for the equivalent of one work-week in a law office, community organization, government office or other non-profit organization

The UMass Dartmouth law program will offer, as do other programs around the nation, a one-credit course to senior law students for bar preparation.

Sequencing of courses is important to the delivery of a coherent and cumulative educational experience. For this reason, full-time students will take Contracts, Property, Torts, Civil Procedure, Criminal Law and Procedure, Professional Ethics, and Legal Skills in their first year. Part-time students will take Legal Skills, Property, Torts, Criminal Law and Procedure, and Professional Ethics in their first year.

The program’s access mission determines that the curriculum be offered in a number of formats: a full-time day program, a part-time day program, and an evening/weekend

program. The full-time day program requires three academic years to complete. The part-time day program is designed for students who cannot devote full time to the study of law but would find the evening/weekend program inconvenient because of family or employment responsibilities. It will take about four and one-half years to complete. Part-time students may accelerate their course of studies by taking up to a total of 12 credits during the summer sessions and complete the program in four years.

The evening/weekend program will be particularly suited to the needs of those who want a legal education but because of family or employment responsibilities cannot attend a traditional program. Classes in the program will be offered on Tuesday and Thursday evenings and Saturday during the day. This permits students who hold full-time jobs the opportunity to attend the law program. Students will be required, of course, to undertake the same extensive reading requirements as at any law program. Despite their work and family commitments, students will find that this is manageable. The program will take about four and one-half years to complete. Students may accelerate their course of studies by taking up to a total of 12 credits during summer sessions and complete the program in four years.

Transfer and new law program students will have access to a broad array of university services and activities. Law program students, like their non-law program peers, will have new opportunities to participate in inter-disciplinary programming that will expand their perspectives about the issues facing society. Similarly, UMass students in current programs will see their research and education opportunities expanded by the presence of a law program. They will be able to participate in inter-disciplinary programming that links the law program to other fields such as political science, criminal justice, public policy, and education. They will have access to the resources of a full law library.

4.2 Academic Integrity and Subject Area Coverage

Legal education programs are consistent with each other across the country in their courses and internships to provide foundational knowledge, skills, specialization areas, and practice. The curriculum of the UMass JD program reflects standard practices in curriculum, with a significant emphasis on practical experience.

The curriculum is designed to meet criteria for eventual national accreditation, verifying that the program has both academic integrity and appropriate subject area coverage. (Eventual national accreditation is discussed in more detail in section 4.6 below.) It is our understanding after consultation with NEASC that we can operate from our own regional accreditation until we can arrange for a special review process by NEASC focused on the law program. We are confident that “program quality, need, demand, resources, and capacity,” will be affirmed by the Visiting Team.

4.3 Course Categories and Sequencing

As described above, the curriculum contains foundation and required core courses, courses in substantive areas of law, “practice” courses, “writing” courses, an “ethics” course, and specialized topics. Sequencing, also described above, provides for progression in knowledge and skills while meeting the needs of both full and part-time students.

The program’s course requirements are:

Core Program, first year: 32 credits

510, 511 LEGAL SKILLS I & II *6 credits*

515, 516 TORTS I & II *5 credits*

520 CRIMINAL LAW & PROCEDURE *4 credits*

525 LEGAL PROFESSIONAL ETHICS *3 credits*

530, 531 PROPERTY I & II *5 credits*

540 CONTRACTS *4 credits*

545, 546 CIVIL PROCEDURE I & II *5 credits*

Core Program, second year: 12 credits

550, 551 LEGAL SKILLS III *3 credits*

555, 556 CONSTITUTIONAL LAW I & II *6 credits*

560 ADMINISTRATIVE LAW *3 credits*

TWO “Code” courses 6-8 credits

Students take two “code” courses, chosen from a number of courses whose primary purpose is to focus on close statutory analysis. The courses numbered between 607 and 619 in Appendix A satisfy this requirement.

Six credits of “Practice” courses 6 credits

The program offers students a variety of opportunities for independent work and internships, including pro bono opportunities, legal clinics, a field placement program, and a judicial internship. The courses numbered between 620 and 640 in Appendix A satisfy this requirement.

One upper-level Writing course 2-3 credits

Students take one upper-level writing course. The courses numbered 624, 630, 686, 695, and 697/698 in Appendix A satisfy this requirement. In addition, students may satisfy the Upper Level Writing Requirement by obtaining a grade of 75 or greater on a paper that is at least 20 pages in length. Upper Level Writing Requirements must be approved by the faculty member involved in advance. *NOTE: In the first year UMass Dartmouth will*

work with the law faculty to identify additional courses that will have an embedded Upper Level Writing Requirement.

Concentrations

29-32 credits

Economic Justice

Students will take 600 Improving the Delivery of Justice.

Student may choose from among the following electives:

611 Consumer Bankruptcy

618 Environmental Law

621 Alternative Dispute Resolution Practice

640 Community Development Clinic

647 Consumer Protection Law

672 Landlord-Tenant/Housing Law

Specialty/thematic electives can be added to fill in this area and respond to specific student interests.

Civil and Human Rights

Students will take 600 Improving the Delivery of Justice.

Student may choose from among the following electives:

617 Employment Law and Discrimination

619 Immigration Law

650 Constitutional Civil Rights Law

665 International Law

625, 626 Immigration Law Clinic

Specialty/thematic electives can be added to fill in this area and respond to specific student interests.

Legal Support for Operating Businesses and Creating Innovation

Students will take 600 Improving the Delivery of Justice.

Student may choose from among the following electives:

613 Federal Income Tax Law

615 Secured Transactions

616 Consumer Law

618 Environmental Law

624 Drafting Trusts

645 Bioethics

646 Business Torts

685 Business Organizations

Specialty/thematic electives can be added to fill in this area and respond to specific student interests.

Community Law Practice

Students will take 600 Improving the Delivery of Justice.

Student may choose from among the following electives:

647 Consumer Protection Law

658 Family Law
672 Landlord-Tenant Law
681 Real Estate Transactions
689 Elder Law (including the law of Insurance) and Advocacy
Specialty/thematic electives can be added to fill in this area and respond to specific student interests.

Specialty/Thematic Elective courses

Additional elective courses are scheduled in subjects such as

618 Environmental Law
642 Advanced Electronic Legal Research
645 Bioethics
648 Computer Law
651 Admiralty Law
652 Education Law
660 Health Law
661 History of Civil Rights and Civil Liberties
676 Law of the Sea
677 Legal Issues in Marine Environmental Protection
680 Race and the Law
682 Religion and the Law
684 Women, Law, and the Legal System
And other current courses

Students may also propose to use appropriate courses from the graduate offerings of UMass Dartmouth.

All students must complete a 30-hour *Pro Bono* requirement in which they conduct volunteer legal work for the equivalent of one (short) work-week in a law office, community organization, government office or other non-profit organization.

4.4 Course Descriptions

Appendix A gives the full list of courses with descriptions and annotations explaining each course's role in the curriculum.

4.5 Credits to Complete the Program and other Graduation Requirements

In order to receive the Juris Doctor degree, a student must complete a minimum of 90 hours of credit successfully complete all course requirements, and satisfy all probationary requirements.

Candidates who complete their degree requirements satisfactorily and whose academic record the faculty considers outstanding may be recommended for a degree with honors: Cum Laude, Magna Cum Laude, or Summa Cum Laude.

Rules governing academic conduct will be found in a Student Handbook, which every student will receive at fall registration. All students are responsible for being thoroughly familiar with the contents of the Student Handbook and will be bound by its rules.

4.6 Certification, Licensure, and Specialized Accreditation: the Case for National Accreditation

Licensure

In legal education, students with a JD degree wishing to practice law sit for the bar by taking the ABA Bar Examination in one or more states. Bar pass rates anticipated for our JD program are shown in the table further on in this section. They are consistent with those in regional public law programs and appropriate for ABA accreditation. For a number of careers supported by the JD degree, sitting for the bar is not required.

Accreditation

National accreditation is an essential goal for the UMass Dartmouth Juris Doctor program. Graduates of programs lacking ABA accreditation are limited in the locations where they may practice law. The proposal to add the JD program at UMass Dartmouth is founded on strong expectation of achieving national accreditation on a prompt but practical schedule. The faculty in the program believe they will bring experience and expertise to the program that will be invaluable. We have incorporated the strong features of other successful public law programs and have consulted broadly with experts in the field. All aspects of the proposed UMass Dartmouth law program are consistent with ABA standards and designed to result in achievement of accreditation.

The University has performed a thorough review and consulted with other Deans of law programs who have been recently accredited by ABA. The approach has allowed us to develop a budget and academic plan that will result in ABA accreditation. With the proposed curriculum (Appendix A) and financial plan (Appendices B-F) we are confident that there are not large hidden and unidentified costs associated with pursuing ABA accreditation. When others suggest that the costs are far greater than what we have outlined, and without the detailed examination we have had the opportunity to make, it is important to note that there are many prior investments made over many years and that we are by no means starting from the beginning.

Standards and Benchmarks

It is important to understand that national accreditation is achieved by meeting a comprehensive set of standards that cover all aspects of the program: mission and purposes, curriculum, faculty, administration, library, information technology, facility and equipment, student characteristics, and budget stability. A number of aspects are used as essential monitors: (1) budget stability; (2) the student/faculty ratio; (3) library holdings and resources as well as support services for students; and (4) the concern stated in ABA Standard 501, which prohibits a law program from admitting applicants “who do

not appear capable of satisfactorily completing its educational program and being admitted to the bar.”

Benchmarking for accreditation and peer comparisons are essential tools and have been considered in the formulation of the budgetary plan. Benchmarks are ratios or levels established as targets to indicate achievement of quality in accordance with mission. Establishing comprehensive benchmark goals based on ABA-accredited peer institutions is a key activity by which we will guide progress.

(1) The financial plan for the law program is solid. Although all public institutions face challenges in this time of economic downturn, finding creative ways to enhance enrollment and revenues is the most effective strategy. The enrollment projections for the program are conservative and realistic as outlined in Appendix E. The annual expense and operations budget for the law program is also realistic and takes into account emerging needs. The current and proposed program budget includes an itemized listing of resources related to meeting ABA standards. Projections and planning assumptions related to national accreditation are further discussed in Section 9 on Resources. We anticipate investing \$ 13.8 million in cumulative accreditation-related activities (increased instructional resources, enhanced academic support, library resources, merit aid, etc.) from FY 11 through FY 15. These expenses are detailed in Appendix F. Funds for these investments will be generated from enrollment revenues, initial donation of cash from SNESSL, and an equity draw down on the facility.

(2) The student/faculty ratio is benchmarked by an understanding that ratios higher than 21 FTE students per FTE faculty member raises concern for ABA quality. The budget growth plan supports the hiring of needed faculty as the program grows to a steady-state enrollment of 559 students.

(3) Our plan for maintaining enhanced levels of library holdings and resources and also of support for student success is outlined in the section below on Financial resources.

(4) ABA Standard 501, which prohibits a law program from admitting applicants “who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.” There can be a tension between increasing student enrollments and also maintaining a high level of student qualification. Consistent with ABA institution profiles, the University will attract students whose entering test scores and undergraduate GPA predict high rates of success in the program and in passing the bar.

We have established the following benchmarks for Admissions and Bar Pass Rates:

Measure	Measurable Objective	Strategy for Achievement	Timetable
College GPA Average	3.2	Recruiting, with strategic campaign including branding, use of scholarships and loan forgiveness, alumni participation, and a forward-looking web site	AY 12-13
College GPA 25/75 %ile	2.9/3.5	Recruiting, with strategic campaign including branding, use of scholarships and loan forgiveness, alumni participation, and a forward-looking web site	AY 12-13
LSAT Average	150	Recruiting, with strategic campaign including branding, use of scholarships and loan forgiveness, alumni participation, and a forward-looking web site	AY 12-13
LSAT 25/75 %ile	147/153	Recruiting, with strategic campaign including branding, use of scholarships and loan forgiveness, alumni participation, and a forward-looking web site	AY 12-13
Student/Faculty Ratio	17.3:1	Hiring to meet enrollment growth, per budget plan (ABA shows concern at S/F ratios above 20:1)	AY 12-13
ABA Pass Rates, First Time	80%	Admission of qualified students; enhanced learning support; ABA prep course in curriculum; delivering a "best practices" law curriculum	AY 12-13

Process, Timing, and Impact

The UMass JD program will seek provisional ABA accreditation in AY 11-12. UMass Dartmouth has significant experience in winning accreditation of professional programs, including engineering, visual design, business and nursing. In planning to add the JD degree, the University has undertaken a detailed review of the issues and costs that would be associated with a successful ABA application for a UMass Dartmouth law program.

Importantly, affiliation with a larger, multi-purpose institution like UMass is a strong indicator for success in a quest for ABA accreditation.

What is the impact of associating with a public comprehensive university? A recent success story indicates that the answer is positive. A small, independent institution, Dickinson School of Law, had experienced a serious decline across the '90s: "In 1990...the law school received its traditionally high number of applications from top regional students and offered admission to fewer than 25 percent of them. By 1997, just seven years...later, the number of applicants had dropped by almost 50 percent and the law school was offering admission to more than 60 percent.... Fewer and fewer applicants

each year presented the law school's traditionally high academic profile. By the late 1990s, the top quartile LSAT and GPA scores of the law school's entering classes had dropped beneath the bottom quartile LSAT and GPA scores of only a decade earlier. The diversity of the student body (a perennial challenge for the law school) plummeted as well." Accreditation was at risk.

Dickinson is now a part of Penn State University. The new Dean observed that "the impact...has been immediate. Within months of the merger we have been able to recruit, in direct competition with some of the nation's top law schools, several internationally distinguished scholars and nationally prominent professional staff. This success, in turn, has influenced prospective students: this year's applicant pool increased by more than 40 percent over the previous year (to the highest number of applicants in the law school's history), and the diversity of next year's entering class skyrocketed to 22 percent." The dean further observed, "Virtually all of the top thirty-five or so law schools in the *U.S. News* ranking are units of research-intensive universities consistently at the top of NSF research expenditure rankings."⁶

Before national accreditation is actually gained for the UMass Dartmouth program, UMass Dartmouth will neither state nor imply to applicants or enrolled students that they can expect accreditation to be achieved.

4.7 Independent Work and Internships

The program offers students a variety of opportunities for independent work and internships. Such opportunities are expected to expand as programmatic emphases grow, but also because of opportunities within UMass from related academic program areas.

The UMass Dartmouth law program will extend the already substantial variety of legal co-curricular activities that involve students, faculty and community members. A list of current activities suggests the range and scope of co-curricular opportunities available to students and engagement by students and faculty in community and professional development:

- Annual Trip to the United States Supreme Court
- Northeast People of Color Legal Scholarship Conference
- Terrorism Conference
- Bankruptcy Conference
- Real Estate Lawyers Conference
- Bar Association Training (CLE)
- Massachusetts Appeals Court Hearings – twice a year
- Civil Service Board Hearings – twice a month
- Board of Bar Overseers Disciplinary Hearings
- Moot Court Competition
- Jessup International Competition
- National Mock Trial Competition
- Once ABA – National Client Counseling Competition

Pro Bono Opportunities

The law program will require each student to perform 30 hours of *pro bono* legal services while attending. Through *pro bono* assignments, students will help provide legal help to those who need but cannot afford an attorney. Providing *pro bono* legal services also give the student practical learning experiences. The law program will promote supervised *pro bono* activities by introducing students to providers of *pro bono* services. Also, students who provide services beyond that which is required will be recognized at graduation.

Clinical Programs

The development of legal skills and values are central to legal education. Legal Clinics are law offices operated through the law program. They can be located either on-campus or from a separate location. Students involved in clinics represent low-income clients both in court and at administrative hearings under supervision of a faculty member and/or experienced practitioners. Those participating in legal clinics offer clients who otherwise would be unrepresented the chance to benefit from quality legal representation for their claims. In addition to the assistance provided to local residents, a legal clinic offers much to its student representatives – a chance to develop both technical “lawyering skills” as well as to grapple with the ethical issues that present themselves in the practice of law. This experience is a prime way for students to put into action the classroom knowledge they have been accumulating during their years in the classroom. The law curriculum no longer remains an academic exercise; rather, it becomes a real-life experience.

Immigration Law Clinic: Southeastern Massachusetts has significant immigrant populations, often with special legal needs. An Immigration Law Clinic began operating at SNESSL in the Fall of 2002 and provides quality legal services to members of the immigrant community throughout the region. Students enrolled in this year-long clinic attend classes and handle various immigration law issues under the supervision of a faculty member and cooperating field supervisor chosen from the South Coast legal community. They represent their clients before various tribunals, including Immigration Court, and spend an average of 12 hours each week in their Clinic work.

Legal Services Clinic: The Legal Services Clinic started its operations at SNESSL in 1998; it is housed in the offices of a local legal services office in downtown New Bedford. Clients with family law, housing, and government benefits problems are referred to the Clinic from the New Center for Legal Advocacy, which is dedicated to offering legal representation to low-income residents of the New Bedford area who have various legal problems of a non-criminal nature. Students in this one-semester Clinic attend a seminar and represent clients under the supervision of the Executive Director of the New Center, who has collaborated with SNESSL on several joint projects for more than a decade. Students in this Clinic spend an average of 20 hours each week in their Clinic work.

Public Service and Community Development Clinic: This program will provide students with closely supervised lawyering experiences in a public interest law firm. Students will study issues in public interest law while providing services to a variety of public and private agencies.

Non-Profit Organizations Legal Clinic: Students will provide a wide variety of transactional legal services to non-profit organizations in the South Coast region, in such areas as formation, operations and financing, employment.

Field Placement Program. The law program will also offer a program that enables students to gain practical experience in a real-world setting such as a law office, governmental agency, or ADR (alternative dispute resolution) program. The workplace experience is then examined and reflected upon in a class seminar setting that encourages students to analyze the skills and values necessary to the practice of law. Sometimes class meetings are devoted to specific exploration of what it takes to put a particular legal skill into practice, such as those required for interviewing and counseling clients, and in successful negotiations. The law program will also encourage students to combine theory and practice by working for a few hours each week in a placement that is connected to a doctrinal course. For instance, a student could work at a public defender's office for five hours each week while enrolled in Criminal Procedure. We call this a "mini-clerkship." A student enrolled in this program would also meet regularly with the professor to explore connections between the workplace and the materials being studied in class.

Judicial Internship: This internship program provides a unique experience of placing students in a court to work with various judges. The student observes a judge in chambers, conducts research for the judge, and discusses various aspects of the cases with the assigned judge. This provides an excellent experience for a law student to learn what goes on behind the litigation process, to be exposed to various aspects of lawyering, and to become familiar with the judicial decision-making process. A faculty advisor communicates frequently with the judge about the student's progress, and the program concludes with a formal meeting between the judge and the student to review the experience and the student's progress.

Field Placement Program, Intensive International Criminal Tribunals for Former Yugoslavia and Rwanda: This program offers a unique opportunity to work on-site at one of two locales; the International Criminal Tribunal for the Former Yugoslavia (ICTY), located in the Hague, Netherlands; or the ICTR for Rwanda, located in Arusha, United Republic of Tanzania. Typical work includes investigating pending cases and drafting indictments in settings that are principal focal points for the current development of international law. This program also offers the unusual opportunity to "learn by doing" in the area of international law and to identify long-term academic and career options in the field. Students will work with members of the Office of the Prosecutor for approximately 30 hours per week. They will also attend classes, which may include training by professional staff from the Office of the Prosecutor.

Evaluation will be based on written and oral performance and on the final written project.

Innovative Business Clinic: This clinical program places students in businesses, focusing in their managerial and legal departments, with a focus on new product development, licensing and patents, intellectual property, and regulatory legal development.

UMass will maintain these many practice opportunities and expand those in areas of enhanced emphasis (e.g., maritime law, public service law). The broad spectrum of service activities and outreach efforts across the UMass campuses will provide additional practical learning opportunities. Practical involvement in areas of environmental and international law, for example, is being enhanced through linkages across UMass academic programs and regional centers.

Technology and Law Education

The JD program will continue special strengths in using technology in education, strengths found in the facilities and also well represented in faculty qualifications. The U.S. Bureau of Labor's *Occupational Outlook Handbook* (cited above in the section on Need) reports that "Lawyers are increasingly using various forms of technology to perform their varied tasks more efficiently. While all lawyers continue to use law libraries to prepare cases, some supplement their search of conventional printed sources with computer sources, such as the Internet and legal databases. Software is used to search this legal literature automatically and to identify legal texts relevant to a specific case. In litigation involving many supporting documents, lawyers may use computers to organize and index material. Lawyers also utilize electronic filing, videoconferencing, and voice-recognition technology to share information more effectively with other parties involved in a case." This is a cutting-edge area for the JD program, one that fits well with the emphasis that UMass gives to technology.

External advisory committee

A "Blue Ribbon Law Advisory Commission" will be formed as an advisory board for the JD program. It will be comprised of local attorneys, noted jurists, representatives from each of the UMass campuses, and other academic and public leaders in the fields of law. This commission will provide legal and system-wide perspectives. It will meet regularly to monitor progress in meeting goals for the program, with a specific charge to enhance synergies of the program with other programs across the UMass system. The number of advisors and specific terms and oversight responsibility are to be determined.

Such advisory committees are in use across the range of professional programs across the UMass system – for example, at UMass Dartmouth, in visual arts, engineering, textiles, nursing, business, criminal justice, and policy studies.

5. FACULTY

The JD program will have 13 full-time faculty members to start, with plans to add four faculty members from FY11 to FY14 and an additional three in reaching our steady-state enrollment by FY18, for a total faculty of 20 at steady-state. In addition, the JD program will enjoy the instructional assistance of more than 30 adjunct faculty members who provide rich perspectives on the law in today's world and in the region of the UMass Dartmouth law program.

5.1 Current Faculty with Curricula Vitae

The JD program will require of its faculty a high level of scholarly activity and service engagement as well as excellence in teaching. The JD program's faculty will be held to the University's standards for hiring and promotional advancement, based on the faculty performance expectations of the University of Massachusetts. Criteria and expectations are set as appropriate to the specific academic field.

The initial full-time faculty cohort will include the following individuals. Career profiles and full Curricula Vitae are in Appendix H.

Philip E. Cleary *Professor of Law and Dean Emeritus*
LL.D. (Hon. c.) Southern New England School of Law
J.D. Boston College Law School
M.A. Harvard University
B.A. Boston College

Ralph D. Clifford *Professor of Law*
J.D. New York Law School
B.S. Duke University

Spencer E. Clough *Associate Professor of Law and Director of the Law Library*
J.D. State University of New York at Buffalo
M.L.S. State University of New York at Buffalo
M.A. University of Pittsburgh
B.A. State University of New York at Buffalo

Debra R. Cohen *Visiting Associate Professor of Law*
J.D. Emory University School of Law
A.B. Brown University

Cynthia Conward, *Associate Professor of Law*
J.D. New England School of Law
M.A. Assumption College
B.A. University of Massachusetts Dartmouth

Dwight G. Duncan *Associate Professor of Law*
J.C.D. Pontifical Athenaeum of the Holy Cross (Rome)
J.C.L. Pontifical Athenaeum of the Holy Cross (Rome)
J.D. Georgetown University Law Center
B.A. Harvard University

Justine A. Dunlap *Associate Professor of Law*
J.D. Case Western Reserve University
B.A. Ohio State University

Michael G. Hillinger *Professor of Law and Associate Dean*
J.D. Marshall-Wythe School of Law, College of William & Mary
Ph.D. Columbia University
M.A. Columbia University
A.B. University of Pennsylvania

Hon. George Jacobs *Scholar In Residence*
LL.D. (Hon. c.) Southern New England School of Law
J.D. Harvard Law School
A.B. Harvard University

Hon. Francis J. Larkin *Professor of Law and Chancellor Emeritus*
LL.D. (Hon. c.) Southern New England School of Law
LL.D. (Hon. c.) Anna Maria College
LL.M. Georgetown University Law Center
LL.B. Georgetown University Law Center
B.S. College of the Holy Cross

Frances Howell Rudko *Professor of Law*
J.D. University of Arkansas
Ph.D. University of Arkansas
M.A. University of Arkansas
B.A. Southern Methodist University

Irene M. Scharf *Professor of Law and Dean for Clinical Programs*
J.D. Suffolk University Law School
B.A. The University of Albany

Robert V. Ward, Jr. *Professor of Law and Dean*
J.D. Suffolk University Law School
B.S. Northeastern University

A review of faculty résumés shows teaching and research expertise in the following: bankruptcy; business and corporate law; canon law; commercial law; computer law; computer assisted legal instruction; constitutional law; consumer law; contracts; criminal

law; dispute resolution and arbitration; drugs/substance abuse; diversity in the law; domestic violence; environmental law; ethics and bioethics; evidence; family and juvenile law; history of law; intellectual property law; international law; judicial systems; law of religion; legal technology; legal writing; patent law; property law; tort law; trial practice; and trusts and estates; and warranty law.

The faculty have experience and ongoing engagement across the range of public and private practice – including legislative liaison, pro bono and legal aid law, international criminal law and justice, legal technology, and moot courts – while working in private practice, as public counsel, in company law, as assistant attorney general or US assistant attorney, on advisory boards, committees, and commissions, or as judges.

In addition, the JD program will enjoy the availability of instructional assistance provided by a number of well qualified adjunct faculty who are expert practitioners as well as full-time faculty currently teaching at UMass Dartmouth, although currently tenured in other programs. JD programs often use practicing professionals as adjunct professors, because they provide perspectives on the law in today's world. The current UMass faculty who hold the JD degree have a strong interest in active participation in the law program. Following the award of degree granting authority, some of these faculty may join the program as full-time professors. For the proposal, we have listed them as internal adjunct professors.

The JD program's anticipated available adjunct faculty are the following, for the 2010-2011 academic year:

Adjunct Faculty

Henry M. Arruda, Adjunct Professor of Law
J.D. University of Connecticut School of Law
B.A. Boston College
Law Office of Henry M. Arruda

Cory Arter, Adjunct Professor of Law
J.D. Suffolk University Law School
B.A. University of Massachusetts - Boston
Arter Law Office

Kevin Connelly, Adjunct Professor of Law
J.D. Boston College Law School
M.A. Indiana University
B.A. University of Massachusetts, Amherst
Assistant District Attorney, Bristol County

Wendy B. Davis, Adjunct Professor of Law
J.D. Boston College Law School
B.A. University of Massachusetts, Boston

Stuart J. Farkas, Adjunct Professor of Law
J.D. New England School of Law
B.S. University of Florida
Law Office of Stuart J. Farkas

Robert H. Fennessy, Jr., Adjunct Professor of Law
J.D. Southern New England School of Law
M.Ed. Boston University
B.S. Northeastern University
Law Office of Robert H. Fennessy

Patrick Francomano, Adjunct Professor of Law
J.D. New England School of Law
B.A. State University of New York at Albany
Law Offices of Patrick Francomano

Helene Gerstle, Adjunct Professor of Law
J.D. Albany Law School
B.A. State University of New York at Albany
Attorney Helene Gerstle

Kimberley A. Hogan, Adjunct Professor of Law
L.L.M. Boston University
J.D. Southern New England School of Law
B.S. Bridgewater State College
Haddleton & Associates, P.C.

Eric Jaikes, Adjunct Professor of Law
J.D. Emory University School of Law
B.A. University of Pennsylvania
Law Offices of Eric Jaikes

James J. Lopes, Adjunct Professor of Law
J.D. Harvard Law School
B.A. Harvard University
Law Offices of James J. Lopes

William A. Manganiello, Adjunct Professor of Law
J.D. Southern New England School of Law
B.S. University of Massachusetts Boston
Law Office of William A. Manganiello

John A. Markey, Jr., Adjunct Professor of Law
J.D. University of Connecticut School of Law
A.B. College of the Holy Cross
Moses, Smith & Markey LLC

Kelly McElroy, Adjunct Professor of Law
J.D. Roger Williams Law School
B.A. Boston College
Prosecutor, Criminal Division, Rhode Island Department of Attorney General

Richard McMahon, Adjunct Professor of Law
J.D. George Mason University Law School
B.A. Saint Francis College
New Center for Legal Advocacy

Cathryn O'Neill, Adjunct Professor of Law
J.D. Southern New England School of Law
M.L.I.S. University of Rhode Island
B.S. Fitchburg College
Southern New England School of Law Reference Librarian

Jon W. Shelburne
J.D. Texas Tech University School of Law
B.A. University of Dallas
Judge Advocate (Lieutenant Colonel, U.S. Marine Corps Reserve)

David J. Strachman, Adjunct Professor of Law
J.D. Boston University Law School
B.A. Brandeis University
McIntyre, Tate, Lynch & Holt, LLP

Afton Marie Templin, Adjunct Professor of Law
J.D. Northeastern University School of Law
B.A. Mount Holyoke College
Law Offices of Afton Marie Templin

George M. Thompson, Adjunct Professor of Law
J.D. Suffolk University Law School
M.A. American International College
B.A. Dartmouth College
Vice President & Managing Counsel, UnumProvident Corporation

Terence J. Tierney, Adjunct Professor of Law
J.D. Vermont Law School
A.B. Hampshire College
Assistant Attorney General, Rhode Island

John Walsh, Adjunct Professor of Law
J.D. New England School of Law
B.A. Salem State College
Law Offices of Wynn & Wynn, P.C.

Thomas E. Workman, Jr., Adjunct Professor of Law
J.D. Suffolk University School of Law
M.S.E.E. University of Texas, Austin
B.S.E.E. University of Texas, Austin
Law Office of Thomas E. Workman, Jr.

UMass Dartmouth (full-time faculty with JD)

Adam J. Sulkowski
Assistant Professor of Business Law
J.D. Boston College
MBA Boston College

Richard Golen
Professor of Business Law
J.D. Suffolk Law School

Susan T. Krumholz
Associate Professor, Sociology, Anthropology, Crime and Justice
J.D. Puget Sound (now Seattle University)
Ph.D. Northeastern University (Law, Policy, and Society)
M.J. Northeastern University

Chad McGuire
Assistant Professor, Environmental Law and Policy
J.D. Thomas Jefferson School of Law
L.L.M. University of San Diego School of Law
Ph.D. UMass Boston (Environmental Science) (Candidate)

Ismael Ramirez-Soto
Dean of the School of Education, Public Policy and Civic Engagement
J.D. University of Puerto Rico
Ed.D. University of Massachusetts Amherst

We have communicated with faculty from other UMass campuses who hold the JD and are also interested in participating in the UMass Dartmouth Law program. For instance, the following individuals from the University of Massachusetts Boston bring specialized skills in Dispute Resolution which would add value to the program:

David E. Matz
Professor, Law; Director, Graduate Program in Dispute Resolution
University of Massachusetts Boston
J.D. Harvard University

J. Shoshanna Ehrlich
Associate Professor, Women's Studies
University of Massachusetts Boston
J.D. Northeastern University School of Law

Andrew L. S. Leong
Professor, Law
University of Massachusetts Boston
J.D. Boston College Law School

The following UMass Dartmouth faculty do not hold JDs but are active in relevant law/policy fields and could provide additional specialized instructional assistance.

Kenneth L. Manning
Associate Professor, Political Science, and Pre-law advisor
Ph.D. University of Houston

Robin A. Robinson
Associate Professor, Sociology, Anthropology, Crime and Justice
Ph.D. Brandeis University
Psy.D. George Washington University

Vivianne Saleh-Hanna
Assistant Professor, Sociology, Crime and Justice
Ph.D. Indiana University-Bloomington

Michael D. Goodman
Associate Professor and Chair, Public Policy
Ph.D. Boston University

Phil Cox
Associate Professor, Philosophy, and Chair
Ph.D. UMass Amherst

James T. Griffith
Professor, Medical Laboratory Science, and Chair
Ph.D. Walden University

Susan Leclair
Professor, Medical Laboratory Science
Ph.D. Walden University

5.2 Positions to be filled, with qualifications

One faculty position will be added in 2010-11. Another four positions will be filled by 2014-15. This will help fill in new emphasis areas in the curriculum and maintain effective coverage as enrollments grow. There will be 20 faculty members by our planned steady-state in fall 2017. These full-time faculty members will have the Juris Doctor degree, teaching experience, scholarly achievement, and applicable practical experience.

One of the positions will provide a new emphasis in non-profit and public service law. The individual hired will conduct the non-profit/pro-bono clinics and teach a new course in Law of the Non-Profit Organization and related courses, as well as the core course in Business Organizations and Innovation. Another position is planned to strengthen the offerings in criminal law with a focus on scientific evidence. The individual hired will teach the core courses in Criminal Law, Evidence, and Criminal Procedure and will develop program emphases in forensic and scientific evidence.

It will be some time before enrollment growth necessitates the addition of faculty numbers to the JD program beyond 17 full-time faculty members. We will begin with a student to faculty ratio of 16:1. These figures show that existing capacity proposed for the UMass Dartmouth law program is sufficient to accommodate anticipated enrollment growth consistent with maintaining the highest educational standard and to meet enrollment growth within ABA accreditation guidelines.⁷

We also plan to capitalize on the potential for sharing of instructional resources across the UMass campuses, either through cross-enrollment in courses or by providing instructors who can offer courses specifically for the JD degree. Our experience indicates that, when students from different degree programs take a certain advanced course, the sharing of enrollments leads to greater efficiency while students gain a wider variety of perspectives from their fellow students.

The variety of expertise across the UMass system will strengthen the law program. The five-campus UMass system currently has 47 faculty members with the JD degree. We expect to strengthen linkages with existing UMass Dartmouth programs: with relevant academic areas such as Forensics, Crime and Justice, Sociology, Political Science, and to help shape core ethics, school law, and business law offerings in our undergraduate, MBA, MAT, and MPP programs.

We also see real possibility for collaboration with the UMass Boston Dispute Resolution MS program; the UMass Amherst Legal Studies program, as well as Sports Management; and the UMass Lowell Public Health program. The innovative UMass Dartmouth Changing Lives through Literature, an alternative sentencing program now being replicated in seven other states, exemplifies existing programs or projects at UMass Dartmouth that have contributions to make to the law program.

6. STUDENTS

6.1 Evidence of Student Demand

Demand is shown by a number of measures.

Application and Enrollment Statistics

During the university's 2004-2005 attempt to secure approval of the JD program, applications for Southern New England School of Law rose 44% while both LSAT and GPA scores for applicants also rose. This remarkable expansion was achieved without any specific marketing and recruitment campaign. It was the direct result of the promise inherent in that year's proposal to establish a UMass Dartmouth program. Our plan for initial admissions is based on this rapid expansion in applications, adjusted also for the impact of our planned marketing campaign.

Nationwide data show continuing demand for entrance to law programs. Law School Data Assembly Service data indicate interest in pursuing a law degree before the realities of time, geography and finances are considered. The national trends in these categories are as follows:

	<u>2000</u>	<u>2008</u>	<u>% ch</u>
Annual LSATs taken	107,200	151,400	+41.2%
Annual LSDA registrations	68,900	80,600	+17.0%

Student demand is also documented by law program application and enrollment figures provided through the Law School Admission Council. In Fall 2006 there were 87,300 applications to accredited law programs; 56,100 were accepted; and 45,800 students enrolled, for an acceptance rate of 64% and a yield rate of 82%. These numbers have held essentially steady. In 2007 there were 82,800 applications, 56,000 accepted; and 46,100 enrolled, for an acceptance rate of 68% and a yield rate of 82%. In 2008 there were 82,400 applications, 55,500 accepted; and 46,700 enrolled, for an acceptance rate of 67% and a yield rate of 84%. Pressure felt by students is reflected in a trend of increasing volume of applications: in Fall 2007, fall 2008, and fall 2009 applicants applied on average to 6.0, 6.2, and 6.4 law programs.

There are indications of rapid growth in applications as the nation emerges from an economic downturn. According to the ABA Journal (Feb. 24, 2009), while applications nationally have risen by less than 1 percent from last year, applications rose 17.6 percent in 2002, following the 2001 recession. Some experts believe that the current small growth in law program applications has resulted from a severe tightening of the credit market over the last year and that improvements in the credit markets in the coming year will release pent up demand for law program seats.

In addition, surveys indicate widespread support for creating a public law program in Massachusetts and significant interest in attending such a law program.

A survey of Massachusetts residents by the UMass Dartmouth Center for Marketing Research indicates widespread support for the creation of a public law program in Dartmouth. Of 456 statewide individuals interviewed between October 22-28 of this year, 377 or 82.7 percent responded “yes” when asked whether they support the idea of accepting an approximately \$22 million donation of assets to start the state’s first public law program. Meanwhile, one out of 10 interviewees indicated that they would “be interested in pursuing a law degree at the University of Massachusetts Dartmouth.” The Center for Marketing Research has conducted surveys for more than 200 organizations, ranging from non-profits to Fortune 500 companies.

The UMass Dartmouth Center for Marketing Research also had surveyed the regional market of college graduates and soon-to-be college graduates in the summer of 2005 to gauge interest in attending law a law program. The results were as follows:

- 27% would “definitely” or “probably” be interested in pursuing a law degree.
- 82% would “definitely” or “probably” be more likely to attend a law program attached to a comprehensive university.
- 86% indicated that location of the law program close to home or work would be “very or “somewhat” important in their decision to pursue a law degree.
- 91% indicated that cost is “very or “somewhat” important in their decision to pursue a law degree.
- Respondents indicated that cost and proximity are as important as national accreditation, supporting that there will be demand during the initial period while transitioning to ABA approval.
- 87% indicated that they were “very” or “somewhat” confident that UMass could achieve national accreditation for a law program.

A recent tabulation also shows that nearly 300 UMass undergraduate students are pursuing Pre-Law majors, indicating a continuing demand among just our own students for legal careers. Such students now must look for opportunities in other states, to seek the public law program option.

The Value of the UMass Dartmouth Brand Name

The identification of the law program with the University of Massachusetts Dartmouth will positively affect application rates. During the last public discussion of establishing a UMass Dartmouth law program, without any marketing effort, applications to SNESL – then anticipated to become the UMass Dartmouth law program – grew half-again larger and student profiles went up by 2-3 points at both the 25% and 75% level in LSAT data.

The Center for Marketing Research data cited above indicate that Massachusetts citizens interested in pursuing a law degree are overwhelmingly more likely to attend a law program attached to a comprehensive research university and are highly confident that UMass can achieve national accreditation for a law program. With a clear brand name, focused marketing and recruitment effort, linked to quality programs and an appropriate level of scholarship aid, enrollment in a law program in Southeastern Massachusetts can expand.

New England Enrollments and the Regional Compact

Across the last three years a total of 227 Massachusetts residents (86 in 2007, 98 in 2008, and 43 in 2009) attended a public law program in Maine or Connecticut under the New England Board of Higher Education’s tuition reduction program. The Massachusetts residents represented 72% of the total from the non-law-program New England states. It is particularly noteworthy that the 2009 drop related to a very significant reduction in the tuition benefit by the University of Connecticut School of Law.

While we propose that the commitment to currently enrolled students in the out-of state NEBHE programs be sustained until ABA accreditation is achieved by the UMass Dartmouth law program, we are confident that in the future these same type of Massachusetts residents will be attracted to a quality program offered closer to home at UMass.

By offering this public alternative to highly mobile Massachusetts residents, we help address a statewide goal of retaining talent in Massachusetts. We also note that the impending creation of a public law program at the University of New Hampshire will remove that state’s residents from the NEBHE tuition reduction program.

6.2 Estimated Enrollment

Enrollment in the JD degree program is projected to begin at 278 in Fall 2010 and will grow to a steady-state enrollment of 559 eight years later. We have set our steady-state goal at a number just under the capacity of the facility, which is 585.

The following chart gives details:

PROGRAM ENROLLMENT PROJECTION

	# of Students 2010-11	# of Students 2011-12	# of Students 2012-13	# of Students 2013-14
New Students	123	148	158	170
Continuing Students	155	208	253	272
Full Time Students	172	232	291	316
Part Time Students	106	124	120	126
Totals	278	356	411	442

CONTINUED

	# of Students 2014-15	# of Students 2015-16	# of Students 2016-17	# of Students 2017-18
New Students	183	190	200	215
Continuing Students	292	312	330	344
Full Time Students	336	357	377	397
Part Time Students	136	145	153	162
Totals	472	502	530	559

The summer program will have enrollments of about 75 students annually (they are in addition to the numbers above).

6.3 Students To Be Served

As discussed earlier, the JD program is designed to provide access to students across the Commonwealth and meet the needs of regional students who are already employed and wish to study part-time to enhance career opportunities in law, business, public service and other professions. Undergraduates at UMass campuses and will find the UMass JD program attractive. The new UMass program will also be attractive to recent graduates and alumni of UMass, of which there are more than 300,000 in Massachusetts. Expansion of the three-plus-three program options to involve the other UMass campuses will foster this trend.

Students will be recruited generally from Massachusetts and also specifically from southern New England, although there will be a number of out-of-state students. Full-time students will represent a range of types, from recent college graduates to career-change professionals.

Among these, in the first year 38% will be part-time students, declining to 29% at steady-state in FY 2018. Part-time students remain employed while they pursue their legal studies, and will be relatively local. When the UMass Dartmouth program is implemented, this part-time program will become more attractive to recent graduates and alumni of UMass Dartmouth and other public higher education campuses.

For part-time students, the difficulty of commuting from the region to Boston is a limiting factor in their pursuit of economic opportunities, as discussed in the section on need. For many full-time students, our location will present an attractive and relatively affordable alternative choice due to housing prices and commuting costs.

6.4 Admission Criteria

Students will enter with LSAT and college GPA scores that are typical of those in public law programs and consistent with achieving ABA accreditation. Qualified students will be

assisted by scholarships – an important strategy for achieving higher LSAT and college GPA scores. A loan-forgiveness program for JD graduates entering public-service law will encourage public service careers. The university will invite current academically qualified students at Southern New England to transfer into the UMass Dartmouth law program.

Admission to the JD program will apply criteria customary and appropriate for law programs.

Required Qualifications and Inputs to the Admissions Decision

Degree. Individuals who will have earned a bachelor's degree from an institution that is accredited by a regional accrediting agency recognized by the Department of Education by the time of their law program enrollment are eligible to apply for admission.

Test Scores. All applicants must take the Law School Admission Test (LSAT). Scores over 5 years old are not acceptable for admission consideration.

Academic records. All applicants must register with the Law School Data Assembly Service (LSDAS). Official transcripts of an applicant's college, graduate and professional schoolwork must be submitted to Law School Admission Council (LSAC), which will analyze the transcripts and provide copies as part of the LSDAS Report. Copies of transcripts contained in the LSDAS report are used for preliminary determination of admission only. Accepted applicants who plan to enroll must then arrange to have official transcripts sent.

Letters of recommendation. Applicants must submit two letters of recommendation. One of the letters must be from a faculty member who taught the student either in college or in graduate school. Students coming directly from college or from another graduate program may submit recommendations from two faculty members. Applicants who have been employed must also submit a recommendation from someone (preferably an employer or supervisor) who has known them in the course of their employment. The Law program recommends that letters be submitted through the LSAC letter of recommendation service that serves all member programs.

Personal Statement. Applicants are required to submit a two to four page typed personal statement, explaining their reasons for wishing to study law. This statement should also explain any other information that they feel might assist the committee in its review of the application.

Admissions process and decision

Consistent with ABA institution profiles, the admissions screening process will focus on accepting students whose entering test scores and undergraduate GPA predict high rates of success in the program and in passing the bar.

The JD program will rely on an Office of Admissions to recruit students, process their applications, and refer applicants' qualifications to a formally constituted Committee on

Admissions. UMass will maintain a separate admissions office for the JD degree at the law program site, while bringing its activities within the administrative and governance structures of UMass Dartmouth. For example, the Admissions Director will work closely with the Office of Graduate Studies, which oversees graduate admissions for the campus, and will sit as a member of the Council of Graduate Program Directors.

Form and Fee. Applicants must submit a completed application form accompanied by a non-refundable application fee.

Decision Schedule. The application period begins in the fall and runs to June 30. Applicants are strongly encouraged to submit their applications well before the June 30 deadline. The Committee on Admissions may consider applications received after the deadline if seats are still available in the entering class. The Committee on Admissions may admit strong candidates early, but in general will defer making decisions on completed applications until it has had the opportunity to review a substantial percentage of the applications for the coming year; we will announce the date on which this review will occur. UMass will retain these practices in its implementation of the JD degree. As competitiveness for entrance increases, UMass plans to move away from the rolling admissions method towards a precipice method that holds to one decision date for all applicants.

Decision Criteria. The admissions decisions are made by the Committee on Admissions. The program accepts or rejects an application for admission after careful consideration of several factors. The Committee reviews the applicant's academic record in undergraduate and graduate school and the Law School Admission Test (LSAT) score, as well as recommendations, work experience, and reasons for wishing to study law. The Committee gives each applicant individual attention, enabling it to consider and evaluate non-quantitative factors. Such factors as employment experience, activities in school or the community, and other information about an applicant's experiences or life background that reflect on the candidate's ability and motivation can be important. No fixed weight is given to such factors because to do so is deemed inappropriate and undesirable.

Standardized tests. LSAT performance has been deemed to be an important indicator of quality. The law program at Florida A&M recently achieved provisional national accreditation with their LSAT 25th percentile at 145 and the 75th percentile at 152. We are confident the UMass Dartmouth JD program can exceed these scores before filing for national accreditation.⁸

6.5 Expected Time to Graduation and Projected Degree Completion Rates

The full-time day program requires three academic years to complete. The part-time day program and the evening/weekend program each take about four and one-half years to complete. Part-time students may accelerate their course of studies by taking up to a total of 12 credits during the summer sessions and complete the program in four years.

UMass Dartmouth expects to achieve a first time bar pass rate of 65 percent for transfer students and 80 percent for new students.

6.6 Transferability of Credit

Post-baccalaureate programs do not accept transfer credit the same way that undergraduate academic programs do. Transfer of credit for the JD degree is accomplished through the consideration and awarding of advanced standing.

Students who have successfully completed one or more years at a law program accredited by the American Bar Association or at a state approved law program may apply for admission with advanced standing. The Dean of the law program will determine the amount of transfer credit on a case-by-case basis. Generally, no transfer credit will be given for courses taken more than four years earlier. Transfer applicants must submit an LSDAS report as well as an official transcript and a letter of good standing from their previous law program in addition to the normal application materials. At least one letter of recommendation from applicants who have attended another law program should be from a faculty member who had the student in class.

6.7 Articulation Agreements

Articulation agreements exist and will be expanded, a notable advantage of previous institutional cooperation. We place a high priority on expanding both the Bachelors/JD “three-plus-three” and the MBA/JD cooperative program plans across all of the UMass campuses. SNESL has established a “three-plus-three” program with Newbury College and after review it will be continued. These two programs are described in detail below:

Three-Plus-Three Program. A three-plus-three program offers significant advantages to interested, qualified students and provides a fast track to a law degree in six years rather than the usual seven years. The program leads to the award of a bachelor's degree by the undergraduate program and a Juris Doctor degree by the law program.

The program allows qualified undergraduates to substitute the first year at the law program for the senior year at their undergraduate program. Upon successful completion of the first year in the law program, the 31 credits earned will be transferred to the undergraduate program, thereby completing the credit requirement for the bachelor's degree and matriculation as a second year law student in the law program qualified juniors are eligible for admission to the Law Program. However, participation in the program is not a guarantee of admission to the Law Program. It is the participating student's responsibility to meet the program's academic and eligibility requirements, and to comply with all admission procedures required by the law program.

MBA/JD Program and MPP/JD Program. These programs allow concurrent admission and matriculation to JD and MBA or MPP (Master's in Public Policy) study, permitting students to enroll in one of these UMass Dartmouth masters programs and the Juris Doctor program simultaneously. The program permits the use of some courses to satisfy

requirements for both degrees. Applicants with baccalaureate degrees in any field who meet the entrance requirements of each institution are eligible to apply. Admission to one program does not guarantee that the applicant will be admitted to the other.

The joint MBA/JD and MPP/JD allow students to integrate advanced management or policy study and a law program education in a structure that is compatible with full-time as well as part-time study. Classes are held during the day and evening hours. Both degrees may be completed full-time in three and one-half years and part-time in four years with some summer study.

7. ADMINISTRATION AND OPERATION

UMass Dartmouth will house its law program as an administrative unit and will retain structures common in most law programs. The University will also be able to collapse some administrative functions within the services of the main campus. UMass Dartmouth's administrative structures and functions are broad and robust, permitting the campus to provide excellent support to the new JD degree with its associated administrative structures. Our planning has addressed a long list of functional aspects and fiscal and human resources issues.

Administrative leaders, faculty, and law program staff needed to support student learning and key administrative aspects will be located at the law program site: recruiting and admissions staff working with the campus Office of Graduate Studies; a library administration and staff working together with the campus Library; academic support people; and so forth.

Briefly, the following comprise the academic and management structure for the JD program:

The law program will be housed within a college or school that reports within Academic Affairs at UMass Dartmouth. The law program's head administrator will sit as a member of the Council of Deans, chaired by the Provost. This person will also attend the Chancellor's Senior Leadership meetings.

The unit may have assistant administrators and appropriate clerical and professional staff.

The law program will be subject to and supported by UMass Dartmouth procedures for financial accounting and budgeting, grants and contracts, human resources, institutional research, and so forth.

The program will use the PeopleSoft enterprise system.

The law program will be operated as an off-site location with a similar operational structure to our Fort Rodman building for SMAST and the Star Store building for CVPA, among others.

General academic policies for admission, curriculum change, program evaluation, etc., will be those in use at UMass Dartmouth, appropriately adapted to meet the autonomy requirements of the ABA and the needs of a graduate program.

8. RESOURCES

The UMass Dartmouth law program will be fully and adequately funded at the UMass Dartmouth campus. The budget plan is summarized in Appendix B (Table 1 – Statement of Revenues and Expenses).

The budget plan is built on very realistic and conservative application, yield and enrollment projections and conservative revenue assumptions related to private fundraising and grant awards. In the unlikely event that we do not meet our enrollment goals and other revenue-related projections, we will have the flexibility of using a significant cash reserve fund and real estate equity to make investments that will build the enrollment to a self-sustaining level. The revenue and expense projections indicate very little risk to UMass Dartmouth's fiscal situation and in ensuing years a very strong upside in revenue flow.

8.1 Faculty and Staff

Faculty. The JD program will begin with 13 well qualified full-time faculty members and about 30 part-time adjuncts who are academic professionals or practicing professionals. The full-time faculty will grow to 17 by fall 2014. This will allow the program to maintain competitive and ABA-level student/faculty ratios as enrollment grows. This faculty core will be sufficient to accommodate anticipated enrollment growth and to represent the varied curricular emphases of a full JD program. There will be 20 faculty members by our planned steady-state in fall 2017. Enhancement to faculty salaries to make the positions more attractive and competitive are added as part of the ABA investments.

We also plan to capitalize on the potential for sharing of instructional resources across the UMass campuses, either through cross-enrollment in courses or by providing instructors who can offer courses specifically for the JD degree. Our experience indicates that, when students from different degree programs take a certain advanced course, the sharing of enrollments leads to greater efficiency while students gain a wider variety of perspectives from their fellow students.

The variety of expertise across the UMass system will strengthen the law program. The five-campus UMass system currently has 47 faculty members with the JD degree. We expect to strengthen linkages with existing UMass Dartmouth including the Medical Lab Science program in the forensic law areas, Crime and Justice Studies, Sociology, Political Science, and Public Policy. We also see real possibility for collaboration with the UMass Boston Dispute Resolution MS program; the UMass Amherst Legal Studies and Sports Management programs; and the UMass Lowell Public Health program. The innovative UMass Dartmouth Changing Lives through Literature, an alternative sentencing program now being replicated in seven other states, exemplifies existing programs or projects at UMass that have contributions to make to the law program.

Appendix B – Table 1 shows current and projected faculty expenses under “instructional base/instructional ABA related.”

Staff. Appropriate administrative, admissions, student support, and library staff will be present at the law program site. The budget detail provided in Appendix B – Table 1 shows current and projected expenses and revenues to cover these staff under “general and administrative.” As the programs grows, new staff support will be necessary and are added at the appropriate years.

8.2 Instructional Materials and Library

The library will be housed in an existing modern facility. The facility provides ample student stations with connectivity to information databases. The current repository is 140,000 volumes/volume equivalents, and provides all of the necessary materials for a law student to succeed. This has been verified by past external reviews. The current replacement value of the library holding has been assessed by Library experts to be \$11.5 million.

The law library participates in several library consortia including NELINET, OCLC, and SEMLS, permitting wide access to interlibrary loan borrowing. Students enjoy using a range of electronic databases: Westlaw, Lexis, CALI, and the state Administrative Law Library. Other on-line databases include the RIA Tax library, Hein on-line database of law journals, and the comprehensive InfoTrac database. The library has an online, web-based catalogue.

At the same time, law students and faculty will have access to the full resources of the UMass Dartmouth library, including nearly 55,000 law-related holdings. These include monographs, journals, and electronic databases across the academic fields as well as the broad resources of federal and state government documents, including, for example, the Congressional Record, reports from the Environmental Protection Agency, and statistical publications from the Bureau of the Census and the Department of Labor. The UMass Dartmouth library has been a selective depository library for United States government publications since 1965. The UMass Dartmouth library is also a depository for the full range of Massachusetts state documents. The faculty library committee is considering the possibility of the transfer of a number of these resources to the law library.

The Library holdings do need to be enhanced with a broader array of research materials on various special aspects of the law needed for faculty and student research work. The University intends to invest significant new resources in enhancing the library holdings. The cumulative total for library acquisitions funding will be \$3,715,180 over the five-year projected budget period, including new funding of \$2.7 million. The acquisitions plan includes investments to upgrade holdings to support faculty research. The detail of these planned expenditures are included as Appendix C – Table 2 (Library Expenditures).

Private Funds and Scholarships

An additional source of revenue to support the program is anticipated to come in the form of future solicitations of private donations to support additional public law fellowships, and naming opportunities for buildings and dedicated spaces. Initially, 75 fellowships are built into the base budget, but we will hope to extend them to 50 additional students by fundraising. Our budget projections for private fundraising are conservative, but reflect the strong and successful track record that UMass Dartmouth has demonstrated in raising \$6-8M per year from fundraising initiatives.

The enrollment and financial projections include public service fellowships for 25 Massachusetts residents per year beginning in the fall of 2010. The fellowships will cut tuition and fee costs by 50%. They function as loans to the students, which will be paid back on a pro-rated basis if the student is unable to complete their obligation to serve in a public service law role for four years following graduation. Private donations would allow us to expand this fellowship program over time.

In addition to these public law fellowships, we will also set aside significant resources for need- and merit-based aid. The details of available scholarship aid are contained in Appendix D – Table 3.

8.3 Facilities and Equipment

The law program facilities being donated to the University are excellent as detailed in an appraisal in 2007. We are in the process of obtaining an updated appraisal but anticipate a similar value. Both the physical plant and associated furnishings, equipment, and technology, can accommodate anticipated enrollments to full steady-state. The donated facility will have approximately \$1.7 million of remaining debt which the University will refinance and service from law program generated enrollment funds.

All facility and equipment needs are met within existing revenue resources. The budget detail provided in Appendix B – Table 1 shows current and projected expenses and revenues to cover these expenses.

8.4 Description of Funding Sources and Other Budget Issues

UMass Dartmouth has prepared a comprehensive financial plan for the proposal to add the JD degree. Based on conservative assumptions, the plan demonstrates continuing resources to maintain a strong academic program. This section summarizes key features of the fiscal plan, demonstrating sufficient revenues to meet expenses, grow in quality and impact, and achieve national accreditation.

The budget planning shows a 5-year positive cumulative cash balance, representing a long term strategic growth opportunity for the new JD program. The fiscal plan demonstrates that enrollment-based revenues will be sufficient to meet anticipated core and investment expenses and maintain good reserves. The budget detail provided in

Appendix B – Table 1 shows current and projected expenses and revenues to cover them.

This section also discusses a number of unique features of the financing of the program. The Southern New England School of Law will donate its building and assets to the University of Massachusetts. These include the current facility and land, equipment, furnishings and volume assets of a fully functioning law library (holdings valued at \$11.5M), classroom furniture, and technology assets, as well as cash assets, totaling approximately \$22 million. The most recent audit (June 30, 2009) by Sansiveri, Kimball & McNamee, L.L.P., confirms that there are no significant liabilities to be transferred.

The University will refinance the debt obligation at favorable rates and also draw down equity of \$2 million to assist with planned program investments related to achieving ABA accreditation. The new debt will be covered from enrollment generated revenues.

Student charges will be based on the UMass Dartmouth mission of promoting access to quality higher education opportunities, utilizing a balanced approach and innovative and aggressive financial aid programs. We project tuition in the first year of the program to be \$23,565 for in-state students and \$31,209 for out-of state students. As the following charts illustrate Massachusetts residents attending the UMass Dartmouth law program will pay slightly more than residents of Maine and Connecticut pay to attend their respective state law programs, however, our charges will be lower than those offered to permit Massachusetts students to attend those programs under the New England Regional Tuition Reduction Program. Student charges at the UMass Dartmouth law program will also be competitive with out-of-state charges at CUNY Queens and SUNY-Buffalo. Our charges will be significantly lower than Massachusetts private law programs.

	Proj. tuition/fees 2010/11*	
Suffolk	\$41,528	Private
New England	\$40,425	Private
Franklin Pierce	\$38,745	Private
Western NE	\$37,393	Private
Roger Williams	\$35,474	Private
UConn	\$35,166	NE reg. compact
UMaine	\$27,420	NE reg. compact
SUNY-Buffalo	\$27,118	Out of state
UMass D Law	\$23,565	
CUNY	\$17,871	Non-resident

* 5% increase from 2009/10

UMass Dartmouth Proposal to Add the Juris Doctor Degree

	In-state 09/10	In-state 10/11*	NE reg. 09/10	Out of state 09/10	Out of state 10/11*
Suffolk	\$39,550	\$41,528		\$39,550	\$41,528
New England	\$38,500	\$40,425		\$38,500	\$40,425
Franklin Pierce	\$36,900	\$38,745		\$36,900	\$38,745
Western NE	\$35,612	\$37,393		\$35,612	\$37,393
Roger Williams	\$33,785	\$35,474		\$33,785	\$35,474
UMass D Law		\$23,565	\$31,209	\$31,209	\$31,209
UConn	\$20,452	\$21,475	\$35,166	\$42,174	\$44,283
UMaine	\$20,350	\$21,368	\$27,420	\$29,970	\$31,469
SUNY-Buffalo	\$17,577	\$18,456		\$25,827	\$27,118
CUNY	\$11,952	\$12,550		\$17,020	\$17,871

* Projected 5% increase

Further, UMass Dartmouth law program students will have the advantage of obtaining housing in a region where housing prices are significantly lower than Greater Boston. Those students who live in the region will have the additional educational and financial benefits of saving time and money associated with commuting to Boston.

Enrollments: Enrollments in the JD degree program will grow on a modest trajectory until the achievement of ABA accreditation. Thereafter, we see a steady-state enrollment of growth to 559 students. Appendix E –Table 4 (Enrollment Projections) provides the detail enrollment projections. The “statement of revenue and expenses” (Appendix B – Table 1) also incorporates the revenues associated with these enrollments. The enrollment projections are realistic yet modest and are based, conservatively, on recent law program enrollment trends.

Enrollment Management Planning, Marketing, and Recruitment: The ultimate success of the program and its budget assumptions depend on meeting enrollment goals, and that in turn depends on a robust enrollment management strategy. Because many people do not know about the quality or potential of a Massachusetts public law program, we have budgeted appropriately for a marketing campaign that escalates with the achievement of national accreditation. Costs to cover expansion of recruitment are included in the Statement of Revenue and Expenses under “general and academic related” (Appendix B – Table 1). They include expanded merit aid programs in the form of scholarships, fellowships, and tuition remission.

Upon approval of the program, a strategic campaign will promote the news of this significant venture for Massachusetts higher education, emphasizing key themes relevant to attracting students and building institutional image (state-wide and in the Southeastern Massachusetts region, within the UMass system and at the state colleges). The goal of all communications will be establishing an attractive image for the new program.

Our strategy will include contacting prospective first year students, helping transfer students to understand the unique qualities of the UMass Dartmouth program, and to connect their aspirations with the academic program opportunities being offered. Our Blue Ribbon Law Advisory Commission will help steer our campaign and be active participants as well.

Law program faculty and staff will be true partners in enrollment management as will appropriate faculty and staff across UMass, not only participating individually and in groups in recruitment, yield enhancement, and retention activities, but coming together as a coherent team with a dynamic understanding of the program's mission and pride in and commitment to its successes.

During the initial period before national accreditation is achieved, our recruitment strategies will be crafted carefully for a positive, forward-looking image but conveying a realistic profile of what we offer now. Student recruitment will include advertisements in newspaper education supplements, continuing education television ads, radio spots, internet, and a new design for the program bulletin and flyers and posters; and outreach to pre-law advisors at colleges and universities. Transfer students in the second and third years and faculty, will participate in contacting admitted students to encourage them to enroll. A UMass IT team will immediately create a UMass Dartmouth law program web site.

Enrollment management successes rely on the roles and image of the institution and its programs. A significant, ongoing emphasis will be placed on tracking career placement of graduates and, as well, gathering life stories of students and future alumni for use as testimonials. The publicity team will especially seek public interest stories that occur in the course of students' practical experiences in moot courts, pro bono assignments, and so forth. A final element in enrollment strategy is for the law program to be actively involved in the greater community. The emphasis to be placed on clinics and community service will make the law program students more visible in the community and provide the opportunity for discussion about law as a career option for students in their earlier school years. Connecting the law program to existing University forum and community partnerships will begin the process of the law program being seen in the community as a source of intellectual strength and a location where regionally important activities occur.

ABA accreditation: We are clear that there will be some required additional expenditures for the pursuit of ABA accreditation. We anticipate investing \$ 13.8 million in cumulative accreditation-related activities (increased instructional resources, enhanced academic support, library resources, merit aid, etc.) from FY11 through FY15. These expenses are detailed in Appendix F – Table 5 (ABA Investments). Funds for these investments will be generated from enrollment revenues, initial donation of cash from SNESSL, and an equity draw down on the facility.

Section 4.6 of this proposal discusses the academic and educational factors in our ABA plan. All aspects of the proposed UMass Juris Degree program are consistent with ABA standards and designed to result in achievement of accreditation. It is important to note

that national accreditation is achieved by meeting a comprehensive set of standards that cover all aspects of the program: mission and purposes, curriculum, faculty, administration, library, information technology, facility and equipment, student characteristics, and budget stability.

Benchmarking for accreditation and peer comparisons: Benchmarks are ratios or levels established as targets to indicate achievement of quality in accordance with mission. Establishing comprehensive benchmark goals based on ABA-accredited peer institutions is a key activity by which we will guide progress.

Faculty: Student ratios will be from 15:1 to 18:1 during this growth period.

Cash: The law program will begin with a cash reserve of \$1.8 million and accumulate \$4.4M in cash reserves by FY15.

Public Law Fellowships: A program of fellowships will cut tuition and fee costs by 50% for 25 Massachusetts residents per year. By this means, the law program in the next 10 years would place 200 attorneys into public service law positions. In addition to these fellowships, which are funded by enrollment growth, we anticipate adding additional fellowships funded by private donations.

Facility Requirements: The current law program facility can accommodate up to 585 students. The projected budget tracks enrollment growth up to 559 headcount and 498 FTE students across an eight year time period included in the financial analysis.

Outstanding debt and refinancing. UMass Dartmouth will refinance \$1.7M of current debt as well as draw down \$2 million in equity. This will have an insignificant impact on the UMass Dartmouth debt ratio and be well within the University's debt capacity.

Bond holder impact of the transfer. The transfer of assets will be done consistent with applicable Massachusetts law and University Policy for donations.

Impact of collective bargaining. No significant fiscal impact is anticipated. Future union status for law program faculty and compensation adjustments would be the subject of future negotiations. Reserves for salary adjustments have been budgeted for. (Note that salary compensation levels are not permitted to be a factor in consideration for ABA accreditation under a Federal Consent degree.) Salary analysis has been an important element in the fiscal planning for this new program.

Financial Growth Strategy for UMass Dartmouth. Adding the program will make a positive contribution to UMass Dartmouth's financial growth strategy by returning significant net revenues to University operations. Further, we believe the presence of the law program will enhance enrollment efforts in undergraduate and graduate programs such as sociology, crime and justice, public policy, political science, and business.

Outstanding litigation. There is no outstanding litigation related to this program.

9. EXTERNAL EVALUATION

An external evaluation is required for any new program proposal. The University has asked external experts to evaluate aspects of this program. The scholars and administrators chosen to conduct this review are:

- John C. Brittain – Former Dean, Thurgood Marshall School of Law, Texas Southern University
- Jack Harlan Friedenthal – Former Dean, George Washington University School of Law
- Peter G. Glenn – Former Dean, Dickinson School of Law (now a part of the Pennsylvania State University)

Specific questions asked of the reviewers are contained in Appendix G.

Each reviewer is submitting a written report. The UMass response to the reviews will indicate how we will improve the proposed program in the light of the external evaluators' reports.

Endnotes

¹ Philip J. McConnaughay, “Contending with a Merger,” *The University of Toledo Law Review* (Fall 2003), vol. 35, pp. 139 ff.

² Massachusetts Legal Assistance Corporation (MLAC), “Findings From a Survey of Legal Needs of Low-Income Households In Massachusetts,” 2003 [http://www.masslegalservices.org/docs/Data_report_final.pdf].

³ “2009 Entering Class profile,” Roger Williams School of Law website, <http://law.rwu.edu/>

⁴ Roy Stuckey and others, *Best Practices for Legal Education: A Vision and a Road Map*, the Clinical Legal Education Association, 2007. A blog at <http://bestpracticeslegaled.albanylawblogs.org/> offers on-going discussion. Also influential are Sullivan, Colby, Wegner, Bond, and Schulman, *Educating Lawyers: Preparation for the Profession of Law* (San Francisco: Jossey-Bass/Wiley, 2007), and Paul Marburg, *Transforming Legal Education: Learning and Teaching the Law in the Twenty-First Century* (Hampshire, England: Ashgate, 2007).

⁵ Margaret Martin Barry, Jon C. Dubin, and Peter A. Joy, “Clinical Education for this Millennium: The Third Wave,” 7 C L. R. 1, 19-28 (2000).

⁶ Philip J. McConnaughay, “Contending with a Merger,” *The University of Toledo Law Review* (Fall 2003), vol. 35, pp. 139 ff.

⁷ For comparison, student-faculty ratios for some Massachusetts law schools’ are 17.3:1 for Suffolk, 23.5:1 for New England School of Law, 17.0:1 for Northeastern, and 14.9:1 for Western New England School of Law. Source: *US News and World Report 2010* (USNews.com).

⁸ For comparison, some Massachusetts law schools’ rates are 153/158 for Suffolk, 150/154 for New England School of Law, 154/162 for Northeastern, and 149/155 for Western New England School of Law. SUNY Buffalo is 154/160, CUNY Queens is 151/155, UConn is 156/162, and Franklin Pierce is 149-155. Source: *US News and World Report 2010* (USNews.com).