

REPORT OF REVIEW TEAM FINDINGS
CONCERNING THE APPLICATION
FROM HUSSON COLLEGE
TO OFFER THE DEGREE OF JURIS DOCTOR (J.D.)

July 6, 2007

BACKGROUND

Husson College is a private institution of post-secondary education offering undergraduate and graduate degrees in business, health, education and professional studies. The main campus of Husson is located in Bangor, Maine and has six satellite sites around the state where students can access educational offerings. The College currently offers degrees at the associate, bachelors, masters and first professional degree levels. In 1978 Husson launched a Master of Science in Business degree. This initial graduate program was followed over the years by masters degrees in Physical Therapy, Occupational Therapy, and Nursing. Most recently the college transitioned from the Master of Physical Therapy to the Doctorate in Physical Therapy and has initiated masters degrees in Criminal Justice, Counseling Psychology and School Counseling.

The Husson College Board of Trustees and its President took note of a growing need for lawyers, particularly in northern Maine. The Greater Bangor and regions north and east are more than two hours commute from existing law schools, making the region the most isolated from existing law schools in the Northeast. Having established and documented a clear need, work began on evaluating Husson's capacity to offer the degree of Juris Doctor (J.D.).

In accordance with the State of Maine Education Statute Title 20A, and state policies 05-071-149 and 05-071-170 setting forth the Maine State Board of Education procedures and standards relating to an application for additional degree-granting authority, the Maine State Board of Education established a Review Committee to evaluate the Husson application and to report its findings.

The Board approved Review Committee included voting members Dr. Barry Mills, President of Bowdoin College (Chair); Daniel E. Wathen, former Chief Justice of the Maine Supreme Judicial Court; Paul L. Rudman, former justice of the Maine Supreme Judicial Court; Dr. Jill L. Reich, Vice President for Academic Affairs and Dean of Faculty, Bates College; and Dr. Lawrence Velvel, Dean and Professor of Law, Massachusetts School of Law. Non-voting individuals present for the assessment included Philip A. Dionne, Vice-Chair of the Maine State Board of Education and Harry W. Osgood, Higher Education Specialist, Maine Department of Education.

A program review to evaluate the proposed degree program with regard to all standards required by the Maine State Board of Education was conducted on the campus of Bowdoin College, October 25, 2006. This meeting involved an in-depth dialogue concerning the clarity of content for responses to each of the ten (10) degree authorization standards and resulted in the generation of a number of questions that the team compiled and asked Husson College officials to address (see Appendix 1). The President of Husson College submitted responses to the team's questions on January 22, 2007 (this material was distributed to the State Board during its May 9, 2007 meeting). Following the distribution of the College's responses, a phone conference was scheduled with team members on February 23, 2007. The purpose of the phone meeting was to ascertain how well team members felt the responses adequately addressed prior concerns and to determine whether another meeting with the applicant was necessary. It was decided that Husson College had met all degree-granting standards as set forth in Chapter 170, albeit with some ongoing concerns. The team chair, Dr. Barry Mills, President of Bowdoin College, agreed

to summarize the team's findings and to include the few remaining concerns. To arrive at a consensus on the wording of the summary, many emails were exchanged among and between team members over the next several weeks. Through the vehicle of a summary letter, dated April 24, 2007, Dr. Mills conveyed ". . . 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." A signed copy of the April 24th summary letter, dated May 9, 2007 and received May 14, 2007, affirms the Team's view (see Appendix 2).

Standard A – Organization and Governance

The preliminary planning for the new Law School was undertaken by the Husson College Office of Academic Affairs with the assistance of consultants. Husson College has four full-time and several part-time adjunct faculty who hold J.D. degrees. Recruitment for a founding dean for the School was recently concluded with the hiring of the . Husson's application presented detailed information about the administrative responsibilities of its Board, its President, the faculty and students. There were also organizational charts showing lines of authority and text explaining the relationships. During the interview process, the President indicated that there are plans to "unbundled" the dual responsibilities of some of the administrative staff in view of the needs of the proposed new School of Pharmacy. Husson College has the organizational structure needed to carry out the founding of this new School of Pharmacy. Plans are underway to recruit personnel with the necessary skills and experience to oversee the development of the new school.

This standard is met.

Standard B – Institutional Objectives

Husson College's application contained its mission statement, the place of graduate education in the context of the Husson College mission, the mission of the curriculum and the concept and justification for the Juris Doctorate (J.D.). "Husson seeks to serve motivated, career-oriented students through a curriculum that integrates liberal arts and sciences, professional and technical studies, and experiential learning outside the classroom. Husson dedicates itself to excellence in teaching, to a personalized collegiate experience, to the development of individual self-worth, to a curriculum which promotes clear thinking and communication skills, and to an environment which values the search for ethical truths in a changing world." The mission statement is reflected in the academic offerings as well as in the way the college is administered. It is clear that the proposed new Law School will fit well within the College's mission and with other degree programs in the health arena, including Occupational Therapy, Nursing, Physical Therapy and Criminal Justice.

This standard is met.

Standard C – Financial Resources

The pro forma ten-year financial projections show net costs through 2006/07 with a positive cash flow starting with the program's initial year, 2007/08. Annual surpluses are projected at \$359,000 in year ten, with net cumulative present value of \$830,000 in that same year. The budget is based on 25 students matriculating each year and a total enrollment of 64 students when the program is mature. Tuition is set at \$12,000 per year (2007). While it is estimated that the College will break even with a total enrollment of only 35 students, it is projected that Husson College can attract between 20-30 FTE students from the pool of more than 600 students who annually express interest in studying law in Maine. All in all the College's financial projections for initiating the proposed program are reasonable; the financial health of the College is remarkably solid.

This standard is met.

Standard D - Admission Requirements

Husson College has a written policy defining the requirements for admission into the Juris Doctor degree. Admission will be based on the following: a) An essay discussing why the student wishes to study law; b) An interview with the permanent law faculty; c) Two letters of recommendation; d) An undergraduate G.P.A. of 2.75 (this could be waived if there has been successful graduate education); and e) An LSAT score above 150. Other qualitative factors (writing ability, letters of recommendation, employment history, community service, maturity, and leadership) will be considered by the Admission Committee.

This standard has been met.

Standard E - Academic Programs

Husson College describes itself as a private institution of post-secondary education offering undergraduate and graduate degrees in business, health, education, and professional studies. Further, Husson College, as noted in its mission statement, reaffirmed most recently by its Board of Trustees in 1995 seeks to serve motivated, career-oriented students through a curriculum that integrates liberal arts and sciences, professional and technical studies, and experiential learning outside the classroom. Over the past several years Husson has developed programs in a number of health and health-related areas. These include: physical therapy, occupational therapy, counseling, and nursing. It is in this context that the College proposes to offer the degree of Juris Doctor (J. D.).

Grading policies, a definition of satisfactory minimum performance standards, a description for academic probation, and a statement of conditions for dismissal can all be found in the appropriate sections of the Husson College catalog. The courses and program developed for the Law School have been reviewed and approved by the Deans Council, the Graduate Academic Affairs Committee, and the Faculty Forum. The curriculum emphasizes the development of

skills as set forth in the American Bar Association's (ABA) *Statement of Fundamental Lawyering and Professional Skills and Professional Values*; *The ABA Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, *Legal Education and Professional Development*; and *the ABA Survey of Law School Curricula*. The J.D. program at Husson will be a 30 course, 90-credit course of law study designed to enable the graduating student to pass the Maine State Bar examination and become a member of the legal profession. The nature and unique aspect of the study of law, and the particular guidelines for students embarking on the study of law are set forth in the Law School Student Handbook.

This standard is met.

Standard F - Library & Learning Resources

The Husson College library reflects and supports the College's commitment to teaching and learning. The objective of collection development is to provide materials that are current, that range from introductory to more advanced, and that include practical and professional as well as theoretical materials. The professional library staff consists of three librarians; the library is wireless and has lap top computers available for use by students. The proposal devotes considerable attention to current library resources as well as a plan to develop specialized holdings in the field of law in Sawyer Library as well as in additional contiguous space.

It is noted that Sawyer Library's catalog is searchable through the Internet. The online catalog is called Minerva and is a shared catalog of approximately 50 academic, public, and hospital libraries in Maine. Patrons can search the holdings of Sawyer Library or the holdings of any other participating library in the Minerva consortium. The libraries in the Minerva system are linked to the libraries in the University of Maine System (including the Law School), the University of New England, and Bates, Bowdoin, and Colby Colleges. The Maine Law Legislative Reference Library in Augusta is also part of this system. Through these links, Sawyer Library patrons can search the catalogs of these libraries and borrow books directly from them. An initial acquisitions budget for the J.D. program has been established at \$20,000 per year with the initial focus on Maine legal materials. Online resources, such as WestLaw and Lexis will be used to supplement print resources currently available through the Legal Studies Program. However, the College may need to invest further resources in journals that may well be required for faculty and student development. It is noted that these costs have escalated over the past several years and that the allocation of additional resources may be necessary. The College has substantial computer resources and facilities and it continues to invest in these areas.

The standard is met.

Standard G - Degree Requirements

Husson College has not finalized the curriculum for the J. D. degree. The final determination of the curriculum will reside with the Dean and the faculty of the Law School. The proposed curriculum will emphasize the development of skills as set forth in the ABA's *Statement of Fundamental Lawyering and Professional Skills and Professional Values*; *The ABA Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development*; and *the ABA Survey of Law School Curricula*. The J.D. program will be a 30-credit-hour course of law study designed to enable the graduating student to pass the Maine State Bar examination and become a member of the legal profession.

Throughout the course of study, students will be given specific instruction in the practice of law by clinical courses, internships, and course requirements. The nature and unique aspects of the study of law, and the particular guidelines for students embarking on the study of law are set forth in the Law School Student Handbook.

This standard has been met.

Standard H - Faculty

Husson College has four faculty and several adjunct faculty members who have J.D. degrees. A full-time Dean for the Law School has been hired from Washington University School of Law in St. Louis, Missouri. Based on conversations with and assurances from representatives of Husson College during the interview process, there is confidence in the college's ability to hire qualified legal education faculty. This opinion is reinforced by the other successful graduate programs at Husson College, in particular the Doctorate in Physical Therapy.

Representatives from Husson College stressed the intimate involvement the new Dean and faculty will have in developing the curriculum for the J. D. degree. Faculty will have the opportunity to evaluate students as well as the curriculum from the outset. Assurances from the administration were made that ultimate success of the program will be determined by a high percentage of graduates passing the Maine State Bar examination.

The faculty at Husson College is directly involved in governance through the Faculty Forum and is expected to demonstrate performance and achievement in teaching, advising, scholarship and service. Concern was expressed by the review team regarding the number of credits faculty will be required to teach each semester and whether adequate facilities and financial resources for research and other scholarly endeavors will be provided. The review team was in agreement that effective teaching should be the primary responsibility of the faculty.

The standard has been met.

Standard I - Physical Facility

Based on the application information and information gathered during the applicant interview, the team agrees that accommodations for the projected student body increase will be sufficient. Initially, the Law School will be located in a suite of rooms in Peabody Hall, the primary instructional facility on campus. Because of its size, and through use of efficient scheduling, the Law School will use three classrooms in the Commons. These classrooms are equipped with the latest in technologies. The library will be available for the use of legal materials; most legal research will be done on line with WestLaw which is available at all hours of the day. Peabody Hall will be wireless so that legal research can be conducted anywhere within the building.

This standard is met.

Standard J – Student Services

Most students in the J. D. program will likely be enrolled on a part-time basis. Consequently, J. D. students will have different needs because of this and these needs will be worked out as the program is implemented. Student services such as housing, bookstore, student government, health and fitness as well as web-site access are currently in place. Other services such as counseling and guidance as well as job placement will be undertaken by full-time faculty and staff who will be engaged. Academic support, career placement, health and counseling services, and other student protections will be specified in the Law School Handbook.

Since Husson College has a history of adequately providing for the well-being of its students, it is concluded that any necessary adjustments can be and will be made for students enrolled in the proposed J. D. program.

This standard has been met.

Findings and Recommendation to the Maine State Board of Education

It is the unanimous view of the Review Team that Husson College has met all ten (10) of the degree authorization standards as required by the Maine State Board of Education. Consequently, it is recommended that the State Board approve the Husson College application for additional degree-granting authority to and permit the College to confer the degree of Juris Doctor (J.D.).

Notwithstanding, some members of the review team concurred with the following concerns and offered several suggestions:

- Under Standard E, questions remain 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. The team acknowledged the centrality of electronic research in today's modern legal education. But the team also points 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.
- Some review team members are concerned that Husson underestimates how difficult it is to teach lawyers well. The team admires the talent and expertise of the proposed law faculty. But some team members felt that 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. These team members 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 some team members have serious concerns about the quality of the education for these reasons.

Note: These concerns and suggestions were not supported by Justice Rudman; the first and second concerns/suggestions were not shared by Dean Velvel.

APPENDIX 1

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

Dear Harry,

At the end of the meeting with representatives of Husson College, the members of our committee advised you and Husson that we had further questions and comments for Husson to consider and respond to prior to the committee's determination of the satisfaction of the standards set forth in the Maine State Board of Education.

Set forth below are the questions and comments that the committee requests Husson to consider and provide response.

A. Organization and Governance

It is unclear how the J.D. Program faculty retains authority over their degree program. In particular, as described in the application document (see proposal, pp.9-10): Major decisions will be made through consensus with the permanent faculty and the Faculty Forum or its committees. The Faculty Forum is made up of all full-time and part-time faculty of the College. Voting members include ranked full-time faculty, the College Librarian and academic deans.

- As presently planned, there will be few full-time faculty in the Law School. In addition, although some faculty may be full-time in the institution, few will be full-time in the Law School. It is unclear how their voting allocation is determined and the implications for the Law School faculty having appropriate authority over its degree program.

Given the discussed concerns about faculty workload, curriculum organization and scheduling, effective pedagogy, assignment of courses and oversight of clerkships and internships, this matter of authority may be central to the ability of the Law School to implement and carry out its mission and program.

(E) Academic Programs

In the application document and in our discussions with the College team, procedures for the evaluation of the quality of programs of instruction (item #3) will be based on the ABA standards (see proposal, p.12) and the graduates passing the Maine Bar exam (see proposal, p.16). Concerns noted with respect to this standard include:

- Permission is needed from the Maine Supreme Court for its graduates to be allowed to take the bar exam.
- ABA standards may be incompatible with the mission and goals of the proposed J.D. Program. If so, appropriate standards for quality

assessment and control should be developed and procedures for evaluation put forward in writing.

- Evaluation of the quality of the program and specific courses relies on the performance of graduates on the Maine bar exam. Several problems with this approach were discussed further underscoring the need for the development of a more valid and reliable evaluation plan for the program, its faculty, courses and other educational experiences. In developing this plan, attention is called to how the results will be utilized, especially during this crucial start-up phase for the Law School.

The proposed program and its implementation (item #4) raised several questions including:

- The curriculum set forth in the planning document is focused on full-time students. However, the demographics presented on market need suggest the considerable likelihood of a part-time student body. How will the curriculum, including an appropriate sequencing of courses, be provided for part-time students?
- Can a schedule of each course being taught one day a week from 5 to 8 pm be sustained over time and meet the quality standards of teaching and learning set forth for this program?

F. Library and Learning resources

Central to an effective Law School, is the availability and quality of its library. To this end, the College reports plans to utilize existing resources developed for the Legal Studies Program supplemented by an annual \$20,000 acquisitions budget and use of the Penobscot County Law Library with an additional annual budget of \$15,000 for legal purchases (see proposal, p. 29). Several questions were raised:

- How will this new program change the mission, goals, objectives and work of the College's library? And, how will the library ensure that it is able to incorporate the needs of the proposed J.D. Program into its staff, space and material resources? For example, how will the roles and responsibilities of the current staff be adjusted to meet the added goals, objectives and tasks posed by the J.D. Program? Or, where and how will added student use be accommodated? In attending to the impact of the proposed J.D. Program, it is important to consider how such adjustments will impact library resources for already accredited programs at the College.
- What is the appropriate electronic to print composition needed to serve this program and how do the existing and planned resources meet this standard?
- The proposed annual increase in the library budget is unclear. Reference is made to an additional \$20k for acquisitions and later, reference is made to an additional annual increase of \$15k (see proposal, p. 29). Are these the same funds or is \$35k being planned specifically for legal material?

- What role does the Penobscot County Law Library play in the overall library resources for this program? If it is a central role, have agreements been concluded to ensure availability that can be sustained?

G. Faculty

Existing faculty with appropriate educational backgrounds and credentials have been involved in planning the proposed program of study. However, issues remain and have been raised (see above text) concerning:

- What is the authority of this faculty over the proposed J.D. Program?
- Is the proportion of faculty time allocated to the program able to meet the requirements of a coherent J.D. Program and be sustained over a long term period?
- How will faculty responsibilities be adjusted so that they can be involved in the development of guidelines and procedures appropriate to the program's mission and goals and other areas of governance of the new program?
- How will adjustments to existing faculty roles and responsibilities impact already accredited programs at the College?

In addition to the questions set forth above, the following questions should also be considered.

1. More definition should be provided on the identity and qualifications of the faculty to teach the curriculum set forth in the proposal. As noted above, this includes concerns related to substantive knowledge of the subject matter and qualifications in teaching. A general concern about reliance on adjunct faculty was expressed and the heavy workload for full time faculty is also of concern.
2. With respect to the curriculum, more definition of electives should be considered.
3. The proposal suggests internships and clerkships that will be available to students. More definition on who will "employ" and supervise the students is requested.
4. Syllabi, to the extent available, for courses should be delivered to the committee.
5. Admissions standards should be reviewed and discussed. Concern was raised with the standards for admission set forth in the proposal. How do these admissions standards predict success on the Maine State Bar Exam.
6. The committee requests further information on the relation to ABA standards to the law school. Will the law school be able in the near or medium term to satisfy ABA standards and does Husson continue to

believe that these standards should be the aspired to by the law school.

As a suggestion, but not a requirement, members of the committee suggested that Husson might consider engaging a consultant who is experienced in legal education and understands Husson's mission and aims for its law school. Dean Velvel has provided to Harry Osgood the names of consultants that may be helpful to Husson .

The committee appreciates and respects the thought and diligence that Husson College has brought to this process and the aims of its law school proposal. We look forward to receipt of Husson's comments to these suggestions and comments. After we receive and review these comments the committee reserves the right to meet again with the representatives of Husson College before rendering its final determination on the matter.

Thank you very much,
Barry Mills, Chair

APPENDIX 2

[The signed version of this letter will be distributed with Board members in preparation for the July 11, 2007 meeting]

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 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