

July 7, 2004

MEMORANDUM

To: Dr. Vermelle J. Johnson, Chairman, and Members, Committee on Academic Affairs and Licensing

From: Dr. Gail M. Morrison, Deputy Director and Director of Academic Affairs and Licensing

Consideration of Request for Licensure
The Charleston School of Law, J.D.

Summary

The Charleston School of Law (CSOL) <http://www.charlestonlaw.org> requests approval to offer a program leading to the Juris Doctor degree. Its initial request, approved by the Commission at its September 2004 meeting, was for approval to advertise and enroll students beginning in September 2003 for classes beginning in Fall 2004.

In summer of 2003 a team of expert examiners reviewed the proposal for conceptual compliance with the licensing requirements and arrived at a consensus that the founders of CSOL were developing and implementing a plan to establish the law school in compliance with the licensing requirements and to position the school to apply for American Bar Association accreditation so that students who enroll will be able to accomplish the objectives of the program including practicing law in South Carolina. Upon the recommendation of the team, the Commission approved licensure with the following conditions:

1) no “unique cost” or other special state funding may be required or requested; 2) CSOL must submit to the Commission updated material to document compliance with the licensing requirements and the recommendations of the team as enumerated in the Team Report; 3) a team will visit the Charleston facility in May 2004 to confirm compliance; 4) the team and the staff will provide updated reporting and final recommendations to the Committee and the Commission in summer 2004; 5) the institution will establish a timeline under which it will gain ABA accreditation; report to the CHE staff on each step

in the timeline; provide to the CHE staff a copy of correspondence to and from ABA, and discontinue advertising and enrolling students into the program if it becomes apparent that it is unable to meet its timeline to gain ABA accreditation; and 6) in the event that the school, or its officers or agents, should make an attempt to cause the school to become a part of the College of Charleston or any other public institution, the license granted to the school shall be null and void and immediately revoked.

The report of the external review team from the review of last year described the plans for the education program, finances, facilities, library, student services, organization, administration, and faculty, and spelled out recommendations. As required by the provisions of licensure, the officials of the school provided updated information to CHE for the team and the team conducted an on-site visit on May 3-5, 2004. The second report of the external review team (**Attachment 1**) addresses the recommendations from the review of last year and provides additional observations. The additional observations are directed primarily toward compliance with ABA accreditation standards.

It is important to note that the officials of the CSOL found the expertise provided by the review team of such value that they voluntarily invited the team to make a follow-up visit to the school next spring to further advise the school founders and staff as they progress toward ABA accreditation.

To be eligible to take the Bar exam and for admission to the South Carolina Bar Association, attorneys must have graduated from a law school that is accredited by the American Bar Association (ABA). A school in its second year of operation may apply for accreditation. Students who enroll at CSOL will be eligible to take the Bar exam after CSOL attains ABA accreditation. The ABA requires that an unaccredited school must publish the following statement:

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student. (August 1997)

The education program is traditional in that it includes core requirements as tested on the South Carolina Bar Exam and as required for ABA approval.

At the beginning of the license application process last summer, the founders anticipated enrolling 125 students to begin classes in fall 2004. At the time of the report to the team on May 4, 2004, the school had made 302 offers of acceptance to the full-time program. Of those accepted, 145 had paid the required \$300 seat confirmation fee. The profile is:

Gender	Male	80	65 %
	Female	65	55 %

Ethnicity	Caucasian/White	118	81.4 %
	No authorization to release	24	16.6 %
	Did not indicate	2	1.4 %
	Asian/Pacific Islander	1	.6 %

	LSAT	GPA
75th percentile	154	3.46
25th percentile	150	2.84
Median	152	3.15
Average	153	3.10

Prerequisites for admission are:

1. An undergraduate bachelor's degree, or three-fourths of the work acceptable for a bachelor's degree from an institution that is accredited by an accrediting agency recognized by the U.S. Department of Education. In an extraordinary case, the CSOL may admit an applicant who does not possess these educational requirements if the experience, ability and other characteristics of the applicant clearly show an aptitude for the study of law.
2. Law School Admission Test (LSAT) score.
3. A personal statement with any information that may be relevant to consideration for acceptance. Outstanding work experience, extracurricular activities, honors or awards, or evidence of overcoming obstacles such as economic hardship are examples of information that may aid in consideration for admission. The statement should include the reasons the applicant is interested in pursuing a legal education.
4. Two letters of recommendation from undergraduate professors or other individuals who are knowledgeable of the academic ability of the applicant. If the applicant has been out of school for some time, letters from an employer may be helpful.

An applicant may transfer from another law school not more than 45 semester credit hours. Only courses completed with a grade of C or better are transferable; all credits must have been earned within two academic years prior to matriculation.

The program will be available to full-time and part-time students. Completion of the program requires 90 semester credit hours of course work. Students must complete a minimum of 45 semester credit hours in residence at the CSOL. It is expected that full-time students will graduate in three years and part-time students will graduate in four years. Tuition is \$12,250 for

each semester for full-time students enrolling in 13 to 16 semester credit hours, \$9,188 for each semester for part-time students enrolling in nine to 12 semester credit hours, or \$850 for each semester credit hour for part-time students enrolling in five to eight semester credit hours.

The school is located at 81 Mary Street (between Meeting and King Streets) which was previously occupied by the Charleston Chamber of Commerce. The two-story facility includes 38,000 square feet of space. It houses the library, administrative and faculty offices, writing/seminar/conference rooms, classrooms, computer labs, study space, student lounge (with a coffee/snack bar), and requisite storage and common space. Two additional lecture hall theaters seat a total of 340 and are located in the adjacent 13,000-square-foot American Cinema at 446 King Street.

The dean of the CSOL reported that the school received over 100 applications for faculty positions including applications from senior faculty members at established law schools. At the time of this report, the school has hired eight full-time faculty members, two full-time librarians, and five full-time staff members.

Recommendation

The staff suggests that the Committee on Academic Affairs and Licensing commend favorably to the Commission approval of licensure for the Charleston School of Law to offer a program leading to the Juris Doctor for three years provided that 1) no “unique cost” or other special state funding be required or requested; 2) the institution discontinue advertising and enrolling students into the program if it becomes apparent that it is unable to meet its timeline to gain ABA accreditation; and 3) in the event that the school, or its officers or agents, should make an attempt to cause the school to become a part of the College of Charleston or any other public institution, the license granted to the school shall be null and void and immediately revoked.

LICENSING TEAM EVALUATION REPORT
Charleston School of Law
Site Visit and Review conducted May 2004
Review for licensure to begin classes in fall semester 2004

Introduction

The examining team convened in Charleston for a review of updated materials supplied by the officials of the school and for a site visit. The examining team was charged with the responsibility of reviewing updated information for the Charleston School of Law to offer a program leading to a Juris Doctor degree. This follow-up review was for compliance with the licensing requirements and for the team to make a recommendation to the Commission as to whether the Commission should allow the institution to begin classes in the fall semester 2004.

The examining team members for the review and site visit were:

Joseph D. Harbaugh, Dean
Shepard Broad Law Center, Nova Southeastern University; Fort Lauderdale, FL

Sally Wise, Director and Professor of Law
University of Miami School of Law Library; Coral Gables, FL

David Shipley, Professor
University of Georgia School of Law; Athens, GA

Renea Eshleman served as staff liaison for the Commission on Higher Education; CHE Deputy Director and Director of the Division of Academic Affairs and Licensing Gail Morrison also participated in the review and site visit. Robert S. Carr served as institution liaison for the Charleston School of Law. The team greatly appreciates the care taken by representatives from the Charleston School of Law in providing supporting documentation and in hosting the team in Charleston.

The reviewers evaluated the progress of the school based on reports and updated materials provided before and during the visit and on information gained during meetings and interviews with the founders, faculty, and staff of the school.

This report addresses each recommendation from the review conducted last summer for “conceptual” compliance with the licensing requirements and presents additional observations of the team.

Educational Program

1.

2003 Recommendation. The team recommends that officials of CSOL develop course syllabi for the courses to be offered in the first year and submit the syllabi to the Commission before the next phase of review in the spring of 2004.

2004 Review. As they are hired and assigned classes, the faculty members of CSOL develop course syllabi. The syllabi will be accessible to students through the web site of the school.

Additional observations. The members of the team encourage the officials of the CSOL to provide ample opportunities for the students to develop professional and lawyering skills in upper-level classes and through in clinical experiences. A law school education must include simulation-based classes and clinical opportunities. Dean Gershon assured the team that the curriculum includes such courses as well as a traditional two-credit hour professional responsibility course. The administration of the school should advise students to take the professional responsibility course in the second year so the students will qualify for third-year externships and student practice opportunities under the South Carolina Supreme Court's third-year practice rule.

Finance and Facilities

2.

2003 Recommendation. It is recommended that officials of CSOL develop a more detailed five-year budget. Included in the budget should be separate line items for: equipment, utility costs, advertising, marketing and promotion, travel, insurance, fringe benefits, maintenance contracts, printing, etc.

2004 Review. CSOL officials provided to the team updated budgets; they will continue to develop and detail those as needed.

Additional observations: CSOL officials should break down the budget further so that, in addition to the aggregated numbers, the reviewers know the origins of the totals, how they relate to enrollments, and how they convert to the revenue figures. Officials should "tease out" and refine the enrollment projections to show the number of students who will enroll in each class in each year and factor in attrition and space issues in day and night classes. The result should reflect exactly how many students they expect to have in each class in the day division and the evening division. In addition, the officials of the school should reconcile fees with total enrollments. Income from fees will depend on enrollment.

3.

2003 Recommendation: A copy of the final building plan and space requirements should be provided once a site is selected. The budget should be revised to include the appropriate building, renovation, and lease costs, if any.

2004 Review: The law school officials provided a copy of the final building plan and space requirements. The facilities under development at 81 Mary Street (previously occupied by the Chamber of Commerce) along with lecture facilities at the adjacent American Cinema will provide adequate facilities and space for the school's first year of operation.

Additional observations. The team advises that before the American Bar Association (ABA) accreditation team visits the school in fall 2005, the officials at CSOL have a noise study conducted in the facility when students are present. If the noise level rises to an unacceptable level, engineering alternatives should be implemented to deaden the sound.

The team does not believe the present facilities including the theatre will be sufficient for the second year of operation. Additional faculty, staff, students, and the scheduling of a very heavy two-year required upper-level curriculum will necessitate expanding the physical plant before classes begin in fall 2005. CSOL officials indicated that they are considering several options including access to professional space in an adjacent building. Also an investor had in hand a contract proposal to purchase additional close by facilities.

4.

2003 Recommendation. The budget should more clearly detail the line item for instructional equipment.

2004 Review. CSOL has provided updated budgets. However, because renovations were ongoing at the time of the visit of the team, the project is still evolving. In fact, school officials met while the team conducted its visit with a vendor for furniture.

Library and Student Services

5.

2003 Recommendation. The team recommends that the officials of the CSOL submit a summary of the library collection implementation plan before the next phase of review in the spring of 2004.

2004 Review. The plan as fleshed-out by the library staff reflects that the school will have in place adequate library resources for the fall 2004 class. The plan relies heavily on electronic resources.

Additional observations. The team advises that the officials of CSOL continue evaluating and updating learning resources, making sure all the needs of faculty, students, and community are met. As planned there will be a higher percentage of materials in electronic format than in most law school libraries. CSOL administration and faculty must be aware of the need to convince the ABA Accreditation Committee that the resources are adequate to meet the research, teaching, and service needs of the students and faculty. The librarian wants the resources to be cutting edge and is knowledgeable about the issues. The collection development plan needs to be written to justify and convince a possibly skeptical ABA inspection team and the Accreditation Committee that a library so heavily dependent on electronic resources will meet the research needs of the students and adequately train them to practice law in real-world situations with perhaps limited access to state-of-the art electronic resources. The plan must also show that the resources will support the teaching, research, and service interests of the faculty and will serve the legal community as well. The presentation of this type of library must be communicated to the ABA clearly and persuasively and must include discussion of what will be in traditional hard-copy format. The team believes the administrators at CSOL have the vision and the skill to implement the plan. The team suggests that CSOL officials insure that all faculty members are totally committed to the extensive use of electronic resources and that the law librarian has enough time to write a persuasive collection development plan and self-study and that these documents be reviewed by librarians from other ABA-accredited institutions to insure that all possible issues are effectively covered. The collection development plan and self-study should be seen as advocacy documents and should include among other items: (1) footnote references to articles about moving to electronic resources, (2) a description of internal and external support; (3) reference collection development by volumes, and (4) attention to space for collection growth. The administration and faculty need to consider that some graduates will be practicing in some locations that do not have electronic access, so graduates must also be proficient in the use of paper resources.

6.

2003 Recommendation. The team recommends that the officials of the CSOL determine how many librarian and staff members are expected to be dedicated to the library over the next few years and to submit this information to the Commission before the next phase of review in the spring of 2004.

2004 Review. The officials of the school provided an updated library staff plan projected through 2007-08. CSOL has hired competent, experienced staff for the library. The team advises the officials of the school to be mindful and deliberate in hiring adequate numbers to meet the intentions of the school to serve its students, the faculty, the bar, and the public. Since CSOL has both day and evening divisions, the library must be staffed to provide services to both day and evening students.

7.

2003 Recommendation. The team recommends that the officials of the CSOL submit an updated document on library and technology budgetary matters before the review in spring of 2004.

2004 Review. The officials of the school provided an updated library and technology budget plan projected through 2008-09.

Organization, Administration, and Faculty

8.

2003 Recommendations

Continue to review and increase faculty salary budgets to assure recruitment of qualified and experienced teachers.

Budget for faculty development such as research, support, and travel to conferences.

Develop a summer budget.

2004 Review. The officials of the school provided an updated budget projected through 2007-08.

Additional observations. The officials of the CSOL plan to offer career services and a pro bono program. The team advises the school to move forward as soon as possible as well as continue with plans to add additional career services and student services staff in the second year. The founders have employed highly credible, experienced, and knowledgeable personnel upon whom they should rely. Care must be taken to aggressively move forward to fill other positions such as the associate dean for academic affairs and an associate dean of student affairs. The founders have made a great start in assembling an exceptional core faculty and administration.

9.

2003 Recommendation. Hire a comptroller or dean of students who understands law school debt issues and knows how to administer financial aid, in particular education loans. Staff should be in place who will fully disclose the financial challenges to applicants and enrolled students and provide students with sound advice and counseling about managing their education debts.

2004 Review. CSOL founders have employed an outstanding experienced and qualified dean for admissions. At the time of the visit, CSOL had made 302 offers of acceptance to the full-time program. Of those accepted, 145 had paid the required \$300 seat confirmation fee. The profile of the 145 accepted applicants who paid the seat deposits is as follows:

	LSAT	GPA
75th percentile	154	3.46
25th percentile	150	2.84
Median	152	3.15
Mean	153	3.10

The school is providing full disclosure to prospective students of the financial obligations. However, the team continues to have reservations about the ability of graduates to service a debt of what could be \$1,270 per month, especially for public-service-oriented lawyers the institution intends to cultivate and graduate.

Merit based scholarship awards have been made and continue to be made as funds are available. A total of \$450,000 has been designated for scholarship awards.

Additional observations. Given at this stage the absence of available of federal Title IV financial aid, the team commends the officials of CSOL for negotiating an arrangement with a major financial institution to offer a customized loan program for students. The team encourages the officials of CSOL to pursue loan consolidation opportunities for students with debt from undergraduate study.

Conclusion and Recommendation

In the opinion of the reviewers, the founders of the Charleston School of Law have (or will have by the beginning of the fall semester) implemented their plan to meet the licensing requirements and to adequately support the purposes and objectives of the curriculum and the needs of the students, faculty, and staff of the institution. Therefore, the team recommends the Commission license the Charleston School of Law to begin classes in fall semester 2004 conditioned upon the staff reviewing progress and visiting in August 2004 to confirm completion of the implementation plan and issuing of the license for classes to begin in fall semester 2004.

The officials of the CSOL voluntarily invited the team to make a follow-up visit to the school next spring and advise the school founders and staff as they progress toward ABA accreditation. The founders of the school and the members of the review team have agreed that the project is of sufficient importance and the process of sufficient value to incorporate into the licensing process a follow-up review in spring 2005. The team members indicated willingness to participate next spring before the end of the semester in order to see the school in operation, to meet students, and to review and advise the school concerning its progress and meeting the requirements for ABA accreditation.