

Minutes
Committee on Academic Affairs and Licensing
May 19, 2014

Members Present

Dr. Bettie Rose Horne, Chair
Admiral Charles Munns
Ms. Natasha Hanna
Ms. Leah Moody
Mr. Kim Phillips via teleconference

Other Commissioners Present:

Brig Gen John L. Finan, USAF (Ret.), Chair
Ms. Elizabeth Jackson
Ms. Dianne C. Kuhl
Ms. Terrye C. Seckinger
Mr. Hood Temple

Staff Present

Mr. Clay Barton
Ms. Laura Belcher
Ms. Camille Brown
Ms. Sandra Carr
Ms. Renea Eshleman
Ms. Lane Goodwin
Mr. Gary Glenn
Dr. Paula Gregg
Dr. MaryAnn Janosik
Dr. John Lane
Ms. Beth Rogers
Ms. Tanya Rogers
Ms. Edna Strange
Dr. Rick Sutton

Guests

Ms. Dana Adkins, CSOL Alumni
Ms. Ashley Batson, CSOL Alumni
Mr. Ted Blankenship, InfiLaw
Mr. Cameron Blazer, CSOL Alumni
Mr. Randall Bridwell, CSOL
Ms. Chanel Bonnette, CSOL
Mr. Jeremy Borden, Post and Courier
Mr. William Buyck, CSOL
Mr. Robert Carr, CSOL
Mr. Todd Carroll, InfiLaw
Mr. Doug Chate, InfiLaw
Ms. Alissa Collins Lietzon, CSOL Alumni
Mr. Daniel Cooper, CSOL
Mr. Brad Davis, InfiLaw
Dr. Kris Finnigan, University of South
Carolina Columbia
Dr. George Hynd, College of Charleston
Mr. James L.O. Ford, CSOL
Mr. Reynolds Fox, CSOL
Ms. Grace Galvin, CSOL
Mr. Peter Goplerud, InfiLaw
Mr. Kevin Hall, InfiLaw
Mr. David Hawkins, Nexsen Pruet
Mr. Bill Janssen, CSOL
Mr. Matthew Kelly, CSOL

Mr. George Kosko, CSOL
Mr. Sandy Mallen, InfiLaw
Mr. Sean Marnham, CSOL Alumni
Mr. Michael McCauley, CSOL Alumni
Ms. Priti Patel, CSOL
Mr. Larry Pronovost, InfiLaw
Mr. John Robinson, CSOL Alumni
Mr. Jay Rossello, InfiLaw
Ms. Sheila Scheuerman, CSOL Faculty
Mr. Mike Sheely, CSOL
Ms. Lisa Smith-Butler, CSOL
Mr. James Spears, CSOL
Mr. Andrew Smith, Associated Press
Mr. Scott Stonestreet, CSOL
Ms. Atalie Teague, CSOL
Mr. Aaron Thompson, InfiLaw
Mr. Ian Thompson, CSOL
Ms. Madeline Trilling, CSOL Alumni
Mr. Billy Want, CSOL
Ms. Whitney Wilder, CSOL
Ms. Nancy Zisk, CSOL

1. Introductions

Dr. Horne called the meeting to order at 2:18 p.m. and stated the meeting was being held in compliance with the Freedom of Information Act.

2. Consideration of Applications for Initial License: J.D., LL.M., InfiLaw Corporation, Change of Ownership of Charleston School of Law, Charleston, SC

Dr. Horne introduced the item and the Committee **moved** (Moody) and **seconded** (Munns) a motion to accept the staff's recommendation for approval. Admiral Munns reported to the Committee that he received answers (Attachment) to the questions he posed during the May 1st CAAL meeting, but he expressed a need to ask additional questions for clarification. He specifically asked what entity would determine curriculum changes, academic degree program approval, and faculty decisions. Mr. Hall answered that curriculum is the purview of faculty members. Admiral Munns asked who at the school makes decisions about whether a degree program continues or is terminated. Mr. Hall answered that curriculum is the prerogative of faculty members but the school's board would make the ultimate decision about the continuance of a degree program based on funding, enrollment and sustainability. Admiral Munns asked whether the Charleston School of Law (CSOL), under InfiLaw's ownership, would have its own board or if InfiLaw's board would govern the school. Mr. Goplerud answered that each InfiLaw law school has its own fiduciary board whose members are associated with the legal profession and are selected by InfiLaw's board. Admiral Munns asked whether admissions policy decisions rest with that board as well. Mr. Goplerud answered that admissions decisions are made locally by the faculty and the dean and ultimately approved by the board.

Admiral Munns inquired about minimum average LSAT score for admission and specifically asked how the school determines selectivity of students. Mr. Goplerud answered that decisions are made based on traditional indicators such as GPA and LSAT scores but that, at the beginning of every recruiting season, admissions staff develop a plan for enrollment for the next year, including the presumptive admit and deny levels for the year. He continued by stating that admissions staff use data and analytics to anticipate the market for students.

Admiral Munns asked about InfiLaw's plan for continuing CSOL's involvement in the Charleston community. Mr. Goplerud described InfiLaw's current efforts to build relationships in Charleston with the bench and bar community and with leaders of non-profit organizations. He assured the Committee that the strong ties the law school already has in the community will continue and will be strengthened, including any pro-bono effort made by the school and any established internship opportunities.

Admiral Munns asked about the percentage of transfers in the total non-academic attrition numbers. Mr. Goplerud answered that the non-transfer number of the overall non-academic attrition rates is minimal. He presented an example of a student who attends school for the first two weeks and decides not to return. Admiral Munns asked whether InfiLaw schools track the path of students who transfer out of an InfiLaw school and into another one. Mr. Goplerud answered that InfiLaw schools do track transfer students and spoke specifically to Florida Coastal students who transfer mainly to Florida State and the University of Florida, schools which actively recruit students from Florida Coastal.

Admiral Munns asked why staff set an enrollment number of 750 and an AAMPLE® annual admission limit of 10%. Dr. Janosik responded that 750 students is the maximum number of students CSOL can sustain given its current facilities. Mr. Hall commented that InfiLaw agrees with the methodology of measuring capacity but questions CHE's ability to condition licensing in regards to student enrollment. General Finan asked whether the American Bar Association (ABA) sets enrollment conditions in its accreditation process. Dr. Janosik answered that the ABA does have authority to set conditions. General Finan then asked if the ABA monitors enrollment and other conditions through accreditation, then why does CHE need to do so. Dr. Janosik answered that there is usually an overlap between CHE's assessment and an accrediting body. She continued by explaining the AAMPLE® student admission condition. She stated that the 10% figure is consistent with other InfiLaw schools and works well within InfiLaw's budget plan for CSOL. General Finan asked whether the 10% figure is set in stone or can CHE adjust that figure. Dr. Janosik answered that CHE can adjust the figure.

Mr. Hall expressed InfiLaw's concern that any limits or conditions regarding enrollments and specifically AAMPLE® student admissions might be construed as prejudice against minorities. He added that InfiLaw would not want to see the success of the AAMPLE® program restricted. Admiral Munns stated that he supports the use of limits as CHE builds trust with InfiLaw over time. Mr. Hall then specifically requested that a phrase be added to the recommendation that states the figures can be adjusted in the future.

Dr. Horne asked Dr. Sutton to describe CHE's discussions with attorneys. Dr. Sutton explained that CHE sought the advice of attorneys to clarify CHE's legal authority and responsibilities. He reported that attorneys have counseled CHE that if the Commission denies licensure, the Commission must provide specific reasons for denial based on the criteria established in statute or in regulations. He stated that the attorneys informed CHE that the Commission has the authority to approve a license with conditions if the conditions are consistent with the criteria. Dr. Sutton added that the attorneys have reviewed the conditions set forth in the staff recommendation and find that the conditions are consistent with the criteria. He then informed the Committee that if members seek additional legal assistance from CHE's attorneys, then an executive session can be convened to consult the attorneys.

Ms. Hanna asked about InfiLaw's management agreement with CSOL. Mr. Goplerud responded that the agreement went into effect on July 25, 2013, and stipulates that InfiLaw provides consulting services to CSOL. Ms. Hanna asked about the two lawsuits pending against InfiLaw and more specifically about the *Michael O'Connor and Celia Rumann v. Phoenix School of Law, LLC and InfiLaw Corporation* lawsuit. She asked whether ABA had contacted InfiLaw regarding the allegations made in the O'Connor v. Phoenix School of Law case. Mr. Rossello answered that the ABA has not contacted InfiLaw to his knowledge and then explained that the allegations in the suit involve a contract dispute. He added that the case has been dismissed twice in two district courts with prejudice but the plaintiff has appealed to the 9th Circuit Court. Ms. Hanna asked about the basis for dismissal. Mr. Rossello responded that the case was dismissed because the contract for a faculty position offered to the plaintiff was refused by the plaintiff and therefore no breach of contract occurred.

Ms. Hanna asked about advertisements used by InfiLaw on its website to represent their schools as a best value. She specifically asked about the source of that commendation. Mr. Chate responded that the commendation was given by *National Juris Magazine* in 2010 to Arizona Summit School of Law. Ms. Hanna asked about promises to move the law school from a lower tier to a higher tier that have not been met at the Florida Coastal School of Law. Mr. Goplerud responded that the goal was presented by Sterling Partners prior to the sale of the

school to InfiLaw. He commented that goals that InfiLaw set for the school involved student outcomes and serving the underserved and InfiLaw has been successful in meeting those goals. The Committee members discussed *US News and World Report* rankings, and Mr. Goplerud stated that the rankings focus more on inputs than outcomes. Mr. Hall added that the ABA does not participate in or validate the rankings.

Ms. Hanna asked about the disparity between the number of students in individual class years and the decreased number of students taking the bar exam at InfiLaw schools. Mr. Goplerud responded that the total number of students is not divided equally among the three class years but, instead, a first year student total is larger than the second year student total which is larger than a third year student total.

Ms. Hanna asked about an advertisement regarding a high ranking for the Florida Coastal School of Law in reference to its Moot Court. She specifically asked if that ranking is dependent upon the team's quality and ability or the number of teams the school fields. Mr. Goplerud responded that the ranking is based on quality and ability.

Ms. Hanna asked for more information regarding the curriculum change at the Florida Coastal School of Law. Mr. Goplerud reported that the curriculum was changed after a year and a half faculty-driven review. Ms. Hanna asked whether students were given advanced notice of the change in curriculum. Mr. Goplerud answered that he did not know when students were informed. Ms. Hanna asked that the information regarding notification be provided. Ms. Hanna asked for information regarding the JD Plus degree. She asked whether courses offered in that degree are transferable and she commented that the degree seems similar to a paralegal degree. Mr. Goplerud answered that the degree offers additional skills to students in standard courses. He responded that typically the courses in this degree program are transferrable.

Ms. Hanna asked the CSOL founders in the audience about the number of students who transferred or declined admission in the last year. Mr. Carr answered that there is no way to know the number of students that decided against CSOL as compared to students who simply decided for a preferred school on their list. He continued by stating that the transfer rate was normal this last year except for a special opportunity provided by the University of South Carolina School of Law. He stated that prior to InfiLaw entering into the consultant agreement, CSOL already had a 25% decline in enrollment. Ms. Hanna asked whether the founders continue to recognize the need for a second law school in the state. Mr. Carr answered that the founders continue to believe that a second law school is needed in the state.

Mr. Phillips asked about the licensing regulations with regard to lawsuits. Mr. Hall responded that the regulations speak to an entity being found guilty of fraud or deceptive trade practices in a lawsuit. He explained that an InfiLaw school has not been found guilty in a lawsuit. Ms. Hanna added that there is another regulation that speaks to an entity being a defendant in a litigation that carries a significant risk to the ability of the institution to continue operation. Mr. Phillips expressed his concern about the regulation which speaks to participation in a lawsuit which carries significant risk to an institution's operation. He asked whether CHE staff believes that the lawsuits in which InfiLaw is a defendant carry a significant risk to the institution's ability to operate. Dr. Janosik answered that CHE staff reviewed and investigated the status of the lawsuits and found that they do not warrant the denial of the license. Mr. Temple asked whether CHE staff sought legal counsel about this issue.

Mr. Hall clarified that the *Michael O'Connor and Celia Rumann v. Phoenix School of Law, LLC and InfiLaw Corporation* lawsuit has been dismissed and is on appeal. He added that the

Casey, et. al. v. Florida Coastal School of Law, Inc., et.al. lawsuit is pending and awaiting a judge assignment. He continued by stating that when analyzed against SC Reg. 62-6(J)(3) which states that “Within the last ten years, the person has never been successfully sued for fraud or deceptive trade practice” the cases do not apply because InfiLaw has not been successfully sued for fraud or deceptive trade practice. Mr. Hall explained that SC Reg. 62-6(J)(4), which states that “The person is not a plaintiff or defendant in litigation that carries a significant risk to the ability of the institution to continue operation” does not apply either since the defendants in the lawsuits are Arizona Summit School of Law (formerly Phoenix School of Law) and Florida Coastal School of Law, not InfiLaw, Inc., the licensure applicant, or the Charleston School of Law. He added that beyond institutional separation, InfiLaw does not think the cases have merit and that the institution’s ability to operate is not in jeopardy.

Mr. Temple asked whether fraud and deception were alleged in the *Casey, et. al. v. Florida Coastal School of Law, Inc., et.al.* lawsuit. Mr. Rossello answered that the allegations centered on career and employment numbers at several law schools. Mr. Hall added that misrepresentation was alleged. He continued by stating that the case has not been heard, has been moved to a second district, and is awaiting a judge assignment. Mr. Temple expressed concern that the lawsuit is pending, that fraud is alleged, and the lawsuit has not been dismissed. Mr. Hall commented that Florida Coastal School of Law analyzed its representation of data as soon as the plaintiffs filed suit and discovered that it correctly reported the data according to the ABA and the National Association for Law Placement. Mr. Goplerud reported to the Committee that all three InfiLaw schools have hired an independent external auditing firm to analyze the schools' data collection in order to insure the best process and practice.

Dr. Sutton informed the Committee that CHE staff did discuss the lawsuits with CHE’s attorneys. Mr. Temple asked to review their opinions. Dr. Sutton answered that staff did not ask for a written opinion on the lawsuits but instead accepted their judgment.

Ms. Moody asked Mr. Hall why he thinks that CHE's decision cannot have conditions. Mr. Hall clarified that the Commission cannot add additional criteria to the licensing process without regulations being updated through the proper process. He added that the law does not allow for additional criteria to be added in a case by case setting. Ms. Moody expressed her concern for the responsibility the Commission has to protect the students of South Carolina. She added that the Commission has added conditions to other approvals in the past. Mr. Hall commented that InfiLaw is concerned that the AAMPLE® limitation might result in racial discrimination.

Admiral Munns asked about the relation between the proposed principles of CSOL under InfiLaw ownership to be student outcome centric and to serve the underserved and InfiLaw's business plan for CSOL. He further asked how the business plan will support the proposed principles. Mr. Hall answered that the business plan will reflect resources focused on the proposed principles.

Ms. Kuhl asked for more information about how a limitation of AAMPLE® student admissions might unfairly impact minorities. She also asked for the number of AAMPLE® students admitted who graduate at the current InfiLaw schools. Mr. Hall explained that historically minorities have performed lower on the LSAT exam than Caucasians. He stated that research is being conducted currently to determine if the LSAT is the best tool to predict law school success. He explained that the AAMPLE® program allows those who might not score well on the LSAT to be accepted into law school. He added that if this program is limited at CSOL, then the number of minorities who might benefit from the program will be limited and therefore not be given the opportunity to attend law school. Mr. Goplerud responded that the AAMPLE® program is not a

new program and it not an InfiLaw program, but one that law schools around the nation employ. He added that the attrition rate for AAMPLE® students is comparable to the attrition rates of non-AAMPLE® students. Ms. Seckinger asked for InfiLaw to provide a comparison table of AAMPLE® students at all three schools showing their graduation and bar passage rates alongside the same data for non-AAMPLE® students.

Ms. Hanna asked why InfiLaw changed the name of the Phoenix School of Law. Mr. Goplerud answered that the school was being confused with the University of Phoenix, so InfiLaw changed the name to Arizona Summit. Ms. Seckinger asked if InfiLaw's admission policy drives curriculum and assessment. Mr. Goplerud answered that curriculum is driven by faculty to better insure graduates' success in the legal profession. Mr. Temple questioned whether individuals who score in the bottom 5% of the LSAT exams can truly be successful in law school. Mr. Goplerud responded that success is dependent on the individual and proceeded to give an example of such a student. Mr. Temple again expressed concern regarding those in the bottom 5% of LSAT scores who might enter law school but not graduate or not pass the bar exam and then are burdened with school loan debt. Mr. Hall commented that law schools utilize resources, including training and academic counselors, to help students prepare for the bar exam.

Ms. Seckinger asked for the percentage of faculty members at InfiLaw schools who graduated from an InfiLaw school and the percentage of faculty members who publish. Mr. Goplerud responded that InfiLaw will provide those answers. Ms. Seckinger then asked for the tenure of each faculty member, and the credentials of each faculty member, including the law school attended and number of publications. Mr. Goplerud answered that InfiLaw will provide the information.

Ms. Kuhl expressed concern about the future of employment for faculty members who have expressed their opposition to the sale if InfiLaw is approved for a license. Mr. Hall answered that there will be no retribution for faculty members.

Admiral Munns moved that the staff recommendation be modified [included below]. Ms. Moody seconded the motion.

Based on the documents reviewed and on information gathered for its due investigation of InfiLaw's application for initial license: J.S., L.L.M., InfiLaw Corporation, Change of Ownership of Charleston School of Law, Charleston, SC, the staff recommends that the Committee on Academic Affairs and Licensing commend favorably to the Commission initial licensure to InfiLaw Corporation to offer J.D., and L.L.M. in Admiralty and Maritime Law degrees at the Charleston School of Law, Charleston, SC, with the following conditions, as allowed by SC Reg. 62-6(S):

- 1) Pursuant to SC Reg. 62-6(A), approval of acquiescence by the American Bar Association for transfer of ownership and continuous satisfaction of ABA accreditation standards
- 2) Pursuant to the "Nonpublic Postsecondary Institution License Act," (Section 58-59-50(F)), licensure be limited to a period of three years, beginning 1 May 2014 and ending 30 April 2017, with an option to renew, assuming no violation of the licensing criteria or conditions has occurred during that time (SC Reg. 62-4).

- 3) Pursuant to SC Reg. 62-6(B), 62-6(C), 62-6(N), and 62-8(E), development of an on-going three-year business plan submitted to CHE annually that includes the following:
- A clearly articulated mission statement that identifies the school's core values and performance objectives
 - Enrollment management projections not to exceed 750 total students, no more than 10% AAAMPLE® admits annually (or not to exceed 25 students per entering class), and a student-faculty ratio not to exceed a ratio of 20:1
 - Planned investments in facilities and maintenance, including investments in instructional technologies and academic resources.
 - Retention, graduation, bar passage, and job placement rates for students admitted through both traditional and alternative methods.

Annual business plans must be submitted to the Commission no later than 1 January each year, with the first report due 1 January 2015. CHE will arrange a meeting with InfiLaw leadership subsequent to the submission of these documents to discuss its review and make recommendations, where appropriate.

- 4) Consistent with CSOL's initial license to operate (2004), the following conditions are included:
- No state funding can be required or requested
 - No attempt by the school, its officers or agents, may be made to merge CSOL with the College of Charleston or any other public institution.

Failure to comply with any of these conditions or any other violation of regulatory provisions governing the licensure may result in CHE revoking InfiLaw's license to operate CSOL (SC Reg. 62-28).

Admiral Munns then highlighted his modifications He expressed support for the principle of condition three but expressed his intent to insure that the condition reflects the ability of CHE and InfiLaw to change in the future the specific enrollment and AAAMPLE® figures. He also explained that the business plans need to include data on placement, bar passage, graduation rate and attrition rates.

Ms. Moody made a motion for the Committee to enter Executive Session for the purpose of receiving legal advice regarding conditions. Ms. Hanna seconded the motion. The Committee voted unanimously to enter Executive Session at 4:30 p.m.

Ms. Moody made a motion for the Committee to end Executive Session and Ms. Hanna seconded the motion. The Committee voted unanimously to end Executive Session at 5:12 p.m.

Dr. Horne called for a vote on the motion on the table. **With a vote of one to three (Munns voting for and Hanna, Phillips, and Moody voting against), the motion to approve the staff's recommendation that the Commission approve licensure to InfiLaw for operation of the Charleston School of Law with conditions presented in the modified motion found above failed.**

Ms. Hanna made a motion to deny the recommendation to approve the license of InfiLaw based on four criteria. Ms. Moody seconded the motion. Ms. Hanna stated that her motion is based on four criteria which she explained to the Committee.

Ms. Hanna stated that the most glaring way InfiLaw does not meeting the licensing criteria is through the criteria of reputation and character, specifically outlined under regulation 62-6J. She explained that InfiLaw does not meet this criterion, in part, because of opinions submitted by the public. She specifically stated that the Committee members have heard overwhelming testimony as to reasons why the reputation of InfiLaw is weak and that the Committee members have been presented with news articles, not just within our local state community, but nationally online.

She continued to expound on the reputation and character criterion by referring to the two lawsuits currently filed against InfiLaw schools: *Michael O'Connor and Celia Rumann v. Phoenix School of Law, LLC and InfiLaw Corporation* and *Casey, et. al. v. Florida Coastal School of Law, Inc., et.al.* She commented that even though InfiLaw reported earlier in the meeting that the lawsuit *Michael O'Connor and Celia Rumann v. Phoenix School of Law, LLC and InfiLaw Corporation* has been dismissed, she does not consider it dismissed because the plaintiff is appealing the dismissal. Ms. Hanna referred to regulation J4 which reads "the person is not a plaintiff or defendant in litigation that carries a significant risk to the ability of the institution to continue operation." She argued that both lawsuits pertain to the nature of the criterion above and that both involve people who made allegations against their respective schools for how the institution was run.

Ms. Hanna expressed concern about representation of "best value" found on InfiLaw's website. She stated that the InfiLaw website asserts that InfiLaw schools have been nationally recognized and ranked as top ten or top twenty law schools with respect to moot court programs, diversity, and best value. She argued that those statements constitute false representation when only one school was given that award four years ago.

Ms. Hanna then began speaking about the financial criteria found in SC Reg. 62-6(J)(4). She remarked that if the *Casey, et. al. v. Florida Coastal School of Law, Inc., et.al.* lawsuit is successful, she believes that it will have a tremendous impact on the financial stability of the institution. She further commented that she cannot accept InfiLaw's reasoning that the Florida Coastal School of Law is a different entity than InfiLaw when InfiLaw's website highlights the successes of all three of its schools in one message.

Ms. Hanna then made remarks regarding the academic criteria: SC Reg. 62-6(A). She questioned whether the curriculum matches the mission of the law school. She expressed concern that the curriculum has been altered at the Florida Coastal School of Law and stated that she fears those trends will follow at the Charleston School of Law. She stated that she thinks the curriculum offered is more suited for a paralegal school and does not prepare students for a law career.

Ms. Hanna concluded her basis for denial of the license by commenting on SC Reg. 62-6(F). She stated that the Commission does have the authority to consider other criteria based on SC Reg. 62-6(S), "the institution shall comply with such additional criteria as may be required by the Commission." She explained that as other Commissioners had informed her, there were additional criteria placed on the initial licensure of the Charleston School of Law, including the sufficiency of employment, and whether the license was in the best interest of the state of South Carolina.

Admiral Munns disagreed with all four points made by Ms. Hanna as reasons for denying the license. He stated that Ms. Hanna's argument involves speculation of future events; whereas, the Commission is charged with examining the current situation of InfiLaw and the Charleston School of Law. He also added that the submission of an annual business plan, which would be a conditional requirement of the recommendation to approve licensure, would allow the Commission to monitor any possible changes in the future.

Admiral Munns stated that testimony was given during the May 1, 2014, CAAL meeting that if the *Casey, et. al. v. Florida Coastal School of Law, Inc., et.al.* lawsuit is successful, it would not pose a significant risk to the operations of the Charleston School of Law. He then stated that the Commission cannot use that possibility as a reason to deny the license.

Admiral Munns stated that InfiLaw does not seek a change in curriculum at the Charleston School of Law and to deny the license on the basis of that possibility is future speculation, not present facts. He supported the need for a second law school in the state and stated that the Charleston School of Law has been successful in training students for law careers. Ms. Hanna responded that she did not imply that there was no need for a second law school in the state. She clarified her remarks by stating that the need for a second law school was used as additional criteria in 2003 when the Charleston School of Law received its initial license to operate. She further stated that she does support a second law school in the state, but does not believe that InfiLaw meets the criteria for such a law school.

Ms. Hanna expressed her concerns about the bar pass rate in relation to the attrition rate. Admiral Munns asked her to share more specifically her concerns on the record as he examined the same numbers and found the data to be comparable to other law schools, to the existing Charleston School of Law and to the University of South Carolina. He observed that the transfer rate is high for InfiLaw schools, but the evidence presented showed that students transferred to other schools and succeeded.

Ms. Moody confirmed the motion is a recommendation that will be sent to the Commission for final decision on the matter. Admiral Munns responded that his intention is to crystallize the reasons for denial with facts to better inform the Commission in its final decision. Dr. Horne asked Dr. Janosik to explain the process if the Committee decides to recommend a denial. Dr. Janosik replied that if the Committee votes to deny, then InfiLaw could either withdraw the application for licensure or request that the application go forward to the full Commission with the recommendation to deny. Admiral Munns then asked what type of information the Commission would receive. He expressed concern about submitting to the Commission a denial recommendation with only general statements, and he stated that the Committee owes the Commission facts as a basis for denial.

Ms. Moody stated that the agenda item would not be on the consent agenda and, therefore, the Commission could discuss the matter in full. Admiral Munns stated that every reason for denial should have actual facts, not speculation. Ms. Moody agreed and stated that a recommendation

in writing would show both points. She stated that she assumes the Commission would get a recommendation in writing as to the Committee's decision.

Admiral Munns reiterated his point that the Committee owes it to the full Commission to be very clear about the reasons for denial and that he does not understand the reasons as presented so far. He added that separate from the motion, there needs to be work done by those who believe denial is appropriate to clearly represent the facts so the full Commission may make a judged case. Ms. Hanna stated that she will attend the June Commission meeting and will articulate her opinion. Admiral Munns stated that facts need to be articulated. Ms. Moody stated that Ms. Hanna's motion could be presented in writing. Ms. Moody suggested that all the differing views be put in writing for the Commission. Admiral Munns stated that the person and people who approved and put the motion in place ought to have the responsibility to list the facts and the reasons for their dismissal of the license. Ms. Hanna replied that the discussion of this meeting will be typed for the Commission to know what discussions took place. Admiral Munns countered that he did not hear facts in the motion such as facts related to the unacceptable bar pass rate. Ms. Hanna clarified that she did not say that the bar pass rate was unacceptable, but that the bar pass rate as related to the attrition rate is a concern. She explained that the full Commission can decide if the concern is appropriate.

Ms. Moody asked Dr. Horne to call for the vote. Dr. Horne asked Admiral Munns whether he would write the minority opinion to submit to the full Commission. Admiral Munns answered that the minority report is the existing ten-page staff argument that explains how the school meets the criteria for licensure. He stated that he is willing to make comment on the facts behind the denial, but he does not know the facts behind the denial.

Dr. Horne called for the vote and the Committee **voted three to one (Hanna, Phillips, and Moody voting for and Munns voting against) to recommend to the Commission denial of licensure to InfiLaw for operation of the Charleston School of Law.**

Dr. Horne asked about next steps. Dr. Janosik responded that the Committee should prepare its recommendation to the full Commission and that the information contained in that recommendation would be the responsibility of the Committee. Ms. Hanna asked whether staff will assist with the recommendation. Ms. Moody stated that she thinks the staff should prepare a report explaining the discussion at today's meeting. Dr. Janosik answered that she was not sure what action was appropriate, but would check to see what should be done. Ms. Moody asked whether it was inappropriate because the Committee disagreed with the staff recommendation and then asked what action occurs if the Committee agrees with the recommendation. Dr. Horne and Dr. Janosik responded that the recommendation goes as is if the Committee agrees with the staff recommendation.

Ms. Moody replied that she anticipates staff would consult with Ms. Hanna and obtain the information needed to write the report. Dr. Horne asked whether Ms. Hanna's statement would constitute the report. Ms. Moody answered that it would, and Dr. Horne responded that she did not think it would take extensive research. Ms. Hanna stated that if summarizing her opinion required extensive research, then staff would do as much research as was done in the 105 page staff recommendation. Dr. Horne asked about Ms. Hanna's use of the word "opinion," (in reference to her motion), and Ms. Hanna corrected her statement, clarifying that she intended to use the word *motion* instead of *opinion*.

Dr. Horne asked Dr. Janosik whether Ms. Hanna's motion and notes could serve as the report submitted to the Commission. Dr. Janosik answered that she was unclear and could not answer the question presently. Ms. Moody stated that she thinks staff should type up the motion. Dr. Horne commented that the decision would be made internally.

Dr. Horne asked if there were any additional thoughts, comments, or business to discuss. Hearing none, she thanked those in attendance for their participation. The meeting was adjourned the meeting at 5:35 p.m.

May 13, 2014

Dear Members of the Commission:

At the meeting of the Committee on Academic Affairs & Licensing on Thursday, May 1, 2014, at which many of you were in attendance, Admiral Munns posed a series of questions based on his review of the Staff Recommendation which concluded that InfiLaw was duly qualified by law and should be granted a license to own and operate the Charleston School of Law. Based on the Staff's notes from the meeting and my own notes taken at the same time, I have attempted to capture below the essence of each question posed by Admiral Munns and Ms. Hanna. Following each question, you will find InfiLaw's response.

- 1. Admiral Munns expressed concern about the governance model as presented. He asked which entity will make decisions regarding academics, faculty hirings/firings, and admissions policies.**

The InfiLaw System is a consortium of three independent, ABA-accredited law schools: Charlotte School of Law (Charlotte, North Carolina); Florida Coastal School of Law (Jacksonville, Florida); and Arizona Summit Law School (Phoenix, Arizona). The ABA requires that the dean and the faculty at ABA-accredited law schools design the curriculum, develop programs for the school, select faculty, and make tenure decisions. InfiLaw consortium schools adhere to this fundamental requirement and basic organizing principle, as evidenced by their fully accredited status with the ABA.

For its consortium schools, InfiLaw acts almost as a university supporting its graduate schools, except that, in InfiLaw's case, it only has law schools upon which to focus. Just as the University of California provides administrative support to independent law schools at UCLA, Cal – Berkeley, and Cal – Davis, InfiLaw administers core non-academic functions, provides support for academic programs, processes, and innovations, and assesses institutional performance and student outcomes. InfiLaw also facilitates processes for idea sharing between the schools, identifying and implementing best practices, and promoting opportunities for continuous improvement.

- 2. Admiral Munns asked what InfiLaw's intentions are in regards to improving facilities. He commented on passages in the proposal about InfiLaw reviewing the facilities, but noted that no future action was stated.**

InfiLaw is committed to providing the best learning environment possible for students at the Charleston School of Law. In the course of our own due diligence, it became obvious that the current facilities at the Charleston School of Law do not compare favorably to those at other consortium schools and are in need of renovation and upgrading. We have not, however, conducted a detailed assessment of the strengths/weaknesses of each current building, nor have we fully evaluated the mechanical systems in each building. Thus, it is not possible at this point to provide a

detailed facilities plan going forward. We can, however, describe the process that we will undertake with Dean Abrams and his leadership team at the Charleston School of Law.

The first step in our facilities improvement process will involve working with Dean Abrams and his administrative staff to conduct a thorough assessment of current facilities and infrastructure, thereby identifying opportunities for efficiency and improvements that will enhance the student and faculty experience. This review typically involves evaluation of a variety of factors, including but not limited to the following:

- lease terms associated with each facility currently used;
- analysis of fair market value lease rates for similar/improved properties;
- current and anticipated space needs resulting from changes in enrollment, if any;
- handicap accessibility and “user-friendliness” of existing facilities;
- evaluation of all mechanical systems including HVAC, electrical, and plumbing;
- analysis of current technology delivery systems and whether additional technology deployment is feasible given the unique characteristics of each building;
- assessment of fire safety and security plans for each building; and
- evaluation for presence of hazardous chemicals and materials, if any.

The second step in our facilities improvement process will be to work with key personnel in the academic and administrative units, led by Dean Abrams, to identify the core functions and activities which must be accommodated by any facilities plan. In collaboration with Dean Abrams, our facilities management staff will then work with design professionals to ensure that all repair, renovation and/or construction projects enhance the student experience and learning environment while, at the same time, promoting administrative efficiency.

3. Admiral Munns inquired as to whether a student enrollment of 750 at CSOL would overload the current facilities?

Before addressing the capacity of current facilities, we note that current enrollment at the Charleston School of Law stands at just over 500 students. Current enrollment is down from a high of more than 700 students several years ago. We do not anticipate a significant near term upturn in law school applications across the country and therefore, as a practical matter, we do not anticipate any space constraints in the foreseeable future.

Based on our initial space assessment conducted in the course of our due diligence, we are confident that the current facilities at the Charleston School of Law can accommodate a total student enrollment of approximately 750 students. In reaching this conclusion, we examined enrollment patterns in Charleston over the past decade, student-to-faculty ratios during the same period, and the configuration of physical space in the eight buildings in which the school operates. Based on the demonstrated ability of the current facilities to serve more than 700 students recently, along with the ability to utilize other nearby space if necessary, we believe that a total enrollment of 750 students can be effectively served in the current facilities.

4. Admiral Munns asked whether the Charleston School of Law will set a minimum LSAT score for admission and, if so, what is that score?

The Charleston School of Law does not currently require a minimum LSAT score as a prerequisite for admission, and InfiLaw does not anticipate a change in this practice. The lack of a minimum LSAT requirement should not be construed as a lack of commitment to quality because the LSAT is one of several factors used by most law schools in the admissions process.

Many, if not most, ABA-accredited law schools do not set a minimum LSAT score as a requirement for admission. By way of a few examples, the following law schools do not set a minimum LSAT requirement: University of South Carolina; University of North Carolina; University of Iowa; University of Texas; Harvard University; and Vanderbilt University. In fact, the Law School Admissions Council (LSAC), the testing body that administers the LSAT, advises schools utilizing the LSAT as an admissions tool that “[c]ut-off LSAT scores (those below which no applicants will be considered) are strongly discouraged.” The LSAC notes that, “while LSAT scores serve a useful purpose in the admission process, they do not measure, nor are they intended to measure, all the elements important to success at individual institutions.” Consistent with the LSAC’s instructions, InfiLaw consortium schools, like many other public and private law schools across the country, do not publish a minimum LSAT score necessary for admission. It is worth noting that, notwithstanding the foregoing, InfiLaw consortium schools have historically been competitive with their respective in-state, ranked peers, across a number of metrics, including bar passage.

5. Admiral Munns asked about transfer numbers at InfiLaw consortium schools as compared with the Charleston School of Law and the University of South Carolina Law School.

There are many reasons that law students seek to transfer, including job relocation of a spouse or partner, financial reasons, or the desire to be closer to family. In the case of schools not ranked in the *U.S. News & World Report* rankings, such as the Charleston School of Law and InfiLaw consortium schools, some students will seek to transfer to another school that they perceive as having a higher status or ranking.

Typically, schools that are not ranked in the *U.S. News & World Report* rankings, have a higher number of students “transfer out” than do ranked institutions, such as the University of South Carolina. On average, students attending unranked schools have lower LSAT scores and undergraduate GPAs than students attending ranked schools. Students unable to gain admission to their ranked school of choice often enroll at unranked schools with the hope of transferring to a ranked school after successfully completing their first year of law school.

For the transfer student, this allows him/her to begin law school without delay and, at the same time, preserves the opportunity for him/her to transfer and graduate from a higher ranked institution. For the ranked institution, transfer students from unranked schools are often welcomed because they bring additional tuition revenue and, for purposes of *U.S. News & World Report* rankings, the transfer student’s undergraduate GPA and LSAT score are not included in the school’s average.

Two years ago—prior to any discussions regarding InfiLaw’s purchase of the Charleston School of Law—the Charleston School of Law saw over ten percent of its entering class transfer. At the time, the Charleston School of Law was not, nor should it have been, criticized because some students chose to continue their education at other quality institutions. Indeed, many of the students transferring out of both Charleston School of Law and InfiLaw schools went on to higher ranking institutions, which goes to show the appeal of, and level of preparation provided to, such students prior to transfer.

6. Admiral Munns asked for more information regarding InfiLaw schools attrition rates and how they compare to other schools?

Comparison of student retention data from one school to another is difficult and, unfortunately, is often fraught with error. For instance, in its discussion of student retention and attrition rates, the External Review Team hired by the Commission to evaluate InfiLaw’s application made several significant errors. The External Review Team’s report claimed as follows:

Again from the data received from the Commission staff, the percentage of graduates to total enrollment at Arizona Summit was 17%, at Charlotte was 17%, and at Florida Coastal was 32%. By contrast, the percentage at CSOL was 37% and at USC LS was 34%. One would expect in a three year program, after night students are fully incorporated, that the percentage would be close to 33%. The percentage would be affected by transfers out of a school to another school, and the consortium schools have a greater volume of transfers out. The bulk of the difference is due to attrition, not transfers.

(Report at p. 9)

The Review Team’s methodology in calculating attrition is seriously flawed because it does not take into account the growth in enrollment at Arizona Summit Law School and Charlotte School of Law over the past three years. In other words, if a school increased enrollment in the most recent two years, as has been the case at both Arizona Summit and Charlotte, the school would show a relatively low ratio of graduates to total enrollment. By way of example, assume that a law school matriculated 100 full time students in Year 1 and 200 in Years 2 and 3. If the school had no attrition whatsoever (academic, transfer or otherwise) and all the students starting in Year 1 graduated in Year 3, the percentage of graduates to total enrollment would be 20% (100 divided by 500), significantly less than the hypothetical 33% mentioned in the report.

The clearest and most reliable source for attrition data and trend analysis is published by the American Bar Association on an annual basis. According to the ABA data included in the chart below, the 1L academic attrition rates of InfiLaw schools are not high, inasmuch as they are consistent with the overall averages of similarly situated law schools that are not ranked in the *U.S. News & World Report* rankings.

School	AY 10-11	AY 11-12	AY 12-13	Averages
Florida Coastal	11.0%	12.4%	9.9%	11.1%
Arizona Summit	4.6%	4.0%	6.7%	5.1%
Charlotte	9.5%	13.6%	8.3%	10.5%
InfiLaw Average	8.4%	10.0%	8.3%	8.9%
Peer School Average	7.9%	8.1%	8.1%	8.0%

7. **Admiral Munns expressed concern regarding statements in Appendix A which show that InfiLaw consortium schools have student debt that is higher than other schools and forecasted average salaries for graduates that is lower than other schools. He asked for more information as to how graduates would be expected to pay off loans given the forecasted circumstances.**

It is important to recognize that law school affordability is a nationwide problem confronting students at public, private, and proprietary institutions alike. Because the ABA's accreditation standards mandate a largely uniform system for the delivery of legal education, students attending schools in every segment of the legal education market face similar challenges when it comes to the expense of legal education. Put simply, law school affordability is a national issue, not just an InfiLaw issue.

Tuition at InfiLaw consortium schools is comparable to the tuition rates charged by peer institutions. For example, the Charlotte School of Law, an InfiLaw consortium school, charges annual tuition of \$38,358, which is comparable to tuition charged by similar institutions in the region: Campbell University (\$37,060); Mercer University (\$37,260); Samford University (\$36,234); Charleston School of Law (\$37,774). It is worth noting that the debt incurred by Charlotte School of Law graduates is less than the debt incurred by students graduating from the Charleston School of Law.

Many students at InfiLaw consortium schools, like students at the Charleston School of Law, choose to pursue careers in public service and in organizations serving the underserved. Starting salaries for lawyers in the public sector and in social services organizations tend to be less than starting salaries available in the private sector market. Nevertheless, the salaries of all law school graduates, including graduates of InfiLaw consortium schools, increase substantially over time, allowing them to pay off student loans on time.

The ability of graduates to pay off student loans is borne out by data collected by the United States Department of Education. Each year, the Department of Education publishes "cohort default rates" for law schools across the country. The cohort default rate measures the percentage of graduates defaulting on student loans in a specified period. According to the Department's most recent estimated 3-year cohort default rate, InfiLaw consortium schools have very low default rates: Charlotte School of Law (0.0%); Florida Coastal School of Law (1.6%); Arizona Summit Law School (3.1%).

8. **Admiral Munns asked how will InfiLaw work to preserve the culture of the Charleston School of Law – e.g., CSOL's commitment to the Admiralty and Maritime LL.M. program?**

InfiLaw is committed to preserving and promoting the culture of the Charleston School of Law, including the Admiralty and Maritime Law program, while, at the same time, working with Dean Abrams and the faculty to make improvements. We respect the independence of our consortium schools, and our track record with three ABA-accredited schools is proof of our commitment to the unique culture of the Charleston School of Law.

After the sale of the Charleston School of Law was announced, Dean Abrams listened to concerns expressed by students, faculty, staff and alumni about InfiLaw. He also conducted his own investigation and made visits to InfiLaw consortium schools to visit with students, faculty, and administrative leadership. After concluding his due diligence, Dean Abrams reached out to his colleagues by email on March 17, 2014, and said in part:

And from all of these trips, meetings, discussions, and dialogues, here is what I have learned. First, and in my mind most importantly, the fundamental values of InfiLaw and its member institutions are not only compatible with, but in most instances actually mirror, those of the Charleston School of Law. Above all else, they are clearly student-centric and share the same passionate commitment to students, which has always been the hallmark of the Charleston School of Law.

Abrams to Colleagues (March 17, 2014; copy attached).

We look forward to working with Dean Abrams and the faculty, students, and staff to preserve the collegial, student-centered culture that defines the Charleston School of Law.

9. Commissioner Hanna asked about litigation in Florida involving Florida Coastal School of Law and what impact a judgment for the plaintiffs might have on the Charleston School of Law.

As an initial matter, it is important to note that Florida Coastal School of Law (FCSL), the defendant in the action described below, is not the applicant for a license to own and operate the Charleston School of Law. The pending application has been submitted by CSOL Holding LLC, a subsidiary of InfiLaw Corporation. CSOL Holding LLC is a completely separate legal and corporate entity.

In February 2012, FCSL was sued for allegedly misreporting its placement numbers to the detriment of applicants who allegedly relied on those numbers in deciding where to attend law school. Similar lawsuits have been filed against about a dozen law schools by the same set of plaintiffs' lawyers, most of which have been dismissed, and we believe the same result will come about in FCSL's case, once the case is assigned to presiding judge.

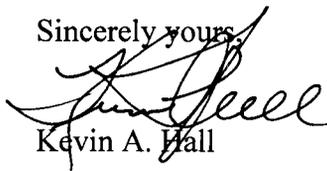
FCSL is confident in its own numbers. When this litigation arose, FCSL went back and verified the accuracy of the information it provided both to the American Bar Association and the National Association for Law Placement (NALP). FCSL is confident that it meets or exceeds all of the

requirements of the ABA and NALP, and the same is true for other InfiLaw consortium schools as well. FCSL is confident in its legal position and anticipates that the case will be dismissed as well.

I hope the information set forth above is helpful. Of course, please let me know if you should need any additional information with regard to these questions.

With kind regards, I remain,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kevin A. Hall", written over the typed name below it.

Kevin A. Hall

Attachment: Dean Abrams' email to Colleagues dated March 17, 2014

cc: Richard C Sutton
MaryAnn Janosik
Julie Carullo

From: Andy Abrams
Sent: Monday, March 17, 2014 10:17 AM
Subject: Important Statement

Dear Colleagues:

At the outset let me apologize for the length of this letter, but given the importance of the subject matter, I felt that in this case the need for thoroughness trumped the desire for brevity.

Like many, if not all of you, I was surprised last July by the news that two of the original founders of the Charleston School of Law had retired from the Board and that a major change in ownership/operation was underway. Rationally, I knew that a change in the five-founders structure was inevitable, but nevertheless the announcement struck not just a rational but an emotional chord as well. Having been a part of the law school since its founding, like you, I love the Charleston School of Law—its people, its values, and its mission to have a positive impact on the lives of individuals and communities, no one wants to see people or institutions you care deeply about harmed.

Through trial and error (and after twenty-seven years in higher education, thirty-one years of parenthood, and thirty-seven years of marriage, I have had my share of both), I have concluded that while everyone has their own way of handling major changes, issues, and challenges in their professional and personal lives, a “listen, learn, then act” approach works best for me. So I appreciate your patience and support in enabling me to employ that same approach in dealing with the proposed change in ownership of our law school.

I have listened over the past six and a half months as many individuals whom I deeply respect have expressed, often strongly and sometimes persuasively, their views and preferences regarding the future ownership, structure, and operation of the school. I have heard the dire predictions made with absolute certainty of the fate that awaits us if the proposed alignment with InfiLaw and its consortium of law schools is approved. But I also remember a time, just ten years ago, when I listened as similar forecasts of doom about the future of the Charleston School of Law were offered with equal certainty, sincerity, and conviction. It was said that the state, and most particularly the legal community, could not and would not support a second law school. No decent faculty will want to teach at a fledgling proprietary school. Only weak students with no other options will attend the school. Should they get through law school, these students will never be able to pass the bar and, even if they do, they will never get jobs. And, finally, the law school will never get ABA accreditation. Each of these predictions proved to be absolutely wrong, not because the concerns were not legitimate, but because the efforts of so many of you made the skeptics and the critics wrong.

So what have I learned since July of last year? First, I have come to realize that there is a significant difference between preferences and viable options. As much as each of us may want to freeze the law school in its halcyon days, if indeed we may claim halcyon days being only a decade old, the status quo simply is not an option. Internally, with a

small, aging board and externally, with seismic shifts in legal education underway, our world was changing dramatically whether we fully recognized it or not.

Additionally, I learned that the same opposition to a second state-supported law school in South Carolina, the very concerns that led to the establishment of the Charleston School of Law as a private institution, has not subsided. And I have also discovered that despite all that we have done to build what most of us consider to be an exceptional law school, the number of individuals or entities who have and are willing to deploy the financial resources and expertise to acquire and operate our law school, is quite limited.

After listening to all of the arguments and after extensive inquiry, dialogue, and observation, I have concluded that we have before us what is not only an acceptable but an exciting option and that is the proposed alignment with InfiLaw and its consortium of law schools. This is what has led me to this conclusion.

Over the past several months I have met with the senior leadership of InfiLaw on four different occasions to discuss their goals, values, and priorities. In each instance, I was struck by the consistent, strong, and compelling commitment that they have to employ their resources and collective energies to make a difference in the lives of students and communities that they serve.

In order to cross-check these impressions, I sent a group of our senior leadership team to Naples, Florida, to meet with some of their InfiLaw counterparts. The feedback from our senior leadership group upon their return was not only highly positive, but often enthusiastic. Shortly thereafter, we invited a group of their senior staff to come to Charleston to meet with an expanded group of our CSOL senior leadership team for a day and a half. Again, the discussions were enlightening and reaffirming. As one of our senior staff said after the group had departed, "They are so like us, it's eerie." I would definitely agree.

A few weeks ago, at my initiation, I flew to Florida to meet with InfiLaw's CEO to discuss the Charleston School of Law and the proposed relationship between our law school and his organization and consortium schools. The conversation was, as it had to be, candid, frank, and, at times, brutally honest. And I came away from that meeting firmly convinced of his passion and commitment to do all within his power to ensure a bright future for our law school.

As a final piece of my learning process, I wanted to hear what the people on the ground had to say about life as a member of the InfiLaw consortium, so I have just spent our spring break taking a different kind of road trip. First, I drove down to Jacksonville and did an informal site visit at Florida Coastal Law School and then later in the week I drove up to Charlotte to conduct a similar visit at the Charlotte School of Law.

On these visits, I toured the facilities, attended classes, went into classes as they ended to watch the availability and interaction of students and faculty, and discussed formally with faculty and students their impressions of the various aspects of their respective institutions. In some ways, however, perhaps what I found most enlightening of all was

what I learned from the significant number of informal discussions I initiated with a broad array of students whom I approached at random in the halls, in classrooms before and after class, at their lockers, in the quiet talk areas of the library, and in the student lounge. In fact, by now I imagine that there is an alert on both campuses for a stalker in a pinstripe suit.

And from all of these trips, meetings, discussions, and dialogues, here is what I have learned. First, and in my mind most importantly, the fundamental values of InfiLaw and its member institutions are not only compatible with, but in most instances actually mirror, those of the Charleston School of Law. Above all else, they are clearly student-centric and share the same passionate commitment to students, which has always been the hallmark of the Charleston School of Law. Like us, they are focused on the success of their students and regard this as their highest priority. The positive, open relationship between their students and the faculty and staff is readily apparent in the classroom and out and is immediately identified by everyone as the best part of their respective institutions. Importantly, I found that this occurs not by happenstance, but rather it is a value actively encouraged and consistently supported by the leadership of InfiLaw.

Second, I found that while there were common values at the InfiLaw schools, the institutions are definitely not cookie-cutter replicas of one another. Each has its own distinctive feel, and their curriculum and programs have been developed by the schools themselves, playing to their own particular strengths, opportunities, and interests, rather than being imposed from on high. The role of the central office in Naples in this regard is to support and serve as a resource for these institutional efforts. Further, taking advantage of the fact that they are part of a consortium of law schools, the schools regularly discuss their common issues and challenges and share their best practices and ideas, but ultimately the running of the school is the responsibility of each individual institution. Third, I found that the students, faculty, and staff were excited about the future of their schools.

I believe that InfiLaw recognizes that the personal-touch, student-centered, collegial culture that has been the centerpiece of the Charleston School of Law must remain at the core of our institution, because it is in many ways both our most important as well as our most distinctive asset. I believe that InfiLaw appreciates that, similar to the USC or UNC system, while common policies and economies of scale supported by a central staff can significantly benefit an institution within that system, it is essential that each school within the consortium be empowered and encouraged to develop and deploy their own unique strengths.

I believe that InfiLaw shares our enthusiasm for the tremendous potential that our unique strengths present both now and in the future. And I believe that, building upon our distinctive core, InfiLaw has and is prepared to commit the resources necessary to make that potential a reality. For all of these reasons, I am convinced that InfiLaw presents us with the best opportunity to secure a bright and vibrant future for the school we care so deeply about.

Having listened and learned and, consistent with the third prong of the "Listen, Learn, then Act" approach, I am now taking several actions. The first, obviously, is to communicate publicly with each of you my conclusions about the proposed transaction. I have also come to realize that much of the discourse to date has involved speculation about the future of our school, as if that future is something that befalls us rather than being something we can and must consciously and collaboratively craft.

Accordingly, the second action, which I will discuss with you in greater detail within the next few weeks, is the initiation of a series of internal and external dialogues with key constituents like you to discuss how collectively we can best shape the future of the Charleston School of Law. I invite and encourage you to join me in this endeavor as working together we ensure that the second decade of the Charleston School of Law is even more than successful than its first.

I want to thank you once again for all that you have done and continue to do to make the Charleston School of Law such a special place.

Andy

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