

**Report of External Review Team**

**Program to Offer the Juris Doctor Degree**

**University of Massachusetts Dartmouth**

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## **I. Introduction**

The University of Massachusetts is proposing to add a program offering the Juris Doctor (J.D.) degree at the University of Massachusetts Dartmouth (“UMass Dartmouth”). The proposal contemplates adopting and adapting the existing program of legal education provided at the Southern New England School of Law (“SNESL” or “School of Law”). This proposal has already been approved at levels up to and including the University of Massachusetts Board of Trustees. The Board of Higher Education for the Commonwealth of Massachusetts is now considering the proposal.

We have been asked to provide an external review of the proposed program. As part of this process, we visited UMass Dartmouth and the School of Law on February 23-25, 2005. While on campus, we met with a large number of people interested in the proposal, including Chancellor MacCormack; Dean Ward; UMass Board of Trustees Chair Karam; faculty, students, and alumni from the School of Law; and many others. Prior to and during our visit, we were provided with a great deal of written information about both campuses and about the proposal. We were treated very well throughout this process, and want to take this opportunity to thank everyone involved for their hospitality, friendliness, and great cooperation. The endeavor contemplated by the current proposal requires many things, but one essential ingredient is great energy and optimism. Both were abundantly present during our visit to the two campuses.

UMass Dartmouth is one of the five campuses of the University of Massachusetts, a major public university. The Dartmouth campus serves about 8,500 students through five colleges and offers about 60 major programs of study. Since its founding only 40 years ago, the campus has grown into a significant regional university, with major research programs in several areas which attract approximately \$15 million in external funding. Neither UMass Dartmouth, nor any of the other campuses within the University of Massachusetts system, offers a program leading to the J.D. degree.

Southern New England School of Law is an independent, not-for-profit law school, located in North Dartmouth, Massachusetts, approximately three miles from the UMass Dartmouth campus. The School of Law is quite young; the Commonwealth of Massachusetts authorized it to award the J.D. degree in 1988. Its graduates can sit for the bar examination in Massachusetts and Connecticut. In 1999, however, the School of Law was denied accreditation by the American Bar Association, so its graduates are not authorized to take the bar examination in the majority of states which require graduation from an ABA-accredited law school to sit for the bar.

UMass Dartmouth and the School of Law already have a close working relationship in a number of areas, including a joint MBA/JD program and a joint library use agreement. The current proposal, however, contemplates a much different set of arrangements, whereby the School of Law would change its name and become a part of the UMass Dartmouth and the broader university.

This report is our frank evaluation of this proposal and of the School of Law. We are all outsiders without a stake in the outcome, and so we were able to view the proposal neutrally and objectively. At the same time, as outsiders, we have absolutely no authority to make any of the important policy decisions that must be made, one way or the other, in considering the proposal. We forward the report with the hope that it will assist those entrusted with the responsibility to shape higher education policy in the Commonwealth of Massachusetts.

## **II. Program of Legal Education**

We reviewed the curriculum based on the application for the new J.D. program submitted by UMass Dartmouth and the current curriculum used at the School of Law. In evaluating the curriculum, we addressed the first question presented to us by the Office of the Chancellor at UMass Dartmouth:

Is the proposed curriculum congruent with program goals? Are the content and sequencing of the curriculum appropriate? Are there any major omissions or problems? Will the program afford the student a broad conceptual mastery of the field of professional practice; develop the capacity to interpret; organize, and communicate knowledge, and develop analytical and professional skills needed to practice in and advance the profession?

Overall, we found a traditional curriculum of core courses plus a small number of elective courses offered each semester. Included within the curriculum for 1L and 2L students are Legal Skills courses with an added emphasis on professional responsibility in an attempt to satisfy the McCrate Report recommendations for additional skills training. In addition, the basic writing program, a component of the Legal Skills course, contains approximately fifteen students per class. Next year, the school will embark upon an expanded legal skills course in the first and second years with Professor Michael Hillinger as the director when he steps down as the current associate dean. Professor Hillinger coordinated the new design of the Legal Skills course based upon a similar model at Wake Forest University School of Law. In addition to the basic writing requirement, the student must satisfy an additional substantial writing requirement in the third year through an independent legal research and writing project or through a course with a similar writing component.

The range of courses in the curriculum contains the typical core subjects for first and second year levels in proper sequence.<sup>1</sup> All courses for 1L and 2L students are required. In the third year, student may select from a choice of required courses for half of the 30 hours. As a result of the required course policy in the curriculum, students must take seventy-four (74) hours or 84% of mandatory courses, leaving only fifteen (15) hours or 16% for elective courses. Although the percentage of mandatory courses is

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<sup>1</sup> A partial list of courses include: 1L – Property, Criminal Law, Torts, Civil Procedure, Legal Skills I & II, Contracts; 2L – Criminal Procedure, UCC, Constitutional Law, Administrative Law, Legal Skills III & IV, Trusts and Estates, Evidence, Business Organizations; 3L – Ethics and electives.

high, law schools in the same reference group as the School of Law (that is, with similar admissions profiles and bar passage rates) typically adopt a high level of mandatory courses to ensure academic success.

Most 1L classes comprise sixty (60) day and thirty (30) evening program students per class. The upper level courses offer access to smaller classes, in the range of fifteen to twenty students (15-20) students per class in most instances, according to the associate dean.

In addition to the core courses, the law school offers a wide variety of clinical opportunities to enhance skills training. The clinical courses include: Immigration Clinic – in-house; Legal Services Clinic – out placement; Field Placement Clinic; Judicial Clinic (with the goal of expanding student placements with judges); International Field Clinic at the Hague through a cooperative arrangement with Boston College Law School (full semester 12 hours); and a Mini-Clerkship Clinic worth one (1) credit. In addition, the school plans to create a new Non-Profit Placement Clinic next year and hire a new tenure track clinical professor to supervise it.

The law school offers a joint degree program leading to a JD/MBA degree in a cooperative relationship with UMass Dartmouth.

The law school evaluates the academic performance of students on a one hundred (100) point grading scale with seventy-five (75) as the average grade (a “C” equivalent letter grade). The minimum grade for good academic standing at the end of the first year is sixty-eight (68) or better for promotion to the second year and seventy (70) or better for 2L and 3L students to graduate. This grading policy has been enforced through academic probations and academic disqualifications for non-performing students.

In addition to full-time and part-time day programs, the law school offers a part-time evening/ weekend program with approximately thirty to thirty-five (30-35) 1Ls with an average length of matriculation of part-time students for the JD degree of four (4) years, including summer sessions. Most part-time evening division students take nine to ten (9-10) hours of coursework each semester with exposure to the same curriculum as the day division with the exception of a number of clinical courses only available during the day.

Finally, the school maintains a standard non-discrimination policy based upon race, age, religion, ethnicity, gender and national origin.

In conclusion, we found that the curriculum contains no omissions, and it will provide students with a broad conceptual mastery of the field of professional legal practice. Although our charge did not ask us to conduct an ABA-type accreditation inspection, the team examined the curriculum through the lens of the ABA Standards for Approved Law Schools, Standard 302, Curriculum, for form. Standard 302 speaks to a J.D. program with “instruction in the substantive law, values and skills . . .,” a “substantial legal writing instruction . . .,” “...instruction in professional skills...” with “...live-client

or other real life practice experiences . . .” “accomplished through clinics or externships.”  
ABA Section of Legal Education and Admissions to the Bar, Standards Rules and  
Procedures for Approval of Law Schools, Standard 302, Curriculum §§ (a)(1), (2), (c)  
(1), (2). In the UMass application for a J.D. program and in the School of Law  
Curriculum, all of these ABA requirements are met, at least as the curriculum is formally  
presented. We did not have sufficient opportunity to observe the program to determine  
whether they are all met in practice.