

Memorandum

To: Law Faculty and Staff

From: Long Range Planning Committee

RE: Preliminary Report

Date: May 5, 2012

I. Summary

The Long Range Planning Committee (Committee) presents this preliminary report to assist the School of Law in developing a new Strategic Plan. The Committee's first recommendation is that incoming Dean Weich appoint a Strategic Planning Committee in July who will develop a plan over the next 12-18 months. In addition, after analysis of substantial external and internal data as well as feedback from students, staff and faculty, the Long Range Planning Committee recommends the School of Law focus its Strategic Planning in the following areas: Curriculum Development; Cost of Legal Education/Managing Student Debt; and Improving External Perception of the School of Law. These areas are broadly defined and permit rethinking of much of the way the School of Law operates and conducts its educational program.

II. Introduction

In January, 2012, the School of Law initiated a long range planning process. Building on the success of the 2005-2010 Strategic Plan, Interim Dean Higginbotham appointed a Long Range Planning Committee (Committee) to identify priority areas to focus the next strategic plan.¹ The Committee has built on the work of a group of faculty and staff, most of whom are on the current Committee, who met during Spring and Summer 2011 as part of UB 21 initiative to plan programming related to legal education in the 21st century.

Given the dramatic changes in legal employment and education over the last five years as well as the opportunities presented by our new state of the art law school building, the Committee believes it is a particularly exciting time to plan for the future. During the Spring 2012 semester, the Committee organized programs to educate itself and the law school community on the changing employment market for law graduates as well as innovations in curricular design developed in the Best Practices Project, the Carnegie Foundation's Educating Lawyers and other initiatives. The Committee also solicited feedback about priority areas for long range planning from faculty, staff and students in a variety of forums and through a widely distributed survey. The Committee has analyzed this feedback as well as data from our law school and external sources, and a variety of literature on legal education and the employment market. The Committee

¹ The committee is chaired by Prof. Jane Murphy and its members are Profs. Fred Brown, Kimberly Brown, Leigh Goodmark, David Jaros, Jack Lynch, Audrey McFarlane, Prof . and Law Library Director Will Tress, Director of Academic Support Claudia Diamond, Assistant Dean for Law Career Development Jill Green, Assistant Dean for Admissions Jeffrey Zavrotny and law student Angelica Bailey.

has also reviewed information about other law schools' strategic planning processes.² Finally, the Committee has consulted with Peter Toran, the University's Vice President for Planning and External Affairs.

The Committee presents this report to the law school community to assist in its long range planning over the next 12- 18 months. We recommend that Dean Weich appoint a Strategic Planning Committee in July. In the event the Dean adopts this recommendation, this report identifies potential focus areas for long range planning as well as a proposed process to complete a strategic plan for the School of Law by May, 2013, or Fall 2013. The Committee hopes that this report will provide some focus and background information if Dean Weich decides to adopt our recommendation to appoint a strategic planning committee. We have identified areas we believe are of concern to the law school community. Many of these areas overlap with one another. For example, it is hard to talk about student debt without talking about student employment opportunities. Employment opportunities are also linked, to some extent, with law school reputation and curriculum. There also may be competing concerns. For example, reducing the costs of legal education may conflict with making certain curricular reforms. We have also begun to identify themes, such as "increasing student opportunity," that might animate and inform this effort. This report is not, however, intended to foreclose or narrow discussion at this early stage of the process. Rather, the current Committee views this report as the beginning of a conversation about the future of this law school, a conversation that we hope will be broad in scope, both in terms of the participants in the dialogue and the range of topics covered.

III. Feedback

A. Survey

The Committee surveyed Law School faculty, staff and students on potential priorities for the Law School for its next planning cycle. In this regard, the survey asked faculty, staff and students to rank seven potential priority areas that had been identified by the Committee.

The survey generated a large number of responses, with 43 faculty, 28 staff and 218 students responding. Set forth below are each constituency's ranking of potential priority areas based on the average of ratings for each priority area (a lower rating average corresponds with a higher ranking), followed by the ranking of potential priority areas by taking the average of the constituency ratings. A table containing the rating averages for potential priority areas by constituency is also provided below.

Faculty Rankings

1. Rethinking Curriculum (2.64)
2. Retaining/ Recruiting Excellent Faculty (3.23)
3. Cost of Legal Education/Student Debt (3.24)
4. Retaining/Recruiting Excellent Staff (4.11)
5. Improving Support Services (4.73)
6. Improving External Perception (4.74)
7. Rethinking Admissions (4.81)

² See, e.g., <http://www.law.northwestern.edu/difference/strategicplan.html>; <http://www.uchastings.edu/strategic-planning>

Staff Rankings

1. Rethinking Curriculum (2.84)
2. Retaining/Recruiting Excellent Staff (3.58)
3. Improving Support Services (3.69)
4. Cost of Legal Education/Student Debt (3.84)
5. Improving External Perception (4.08)
6. Retaining/Recruiting Excellent Faculty (4.25)
7. Rethinking Admissions (5.04)

Student Rankings

1. Rethinking Curriculum (3.30)
2. Cost of Legal Education/Student Debt (3.34)
3. Improving External Perception (3.46)
4. Retaining/Recruiting Excellent Faculty (3.50)
5. Improving Support Services (4.35)
6. Retaining/Recruiting Excellent Staff (4.71)
7. Rethinking Admissions (4.95)

Average of Constituency Ratings

1. Rethinking Curriculum (2.93)
2. Cost of Legal Education/Student Debt (3.47)
3. Retaining/Recruiting Excellent Faculty (3.66)
4. Improving External Perception (4.09)
5. Retaining/Recruiting Excellent Staff (4.13)
6. Improving Support Services (4.26)
7. Rethinking Admissions (4.93)

B. Forums and other feedback

In addition to the survey, the Committee held student and staff forums.³ The Student Forum, facilitated by the Student Life Committee, was held March 13, 2012. The handful of students present identified concerns with the curriculum and improving the school's reputation as primary concerns. Students saw a need to look beyond Maryland for jobs and felt that, while the school's reputation was strong in Baltimore and Maryland, employers relied on sources like the U.S. News rankings outside of Maryland.

Jill Green and Claudia Diamond facilitated a Staff Forum on April 3, 2012, to provide an opportunity for law school staff to informally address the issues raised in the survey. Staff overwhelmingly viewed the high costs of tuition and its impact on current UB law students of paramount concern. Staff also thought that increasing experiential learning opportunities would be a positive step in increasing the marketability of our students.

³ We are treating the May 7th faculty meeting as the first faculty forum on long range planning.

Staff also expressed a desire to be included in the strategic planning process, and they also thought that more attention should be given to marketing and branding the school.

Finally, the Committee sought feedback from employers by interviewing Jim Liepold, Executive Director of the National Association for Law Placement (NALP) and Nita Mazumder, Program Manager for Law School Relations at Equal Justice Works, a nonprofit organization that fosters effective representation of underserved communities and causes. Among the many relevant pieces of information they shared with the Committee and, later, in a presentation to the law school community are the following:

- With respect to hiring statistics and trends:
 - The recession had a direct impact on law firms following an unprecedented bubble in the legal economy; with the collapse of the credit market, no credit meant no deals and the immediate disappearance of law firm transactional work.
 - The growth of law firm expenses had long outpaced the growth of revenues, creating an immediate financial crisis for law firms which led to layoffs, deferrals and de-quitization.
 - 41,900 legal sector jobs were lost in 2009 and 2,700 more were lost in 2010 according to the Bureau of Labor Statistics. There are 9% fewer private practice entry-level jobs and a 20% drop in average salaries than before the recession. There is also higher law graduate unemployment and underemployment, more graduates in alternative careers, and an environment whereby new graduates find themselves competing with displaced lawyers for jobs.⁴
- With respect to legal education in general:
 - The theory and rigor of a classic American legal education remains of tremendous value; learning to read, write, think critically/analytically, and speak well are still essential to a quality legal education.
 - As far as specific reforms in response to market trends, some law schools (Harvard, Columbia) have implemented “bridge-to-practice” fellowships spanning three months to a year but they are very expensive and are often restricted to public service.
- With respect to law firms in general:
 - Every firm still hires primarily based on three criteria: GPA, class rank and the standing of the law school.
- With respect to questions raised about UB in particular:
 - We should take steps to educate the local hiring community about what we do that is different from other law schools; this can be done through focus group discussions and by marketing the practical training students receive at UB.
 - We should emphasize business-writing skills, e.g., how to write a professional email and letter, in the law school curriculum.
 - As for the rankings, the trajectory of a school, i.e., that it is moving up in the rankings, is very important, particularly to would-be students and alumni.

⁴ Jim Leopold supplied numerous slides with very detailed statistics on various aspects of the legal employment market. Copies of his power point presentation, as well as a video link to the panel discussion, are available from Kim Brown or Jill Green. Kim also prepared a more extensive summary of the program she can provide to anyone interested.

IV. Priority Areas

A. Curriculum

Faculty, staff and students all rated rethinking the curriculum first on the survey disseminated by the Long Range Planning Committee. The remarkable consensus that curriculum reform should be a top priority may reflect each constituency's recognition that the legal market is rapidly changing and that students need to graduate with practical skills that will immediately benefit their employers and clients.

As a first step in this process, the Long Range Planning Committee has begun to survey various curricular reform efforts across the country. As noted, the Committee brought James Leipold, the Executive Director of the National Association of Law Placement, and Nita Mazumder from Equal Justice Works to discuss changes in the legal market with both students and faculty. The Committee also brought Professor Judith Welch Wegner of the University of North Carolina School of Law and Professor and Vice Dean Peter A. Joy of Washington University School of Law to speak to the faculty about the future of legal education. The Committee has also begun to assemble a library of scholarly materials on curriculum reform that includes journal articles, the Carnegie report, and CLEA's *Best Practices for Legal Education: A Vision and a Roadmap*. These resources have been made available to the faculty in the UB law library.

Restructuring the curriculum can take many forms, from fine tuning the current curriculum to radically reshaping the entire law school experience. Curricular development could involve requiring that students engage in a meaningful writing experience each semester, building lawyering tasks into doctrinal classes, expanding experiential learning opportunities (through clinics, externships, workshops and practicums), and restructuring existing courses, like Introduction to Advocacy (frequently mentioned in the student surveys). Restructuring could also include increasing or decreasing the number of required courses, ensuring that each student graduates with a portfolio of writing and experiential products that display their analytical and lawyering skills, and creating clearer course recommendations for students wishing to specialize in a particular area of the law.

Some schools (such as UC Irvine Law School) emphasize the development of a set of analytical skills in the context of their traditional first-year subject areas. Thus the first year criminal law course has been converted into a class on "Statutory Analysis" with the goal of introducing the students to the essential tools of statutory analysis within the context of a substantive criminal law course.⁵ Other schools have oriented their curricula around the transition to practice, moving, across the three years, from observing lawyers at work to working for lawyers to serving as the lawyer for a client. One school, Washington and Lee University School of Law, has radically restructured the 3L experience, abandoning elective coursework based on the casebook method in favor of simulated client experiences that require students to participate in "the full complement of professional activity that engages practicing lawyers as they apply legal theory and doctrines to the real-world issues of serving clients."⁶

The Long Term Planning Committee has begun to plan for a day long symposium at UB on the future of Legal Education. Ultimately, the Committee hopes to engage the entire law school community in a conversation about how best to prepare students for the practice of law.

⁵ For an in-depth discussion of the pros and cons of structuring a first year criminal law course on statutory analysis, see Jennifer Chacon, *Statutory Analysis: Using Criminal Law to Highlight Issues in Statutory Interpretation*, 1 U.C. Irvine Law Rev. 131 (2011).

⁶ <http://law.wlu.edu/deptimages/The%20New%20Third%20Year/ThirdYearProgramCommunicationsDocumentfinal.pdf>

B. The Student Debt Crisis

1. The Problem

Data gathered by the committee as well as student feedback raise very serious concerns about the student debt crisis and its impact on the School of Law. Tuitions are rising faster than inflation; the job market is weak and salaries have decreased. According to US News, 89% of University of Baltimore School of Law graduates owe an average of \$105,000 in law school debt (not including undergraduate).⁷ Our current tuition, not including fees, for full-time students per year is \$24,286 for in-state residents and \$36,570 for out-of-state residents. Add in fees and cost of living and the total is \$49,224 per year for in-state and \$61,932 per year for out-of-state.⁸ In comparison, tuition at the University of Maryland, not including fees, is \$23,744 for in-state residents and \$35,023 for out-of-state residents. UB's in-state tuition has risen dramatically over the past decade, having increased by 162 percent between 2000 and 2010, while Maryland's tuition increased 145 percent.⁹ Put another way, annual law school tuition for a full time in-state student as recently in 2001 was less than \$10,000 compared with over \$24,000 in 2011.

While tuition has been rising rapidly, salaries have been on the decline. According to NALP, the national median salary for 2010 law graduates was \$63,000, down 13 percent from 2009, with approximately seven out of ten graduates securing jobs that require passing a bar exam.¹⁰ For UB's 2010 graduates, the median salary was \$50,000 with 59.2% of jobs requiring bar passage and for the 2011 graduates, the median salary was \$45,000 with 56.39% of jobs requiring bar passage.¹¹ Ten years ago students could expect to earn at least the equivalent of their total law school debt in their first year of employment; today most students' first year earnings are less than half of their debt.

What this means for our students? A recent graduate with \$100,000 in federal student loans at an interest rate of 6.8 percent, with a repayment term of fifteen years, will pay approximately \$887 per month. An annual salary of \$60,000 for a single individual will net approximately \$3,705.37 per month after taxes. When the loan payment and the average rent for a 1 bedroom apartment in Baltimore (\$1000 which may not include utilities), is subtracted, it leaves \$1818 for health insurance, car payment, car insurance, food, etc.

What does this mean for the School of Law? If students believe that a law degree is not worth the debt incurred, we will continue to have fewer qualified students apply and even fewer enroll in our law school.¹² The School of Law is experiencing a decline in applications of more than 19% for the current admissions cycle.¹³ Nationally, the number of applicants has declined by 15%.¹⁴ This decline is in line with the general

⁷ US News, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/grad-debt-rankings/page+4>.

⁸ See UB Financial Aid Office estimated cost of law school at <http://www2.ubalt.edu/admission/financial-aid/eligibility/cost-of-attendance.cfm>.

⁹ Interview with Jeffrey Zavrotny May 2, 2012, drawing on tuition data maintained by Associate Dean for Finance and Administration Steve Wilson.

¹⁰ NALP, "Class of 2010 Graduates Saddled with Falling Average Starting Salaries as Private Practice Jobs Erode" http://www.nalp.org/classof2010_salpressrel?s=national%20average%20salary%202010.

¹¹ These numbers are based on the annual graduate surveys collected and compiled by the LCDO and reported to NALP, ABA, and US News.

¹² Ladd, Jenn. "Law School Letdown: With a hefty price tag and a shrinking number of jobs, is law school worth all the effort? The verdict's still out." *Baltimoresun.com*, 25 April 2012.

¹³ Data collected from PeopleSoft application records on 05/01/2012.

trend from 2004 to 2011, in which applications declined from 98,700 applicants to 78,900 applicants.¹⁵ It is estimated that the total number of applicants for the current admissions cycle will drop to 67,021.¹⁶ Of all US law schools, 169 have reported a decline in applications for fall 2012 with 139 reporting a decline of at least 10%.¹⁷ The number of LSATs administered for the current admissions cycle has declined by 16.2%.¹⁸ The greatest decrease in LSAT takers has been in score levels of 150 and above.¹⁹

Regionally, the decline in indicators has been similar or more dramatic. Applicants in the MidSouth have decreased by 15.8%.²⁰ LSATs administered to residents of the MidSouth have also decreased.²¹ The number of applications applying to MidSouth law schools declined by 11.1% from 2010 to 2011.²² Maryland resident applications declined from 2,202 in 2010 to 1,949 in 2011.²³

The national, regional and state decline in applicants has and will have negative effects on the School of Law. The 2011 incoming class possessed the highest LSAT median and second highest GPA median in school history. This increase can be attributed to two factors, an increase of \$600,000 in scholarship awards and a class size of 326.²⁴ The situation for the Fall 2012 entering class is much different. The projected size of the incoming class will be approximately 380. This number is needed to maintain a law school enrollment of 1135 students.²⁵ Scholarship dollars for Fall 2012 have not been increased to account for the increased size of the first year class. The school will experience a decline in LSAT and GPA medians. The decline will be at least 2 points for LSAT and at least .1 point for GPA median. This will have an impact on UB's ranking and that, of course, may result in further declines in applications for the next cycle.

2. Potential Solutions

UB has a limited number of programs designed to alleviate some of the student debt burden. These include: **UB Loan Repayment Assistance Program** (a modest LRAP program for graduates working in the public sector earning less than \$60,000. The program awards forgivable loans in the amount of \$4,000 to four to five students per year); **Sandy Rosenberg Scholarship** (one annual award of \$1000-\$1500 to a graduating student who demonstrates a commitment to working in the public sector). There are also two provisions in the **College Cost Reduction and Access Act (CCRAA) of 2007** that can be very helpful to recent (and some not so

¹⁴ Current Volume Summary as of 4/13/2012, Law School Admissions Council.

¹⁵ LSAC Volume Summary, Law School Admissions Council.

¹⁶ Current Volume Summary as of 4/13/2012, LSAC estimates that 93% of applications have been received for fall 2012 as of report date.

¹⁷ Id. MidSouth region includes Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, The District of Columbia and West Virginia.

¹⁸ LSATs Administered, Law School Admissions Council.

¹⁹ Current Volume Summary. LSAT 150-154 -18.5%, 155-159 -13.3%, 160-164 -17.9%, 165-169 -18.2%, 170-174 -20%, 175-180 -13.5%.

²⁰ Id.

²¹ Test Takers by Region, Law School Admissions Council. June 2010-2011 -16.3%, October 2010-2011 -15.7%, December 2010-2011 -14.5%, February 2011-2012 -17.3%.

²² Applications by Region, Law School Admissions Council.

²³ Applicants by State, Law School Admissions Council.

²⁴ 2011 Report to the American Bar Association.

²⁵ The target of 1135 students was reached by agreement between the former dean and the university. The faculty budget committee and the university agreed to the same target in the fall of 2011. The increase in headcount is due to a larger than normal graduating class.

recent) law graduates working at least thirty hours per week in a public service job: **Income Based Repayment** (based on income and family size. Typically, borrowers who earn less than they owe in federal student loans will be eligible to choose IBR. For most borrowers, payments will be less than 10 percent of their income.) and **Public Service Forgiveness** (If a borrower elects IBR and makes ten years of payments while engaged in full-time public service, the unpaid balance is forgiven by the federal government.). Finally, the **Janet L. Hoffman Loan Assistance Repayment Program** is a state run program providing awards to Maryland residents who work in Maryland state or local government or nonprofit agencies that serve low income or under-served Maryland residents.

A survey of the literature addressing ways to address law student debt suggests a variety of other approaches to address student debt. These efforts can be broken down into three areas:

Reducing students' ability to take on debt in the first place by:

- Curing students of their "debt addiction" by restricting the amount that can be borrowed. Proposals range from giving loans only to the "neediest," revisiting how scholarships are determined (giving more need-based scholarships, as opposed to merit), and reducing students' "cost of attendance" by having schools change the way "reasonable expenses" (e.g., housing, food, transportation costs) are calculated in making aid determinations.
- Having law schools lend money directly to students based on need.
- Having law schools increase need-based scholarships for students.
- Offering to rebate poor performing students' first year tuition if students opt to quit after the first year.
- Accepting fewer students and entering a period of retrenchment as market forces correct the oversaturation of law schools.

Reducing costs to attend law school, including:

- Changing ABA accreditation standards that "artificially inflate" costs (e.g., expensive facilities, nonprofit status, number of full-time faculty).
- Reducing professor pay and/or increasing teaching workload and deemphasizing scholarship.
- Reducing "fixed costs" such as health care costs, staffing models, etc.
- Increasing use of adjuncts and/or technology (distance learning).
- Reducing time at law school from three years to two (a few schools also have toyed with the idea of letting the first year of professional graduate education serve as the final year of undergraduate education).

Reducing students' debt load post-graduation:

- Increasing availability of bankruptcy relief for federal and private loans by easing restrictions that currently make it almost impossible to seek bankruptcy for outstanding loan debt.
- Enacting-
 - The Student Loan Forgiveness Act of 2012 (H.R. 4170 U.S. Rep. Hansen Clarke, D-Michigan), which seeks to forgive all student debt, regardless when earned, to promote economic growth.

- Maintain low interest rates on federal loans endorsed by Obama and Romney. Unless Congress acts, the current interest rate for federal loans is set to double by July 1.

C. Other Potential Priority Areas

Among the other areas that were identified as high priority by one or more constituencies are the issue of improving external perception of the School of Law and recruiting and retaining excellent faculty and staff. The reputation issue includes, among other things, how and whether we continue to focus on improvement in US News; the size of our school; branding to clarify who we are including whether to place greater emphasis on: the public service part of our mission, our identity as Maryland's law school, and what to emphasize on our website. To some extent, decisions have already been made to take steps to improve the School of Law's reputation including the revamping of the website and the hiring of a Director of Communications. But the concerns about declining applications and credentials and increasing class size are issues still to be addressed by the law school community when it analyzes the issue of reputation. On the issue of recruitment and retention of faculty and staff, some efforts have been made to address salary inequities but much work remains to be done on issues such as faculty chairs and other rewards for exceptional productivity, administrative restructuring, and clarifying policies governing working conditions.

V. Process

The Long Range Planning Committee recommends the following process and timeline for developing the new School of Law Strategic Plan:

Formation of the Strategic Planning Committee ("Committee") (July, 2012)

- Committee gathers information relating to identified priority areas – curriculum reform and student debt/cost of legal education, and possibly others; this will include a day-long conference focusing on curricular innovations and may include meeting with experts on these subjects (August/September, 2012)
- Committee establishes website to provide law school community with information on the development of the strategic plan as well as a forum for providing comments on proposals (September, 2012)
- Committee forms smaller working groups for each priority area; working groups develop very preliminary set of proposals relating to priority areas (September/October, 2012)
- Full day retreat for faculty and staff to discuss and gather information on preliminary set of proposals and other possible proposals relating to priority areas (November, 2012)
- Student focus group session(s) on preliminary set of proposals and priority areas (November, 2012)
- Alumni/practitioners focus group session(s) on preliminary set of proposals and priority areas (November, 2012)
- Committee meets to consider information obtained from retreat and focus group sessions (November, 2012)
- Committee working groups draft portions of strategic plan (November/December, 2012)
- Committee reviews and discusses draft strategic plan (January, 2013)

- Draft strategic plan posted on website for comments by law school community (January/February 2013)
- Separate forums held on draft strategic plan for various constituencies: faculty, staff, students, and alumni /practitioners (February/March, 2013)
- Committee meets to discuss comments received at forums and via website, and finalizes proposed strategic plan (March/April, 2013)
- Committee presents proposed strategic plan to faculty for approval (April/May 2013)

The Committee recognizes that this timeline is ambitious and depends upon the prompt formation of the Committee and a rapid period of gathering data and determining final priority areas. We recommend that the newly appointed Strategic Planning Committee remain flexible about this timeline and take up to an additional semester (December 2013) if necessary to create a plan and obtain student and staff support and faculty approval.