

April 24, 2007

Mr. Harry W. Osgood
Higher Education Specialist
Maine Department of Education
23 State House Station
Augusta, ME 04333

Re: Application to the Maine State Board of Education
For authority to award the Degree of Juris Doctor
Husson College, Bangor, Maine

Dear Harry,

Our committee has considered the submissions by Husson College relating to the creation of a law school at Husson. We have also met with representatives of Husson to discuss their application and considered written responses by Husson to written concerns raised by the committee arising out of the initial submission and our meeting.

Our committee has also reviewed the standards under Chapter 170 of the Maine State Board of Education. It is our understanding that our review of the Husson application is limited to consideration of the application under these standards.

It is the unanimous view of the members of the committee that Husson College's application for the creation of a law school meets the criteria set forth in Chapter 170.

However, the committee considers it important that the Board of Education understand the context of this finding by our committee. The committee found that Husson did address all of the standards with a specific plan for achievement and implementation. Hence, our unanimous recommendation. But, many on the committee are concerned that we do not have the authority under our mandate to evaluate the quality of the plans or the quality of the program generally.

If the committee had been requested to evaluate the quality of the proposed program as part of its consideration of the standards, it is fair to say that many on the committee may have reached a different conclusion on the suitability of Husson's plans for a law school.

Concerns were raised in many areas, but the principal concerns relate to Standards E, F and H. Under Standard E we have questions as to whether Husson's system for

evaluating student performance is adequate. This issue is integrally related to questions regarding the qualification and experience of the faculty and leadership of the law school.

Under Standard F, Husson's library and learning resources rely heavily on electronic research and resources. We acknowledge the centrality of electronic research in today's modern legal education. But we also point out that the basic research skills and analysis integral to becoming a good lawyer must be taught by experienced legal researchers who understand the research models of law and the pedagogy of legal research.

Finally, and most seriously, the committee is concerned that Husson underestimates how difficult it is to teach lawyers well. The committee admires the talent and expertise of the proposed law faculty. But many of us feel this proposed legal faculty is what in most law schools would serve only to complement a core group of trained legal teachers who are committed and experienced in law school education. We believe that the pedagogy of legal education is different than the education of legal principles in business schools, criminal justice programs and other schools. And, although practicing attorneys can be good teachers, the core of legal education is a faculty committed to teaching law in a law school environment who are experienced in the modalities of law school education. The application does not recognize or address these concerns adequately and many of us have serious concerns about the quality of the education for these reasons.

Very truly yours,

Barry Mills, Chair

Jill N. Reich

Daniel E. Wathen

Statement of Concurrence

I concur in the Review Team's conclusion that the Husson application for the creation of a law school meets the standards of Chapter 170. Although I do share the team's frustration with Chapter 170, I do not join in the team's *dicta*. Husson was asked to satisfy the criteria of Chapter 170 and we were asked to review its application to ascertain whether it satisfied that criteria. We all agree that Husson has satisfied the Chapter 170 criteria.

I find no evidence in the materials submitted or from its presentation that would justify the team's skepticism about Hudson's system for student evaluation, understanding of how basic legal research should be taught, and appreciation of the difficulties of establishing a law program.

Husson College has demonstrated the ability to educate professionals. I am confident that, should the application for authority to award the Degree of Juris Doctor be granted, that Husson College will devote the resources and effort necessary to provide a quality legal education program.

Sincerely,

Paul L. Rudman

Statement of Concurrence

It has been a privilege to work with members of a Committee who gave such extensive high level thought to the problem before them. And I concur in the Committee's view that Husson's application meets the criteria of Chapter 170.

There are a number of other important points, however, on which I either disagree with the majority or do not feel as strongly as they. Also, I find myself very sympathetic to views regarding the Husson program's projected competence stated by Justice Rudman, while nonetheless sharing to some extent, and sometimes for very different reasons, a concern expressed by the majority as to whether the opportunity for high quality will be realized.

In my own view, there are certain points that will determine whether Husson's program will prove to be highly competent or not. It is these points which should be looked at, in my judgment, were there to be any follow-up by the state in the future. (Private accrediting bodies and, I believe, some state certifying bodies engage in follow-up.)

The points I have in mind are these: All Husson Law School professors, full time or adjunct, should be trained to use Socratic or discussion teaching -- not lectures -- in substantive academic courses, and for a period should be monitored to insure highly competent use of such teaching. The point of using Socratic or discussion teaching rather than lectures is to insure that students learn to think rigorously, a skill which is obviously vital in law (as elsewhere). Students should also be trained to write and speak well. They should learn the practical skills needed by lawyers, as well, of course, as learning the academic knowledge needed by lawyers. Finally, grading should be rigorous.

It is the successful accomplishment of the foregoing desiderata which will, I think, enable Husson to be a very competent law school. I would urge Husson, in its early stages, to employ as a consultant an experienced law school professor with a deep interest in and knowledge of how to accomplish the desiderata. Such a consultant would, I think, prove helpful to Husson.

In conclusion of this Concurrence, let me reiterate that it has been a privilege to work with the members of the Committee. I also wish the very best to the people at Husson.

Sincerely,

Lawrence R. Velvel
Dean, Massachusetts School
of Law