

WASC Substantive Change Report Donald Bren School of Law University of California, Irvine

Introduction

This proposal describes the J.D. program associated with the Donald Bren School of Law at the University of California, Irvine. The school was established by The Regents of the University of California in November 2006. The University of California, Irvine has general doctoral degree-granting authority for the Ph.D., but not for professional doctorates, though we currently offer two under this category: the M.D., and the Ed.D. WASC therefore requires that a substantive change proposal for the J.D. be submitted under the rubric of new professional doctorate degrees.

Section I: Overview/Abstract

Overview/Abstract

A. Name of degree or program proposed

Juris Doctorate

B. Initial date of offering

Enroll Charter Class – September 2009

C. Projected number of students and what type of student is the program geared for, i.e. adult learners, part-time or full-time

67 Students in the Charter Class, growing to full time enrollment of 600 by 2013.

D. Anticipated life of the program, i.e., one time only or ongoing, and what is the timeframe of courses, i.e., accelerated, weekend or traditional format

Ongoing, traditional format.

E. Prior experience with this type of program – If the institution's experience includes joint doctoral programs, then describe the institution's role and responsibilities in the joint doctoral program distinct from the partnering institution.

UCI currently offers the M.D. and Ed.D., although the Ed.D. program is not accepting additional applications at this time. Currently there are Ed.D. students completing their degrees. See Section III B for enrollment data.

Section II: Annual Report

Annual Report

Attach a copy of the most recent Annual Report submitted to WASC, including the audited financial statement.

The Annual Report is attached.

Section III: Descriptive Background, History and Context

Background, History, and Context

A. Brief description of the institution including the broader institutional context in which the new program or change will exist. Connect the anticipated substantive change with the mission, purpose, and strategic plan of the institution.

The University of California, Irvine, is public land-grant university founded in 1965; it is one of ten campuses in the University of California system. Our Carnegie Foundation classification is RU/VH (Research Universities [very high research activity]).¹ We have been a member of the American Association of Universities since 1966.

Our enrollment as of spring 2007 is 24,745 students, including 19,694 undergraduates, 131 post-baccalaureate (i.e., Teaching Credential), and 3,661 graduate students on the general campus, and 55 undergraduates and 1,204 graduate students in the Health Sciences (MDs, nursing science, medical residents, etc.).

The mission statement of the University of California includes the obligation to serve society through “graduate and professional education, research.”² Guided by that general mission, the strategic plan for the University of California, Irvine, lists as one of its principal objectives increasing graduate enrollments on the campus, particularly through the development of new professional schools, including law.³ The law school is a crucial element in our general effort to enhance the delivery of new knowledge to society in forms that can have immediate beneficial application to policy and practice for the region and nation.

B. Listing of the number, variety and longevity of other programs at the proposed degree level currently being offered, including student enrollment data and completion and non-completion rates for previous or current doctoral programs. At least three and no more than five years of data should be provided.

Summary data for the most recent years of the programs appear below, with cumulative data for completion and withdrawal over the past five years. (Annual completion data for

¹ RU/VH is the basic Carnegie designation for the campus. For designations in the various sub-categories see

<http://www.carnegiefoundation.org/classifications/sub.asp?key=748&subkey=13412&start=782>.

² “Mission Statement.” <http://www.universityofcalifornia.edu/aboutuc/missionstatement.html>.

³ See *Focus on Excellence: A Strategy for Academic Development 2005-2015*. For references to the law school as part of the plan see “Principal Objectives.” <http://www.strategicplan.uci.edu/?p=6>; “Specific Goals and Strategies” <http://www.strategicplan.uci.edu/?p=25>; etc.

those cohorts is unavailable at this time.) Four-six year graduation rates for students entering 1996-2002 are attached as a separate table.

Program	Deg.	Start Date	End Date	Enrollment							
					2002-03	2003-04	2004-05	2005-06	2006-07		
Educational Administration ¹	EdD	Fall 1994	Spring 2003	Hdcnt	61	63	55	47	38		
				FTE	15.3	17.9	15.0	14.3	16.6		
Completed degree				Cumulative 2002/03-2006/07= 32 hdcnt				51%			
Withdrew/dismissed				Cumulative 2002/03-2006/07= 17 hdcnt				27%			
Ed. Admin & Leadership ²	EdD	Fall 2003	active	Hdcnt		15	33	50	53		
				FTE		3.6	11.2	16.7	23.1		
% Completed degree				Cumulative 2003/04-2006/07 = 8 hdcnt				15%			
% Withdrew/dismissed				Cumulative 2003/04-2006/07 = 11 hdcnt				21%			
Medical Doctor	MD	Fall 1969	active	Hdcnt	385	389	386	394	423		
				FTE	385	389	386	394	423		
% Completed degree				98	98	100	99	97			
% Withdrew/dismissed				2	2	0	1	3			
¹ This program began as collaboration with UCLA. Admissions have been discontinued as of Spring 2003; teachout for enrolled students continues.											
² Originally offered as a joint degree with California State University campuses in the region. Those partnerships are being phased out at CSU's request as CSU develops its own Ed.D.s. Teachout will continue as long as there are students who enrolled in the joint program; after that, UCI will continue to offer its own Ed.D.											

C. If the institution currently offers a joint doctorate(s), indicate whether the program(s) will continue and provide details on how the proposed program fits into the strategic plan of the institution. If the program will be discontinued, refer to Section XV on teach-out requirements.

No joint doctorates related to law are currently offered by UCI. (Plans for our joint Ed.D. programs are described above in Section III.B.)

Section IV: Institutional Accrediting History Relevant to Substantive Change

Accrediting History

A. Brief response to issues noted in prior substantive change reviews since the institution's last comprehensive review

During the Fall Quarter of 2000, UCI collaborated with WASC to guide a Substantive Change Proposal through the process for a Masters of Advanced Study in Criminology, Law and Society. The WASC Action Letter of December 18, 2001 approved the proposal and identified four areas of concern:

1. "Evaluation and assessment – In its developmental phase, at least for the first 2-3 years, the program should be reviewed at the end of each term, not at the end of the first year, and examine learning outcomes and student faculty satisfaction. This will help determine

quickly the extent to which faculty and/or student needs are being met. In this program assessment, there is the need to have more faculty serving in an evaluative role than the course instructors.”

2. “UC System approval – The academic senate was considering the program at the time of the meeting with the Committee. Before the program is implemented, the program must receive all requisite UC approvals.”
3. “Provisions for Teach Out - The proposal did not include a statement in regard to Teach Out provisions. The Committee asks that it be provided with a written statement that all students who enter the program will be able to complete it.”
4. “Sample syllabi - The syllabi provided with the proposal were inadequate in number and content, in that they did not appear to reflect accurately the nature of the program. The committee requests that more representative syllabi accompany the Teach Out statement.”

UCI’s Vice Provost, Michael P. Clark, in a February 13, 2001 letter to WASC responded to each of the listed concerns:

1. Capstone Projects would be evaluated at the end of each term by the instructor and the teaching assistant responsible for the course. Project grades will be assigned by the instructor with input from a committee of three Department faculty.
2. A letter was forwarded documenting approval for the course by then President of the University of California, Richard Atkinson dated April 11, 2002.
3. Included with Dr. Clark’s letter was the Provisions for Teach Out statement requested. It was signed by the relevant deans and the chair of the department.
4. Three additional course syllabi were included with Dr. Clark’s letter.

July 3rd, 2003, Executive Director Ralph Wolff issued an approval letter to UCI Chancellor Ralph J. Cicerone in response to the June WASC review of a Substantive Change Proposal for an Educational Doctorate Degree offered through UCI in cooperation with the CSU campuses of Fullerton, Cal Poly Pomona, Long Beach, and Los Angeles.

B. Institutional response to issues noted in prior Commission or other Committee action letters or visiting team reports that are relevant to doctoral level education

On July 6, 2001, WASC Executive Director Ralph Wolff wrote to UCI Chancellor Ralph Cicerone reaffirming UCI’s accreditation and noted “The Commission recognizes the self-acknowledged challenges faced by UCI in managing its projected enrollment growth.”

UCI’s response to the challenge of managing enrollment growth and enhancing research performance relevant to doctoral-level education is summarized carefully in “Focus On Excellence: A Strategy for Academic Development at the University of California, Irvine

2005-2015,” the University’s recently published strategic plan.⁴ At projected build out of the University, capping total enrollment at 32,000, UCI is targeting growth in the Graduate Division to become 25% of total enrollment. This requires increasing graduate enrollment from roughly 4,800 students in 2005-06 to just over 8,000 in 2015-2016.

This target reflects a commitment to our mission as a public research university where a critical mass of graduate students is available to collaborate with faculty, supporting faculty research and training new researchers in key areas of investigation. Strategic planning has also directed faculty FTE to support these key areas. An integral component of the Strategic Plan is the establishment of a law school within the interdisciplinary environment of our university. The eventual addition of 600 law students will represent a major contribution to the goal of increasing enrollment within the Graduate Division.

C. If the proposed program is within a school accredited by a professional accrediting agency, or is related to a program that is accredited by a professional accrediting agency, list the agency, year accredited, and attach a copy of the most recent team evaluation report and agency action. Also, indicate whether the specialized agency needs to review and approve the proposed program prior to implementation.

Per America Bar Association regulations (2006-07 Standards and Rules of Procedure for Approval of Law Schools, Rule 4(c) p. 64), the Donald Bren School Law at UCI will apply for Provisional ABA accreditation in the fall of 2010 after one year of operation. UCI will consult with the ABA prior to its opening in 2009, however no ABA review is required until filing for provisional accreditation.

Section V: Program Need

Program Need

A. Program need/rationale framed by the institution’s mission and strategic goals - Local program need should be documented in addition to any national or statewide need

Mission and strategic goals:

The Donald Bren School of Law at UCI will contribute directly to the mission of UCI as part of the University of California. As stated by the UC Office of the President, that mission is “to serve society as a center of higher learning” by providing opportunities for

⁴ The strategic plan also maps out strategies to sustain and enhance the quality of undergraduate education as well, which is the main point of WASC’s remark, but those plans are not directly pertinent to this report and so will not be described here. In light of WASC’s emphasis on this issue, however, reviewers should note substantial interest in law-related areas among our undergraduates as reflected by large enrollments in our formal minor in Law and Philosophy (School of Humanities), a major in Criminology, Law, and Society (School of Social Ecology), and the Law Forum, a series of undergraduate courses and other co-curricular activities sponsored by the School of Social Sciences.

“graduate and professional education” to the people of California.⁵ That general mission, which reflects the unique role of the University of California described in the California Master Plan for Higher Education (adopted 1960)⁶ is complemented by UCI’s more specific strategic goals as outlined in our strategic plan, including expansion of our research portfolio at the highest level of quality and impact; increasing graduate enrollments; and developing professional schools characteristic of a first-rate comprehensive research university. Foremost among the strategies described in that plan for reaching our goals is the creation of a school of law, which has been a part of UCI’s academic plan since the campus began in 1965.⁷

The Donald Bren School of Law will contribute to that mission and help achieve the strategic objectives of the campus by offering a comprehensive and rigorous curriculum in basic legal doctrine and practice taught by a first-rate faculty whose scholarly interests begin with a deep knowledge of legal specializations but also reach across the boundaries of those specialties to engage a wide range of related issues and disciplines that reflect existing strengths across the campus. Coupling these interdisciplinary scholarly initiatives in law to the multicultural society and high-tech industries of our community, the School of Law at UCI will, from the beginning, contribute significantly to the academic strength of our whole campus, and it will prepare its students to assume leadership roles in their profession and at the forefront of our state and nation.⁸

B. Process and results used to establish the need⁹ Please provide a summary of the findings, not the full study

Statewide and Local Need for a New Public Law School:

Need was determined (1) in traditional market terms for the general workforce of practicing attorneys in the state, and (2) much more specifically in relation to the highly focused objectives and purpose of legal education within the distinctive mission of the University of California. This latter context includes obligations of access, demand, relative affordability, and academic standards that are not usually considered in relation to generalized workforce measures but that are essential to determining need for another public law school in California.

(1) General Workforce Need Determined by Traditional Market Measures:⁹

Population Ratios: Compared to the nine other most populous states, California ranks 6th out of 10 in the number of attorneys per 1000 people, and is substantially below the mean of these 10 states. New York has two-thirds again as many attorneys per-capita as California has, and even after experiencing a decline of nearly 4% in its per-capita ratio during this period, New Jersey still had nearly 20% more attorneys per capita than

⁵ “Mission Statement,” from the University of California Academic Plan, 1974-1978, on <http://www.universityofcalifornia.edu/aboutuc/missionstatement.html>.

⁶ Available online at <http://www.ucop.edu/acadinit/mastplan/mp.htm>.

⁷ See *Focus on Excellence*, pp. 20-21

⁸ UCI, Proposal for a School of Law at the University of California, Irvine (2001), pp. 1-2.

⁹ UCI, Response to the CPEC Draft Report of September 2006, pp. 12-14.

California in 2004.¹⁰ Just as important as the per-capita ratio is its direction of change over time: California's growth in the number of attorneys is not keeping pace with the growth in other states. California ranked near the bottom of this group in its rate of growth. For example, in this seven-year period, the number of attorneys per 1000 people in Georgia and Texas grew nearly three times faster than in California.¹¹

Employment Opportunities: Placement records at accredited law schools nationwide are high. The ABA reports that "the employment market for new law school graduates has remained relatively strong, standing at or above the 89 percent employment rate mark."¹² Nationally, the ratio of graduates to jobs of 1.16, and in California that ratio is even lower (1.14). Among the twelve top-rated law schools in California for which data was available, placement records met and often exceeded these national figures, ranging from 96% at UC-Berkeley to 83.2 at UC-Davis.

Wages: The relative shortfall in attorneys in California compared to these other states has produced evidence for yet another measure of need, a dramatic increase in salaries for attorneys nationally and in California between 1998 and 2004, the last year for which such trend data was available. Data in the ten most populous states show that average wages for attorneys increased in every state between 1998 and 2004. Even after adjusting for the effects of inflation, the mean increase across the ten states was 26.2%.

California's rate of increase exceeded the mean and was the third-highest rate of increase (30.8%). Increases in the wages of lawyers nationally are evidence that the market demand for attorneys exceeds the supply, especially in California. Given that California experienced one of the lowest rates of growth in the number of employed attorneys between 1998 and 2004, and yet saw one of the highest rates of wage increase during the same period, one must conclude that demand for attorneys in California exceeded the supply, a classic definition of need in market terms.¹³

¹⁰ These ten states are, in order of decreasing population: California, Florida, Georgia, Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas. The other states in this group have more in common with California — large and complex economies, diverse populations, similar social and political needs, large metropolitan areas with national and international centers of commerce — than do the remaining smaller states. Taken together, this group of ten states represents 54% of the total population of the United States and 59% of the employed attorneys. (U.S. Census Bureau. (2006). *GCT-T1-R. Population Estimates (Geographies Ranked by Estimate)*. Online: <http://factfinder.census.gov>; retrieved September 23, 2006.)

¹¹ Sources: (1) U.S. Census Bureau. (2006). *GCT-T1-R. Population Estimates (Geographies Ranked by Estimate)*. Online: <http://factfinder.census.gov>; retrieved September 23, 2006. (2) U.S. Census Bureau. (1999). *ST-99-3. State Population Estimates: Annual Time Series, July 1, 1990 to July 1, 1999*. Online: <http://www.census.gov/population/estimates/state/st-99-3.txt>; retrieved September 23, 2006. (3) U.S. Census Bureau. (2000-2006, published annually). *County Business Patterns [1998-2004]*, United States. Washington, D.C. Data exclude self-employed persons.

¹² *ABA-LSAC Official Guide to ABA-Approved Law Schools, 2007 Edition*, p. 37.

¹³ Source: U.S. Dept. of Labor, Bureau of Labor Statistics. (2000-2006, published annually). *Occupational Employment and Wages [1998-2004]*. Washington, D.C. Salaries have been adjusted for inflation using the Consumer Price Index (U.S. City Average, Not Seasonally Adjusted, Series Id: CUUR0000SA01998) using 1998 as the base (1998=100).

Increases in starting salaries at the top firms nationwide have exceeded the norm significantly, indicating even greater demand for the better graduates from the better law schools—the cohort in which the Donald Bren School of Law will participate from the beginning. A significant “supply deficiency” exists at that level according to a recent analysis published by a major consulting firm for legal organizations. The top 200 law firms in the U.S. now hire about 50% of all graduates from the top 100 law schools in the U.S.--“hardly the level of selectivity that good firms profess to seek”--and the size of that “recruiting class” among top firms is likely to increase. The only choices in response, according to this analysis, are even higher salaries driven by increasing competition; expansion of class sizes in existing institutions; or creation of new law schools.¹⁴

Institutional Capacity for Supply of Attorneys: A survey commissioned by UCOP from the RAND corporation in 1999 found that existing law schools in the state had no intention of expanding to meet increased need for attorneys. As part of their study, they interviewed the deans of California’s “high-quality” law schools and were told these schools “are operating near or at capacity. . . . The deans we interviewed do not predict a noticeable change in law school enrollment.” UCI’s consultation in 2001 with law deans in the UC system, Stanford, and other selected private law schools in California confirmed RAND’s finding for those schools, and we have seen no evidence that any of the better law schools in the state plan to increase their enrollments significantly. Between Fall 2001 and Fall 2005, total enrollments in the state’s high-quality law schools have increased by a total of just 3.5%, or at an annual rate of increase of less than 1% per year. The enrollments at three schools (Loyola Marymount, Stanford, and UC Berkeley) actually declined slightly.¹⁵ California does, of course, employ attorneys educated from out of state, but not at a level that keeps pace with population growth in the state compared to the ten other most populous states.

(2) Need for a New Public Law School in Southern California

Access: Since the last public law school was created in California (UC Davis in 1968), California's population has increased by about 14.7 million, which is approximately equivalent to the current population of the entire state of Florida, without any significant increase in enrollments at the UC law schools. In 2000, Southern California was estimated to have a population of 21.1 million. That is approximately equivalent to the population of the entire state of Texas, in a geographical region the size of Michigan. In the 1999-2000 academic year, the four public law schools in Texas enrolled a total of 3,663 J.D. students, and the two public law schools in Michigan enrolled 1,816. The only public law school in Southern California (UCLA) enrolled 957 J.D. students.

The statewide shortage of opportunities for public legal education is especially acute in Southern California. There is only one public law school south of Market Street in San Francisco, and Northern Californians have four times the access to a UC legal education

¹⁴ Ward Bower, “The War for Talent and Starting Salaries,” *Report to Legal Management* 34, no. 7 (April 2007), pp. 9-10 (http://www.altmanweil.com/dir_docs/resource/aa26ed0a-08e1-422b-8605-6e42e944bb92_document.pdf); rpt. *Of Counsel*, 26, no. 2, p. 15.

¹⁵ Response to CPEC, Sept. 2006.

as do Southern Californians. In Northern California, there are about 5,500 people for every seat in a UC law school. In Southern California, there are more than 22,000 people per seat in a UC law school (i.e., UCLA).¹⁶ Donald Bren School of Law at UCI will help redress this inequitable geographical distribution of opportunities for public legal education in California.

Affordability: Average fees at UC law schools are 30%–40% lower than average fees at ABA-approved private law schools in California, and that difference in cost is an important factor in making legal education more accessible to more people. In addition to restricting access to a relatively affordable legal education, this economically unbalanced distribution creates a special market opportunity for another UC law school, which would charge significantly lower tuition and fees than even the least expensive private law school on the list.

For Fall 2006, fees at the only two private schools generally considered peers of the UC law schools — Stanford and USC — exceeded UC fees by an average of \$15,127 annually (i.e., a mean of \$38,061 for Stanford and USC vs. a mean of \$22,934 for UC). That represents a savings for UC J.D.s of \$45,381 over three years vs. what they would pay for a comparable education at a private law school. Fees at the seven next-highest ranked private law schools in California are also significantly higher than at UC law schools: the average annual cost of these seven schools is \$10,412 higher than the average annual cost of a UC law school, or \$31,236 for the three years of the J.D. program.¹⁷ Fourteen of the nineteen ABA-approved law schools in California charge annual tuition and fees of \$30,000 or more; only five charge less than \$30,000 per year—and four of those five are public law schools). Fees within the UC system are scheduled to rise in the future, but that not affect this difference significantly since fees at private schools are likely to keep pace with those increases as they have in the past.

The results of higher costs in private law schools are predictable. According to the ABA, in 2003 87% of law students in the U.S. borrowed money to pay for their fees. The average amount borrowed by graduates of private schools was \$72,893; the average amount borrowed by graduates of public law schools was \$45,763.¹⁸ That debt poses a burden especially to people from under-represented portions of the population, and it inhibits graduates from seeking careers in the public sector.

Programmatic Distinction:

Rankings and Accreditation-- In the *U. S. News and World Report 2008 Edition* rankings of law schools, all of the UC law schools are in the top fifty, but only two of the private

¹⁶ “2001 Response,” p. 2-3; see Tables 1 and 2. There are about 21 million people in Southern California and only 13.5 million in Northern California. See “Overview,” p. 8, Table 1. For updated figures to 2006, which make this case even stronger, see “Attachment” below, p. 21.

¹⁷ Response to CPEC Sept. 2006, pp. 36-38. Those law schools are the U. of San Diego, Loyola Marymount, Pepperdine, Santa Clara, University of the Pacific, U. of San Francisco, and Southwestern.

¹⁸ ABA Section on Legal Education and Admission to the Bar, ABA Annual Questionnaire, as quoted in *Financing the Future: Equal Justice Works 2004 Report on Law School Loan Repayment Assistance and Public Interest Scholarship Programs*, p. 15.

law schools (Stanford and USC) are in the top fifty. There are no top-fifty schools of law south of Los Angeles; the highest-ranked school in the region is the University of San Diego, tied with five others in the U.S. at 85th. None of the law schools in Orange County are ranked in the top 100, and in this county of three million people only three law schools have even attained ABA accreditation.¹⁹ The Donald Bren School of Law at UCI can be expected quickly to achieve a level equivalent to other UC law schools and a ranking roughly equivalent to that of UCI as a whole, as is characteristic of other law schools at major research universities. We will therefore provide a unique opportunity for study at this level of quality in the region.

Student Characteristics:

There are noticeable differences in the characteristics of students applying to, being admitted to, and actually enrolling in law schools in California. It is clear that most of the private law schools in the state are serving different student populations than are Stanford, USC, and the UC public schools.²⁰

In terms of LSAT scores, about 60% of applicants to UCLA scored in the top 1/6th of test-takers nationwide, while only about 10% of UCLA's applicants scored in the bottom half of test-takers. In other words, "highly qualified" applicants outnumbered "less-qualified" applicants at UCLA by 6-to-1. At USC, this ratio was 4-to-1 and at Hastings and UC Davis, about 3-to-1. The best ratios among the next highest-ranked private law schools were at Santa Clara (1.4-to-1) and Loyola Marymount (1-to-1).²¹

Given these differences in applicants to public and private law schools in California, it is not surprising to find similar differences in the characteristics of students offered admission. One in three students admitted to UCLA's law school had LSAT scores at or above the 98th percentile (i.e., "exceptionally highly-qualified"), as did one in four

¹⁹ USNWR rankings are not measures of absolute quality, of course, and there is much debate about their validity, but alternative systems for rating law schools use various other criteria, including "empirical" measures such as faculty citations rates, productivity, etc., and the results closely resemble the order of schools in USNWR. The one anomaly produced by comparisons among the systems described below is the relatively high ranking of USD in Leiter's rankings compared to USNWR when measured by faculty productivity and citations.

For this report we considered the following ranking systems: *America's Best Graduate Schools*, *U.S. News and World Report*, 2007 Edition, pp. 44-47; Leiter's Law School Rankings for 2005; "Top-Law-Schools," which compiles information from the Gourman Report, Educational Quality Rankings (EQR), Insider's Guide to Law Schools, Justice Brennan, and USNWR rankings; and The Consensus Group, a California-based company founded by practicing attorneys and management consultants.

²⁰ 2006 Response p. 21.

²¹ In the discussion that follows, we use the following terms to describe law school students and prospective students: "exceptionally highly-qualified," to refer to students having LSAT scores of 170 or higher; "highly-qualified," or students having LSAT scores of 160 or higher; "less highly-qualified," meaning students having LSAT scores of less than 160; and "less qualified," those students having LSAT scores below 150. (Response 2006 p. 21). Source: Margolis, W., Gordon, B., Puskarz, J., Rosenlieb, D. (2006). *ABA-LSAC Office Guide to ABA-Approved Law Schools. 2007 Edition*. Newtown, PA: Law School Admission Council, Inc.. University of the Pacific did not report LSAT scores of applicants in a form that could be included in this table; Chapman, Southwestern, Stanford, Thomas Jefferson, UC Berkeley, and the University of San Diego did not report LSAT score ranges of applicants.

students admitted by USC. (Data was not available for the law school at UC Berkeley.) More than 90% of applicants admitted to these two schools scored at or above the 84th percentile (“highly-qualified”), as did more than 80% of the students admitted at UC Davis, Hastings College of the Law, and Loyola Marymount. Highly-qualified students represented only slightly more than half of the students admitted to the University of San Francisco, Pepperdine, and Santa Clara.

Conversely, UC schools admitted many fewer students in the lower categories of LSAT scores. There are four distinct groups of law schools in California: schools that admitted almost none of the “less highly-qualified” applicants (USC, UCLA, Hastings, UC Davis, and Loyola Marymount); schools where “highly-qualified” and “less highly-qualified” admits were in relative balance (USF, Pepperdine, and Santa Clara); schools at which “less highly-qualified” students outnumbered “highly-qualified” students by about 5-to-1 (Golden Gate and California Western); and the final group, in which the ratio exceeded 10-to-1 (Whittier and Western State).

The significance of these data as a measure of need and demand is dramatic when data on admissions selectivity is combined with applicant data to produce the numbers of “highly-qualified” students turned away by each law school. For the Fall 2005 cohort, UCLA, USC, Hastings, and UC Davis together turned away more than 7700 applicants having LSAT scores in the top 1/6th of the nation, and few of these students are enrolling in the next-higher ranked private law schools in California. Even if one adjusts this number in some way to account for duplicate applications from students applying to more than one school, it is reasonable to conclude that there is still a very large unmet need represented by the pool of highly-qualified candidates not being served by the existing public and private law schools in California.

Conclusion for Need: These data demonstrate a need statewide for another law school in the UC system, especially in Southern California, and particularly in Orange County, the second most populous county in the state. The lack of public law schools in our region has an opportunity cost for portions of the populations whose aspirations and social mobility are closely tied to regional opportunities for professional education. It also creates a relative lack of intellectual capital for the region in terms of legal scholarship and expertise, and it seriously restricts the pool of highly qualified JDs in the area desired by prospective employers in our region.²²

C. Evidence (surveys, focus groups, documented inquiries, etc.) used to support enrollment projections and to support the conclusion that interest in the program is sufficient to sustain it at expected levels

Support for Enrollment Projections and Projected Student Interest in the Program: In Fall 2005, UC law schools (Berkeley, UCLA, and Davis) received a total of 17,622 applications. 2,670 applicants were admitted to fill 778 seats. The number of applications, acceptance-rates (selectivity) and enrollment-rates from 1994-2005 have

²² Even though all of the better law schools in the U.S. recruit students from a national pool, there is a strong regional trend in applications and enrollments, and graduates of even the best public law schools tend to practice in the states where they matriculate.

fluctuated but within a relatively narrow range. (During this period, the number of applications to UC law schools ranged from a low of 10,223 in 1997 to a high of 19,405 in 2003. Selectivity and enrollment rates fluctuated +/- 10% at Berkeley and UCLA, and +/- 20% at Davis in that period.)

These figures indicate substantial unmet demand for legal education in the UC system. UC denied admission to between 10,000 and 17,000 applications each year in that ten-year period. Though these totals undoubtedly include some duplicate applications to more than one UC law school, it is clear that these huge annual numbers of denied applications for UC law schools indicate a level of interest sufficient to sustain projected annual enrollment of 200 new students in the Donald Bren School of Law—especially when, as noted above, it is apparent that there is little overlap among students applying to UC law schools and those applying to most of the private law schools in the state.

Surveys:

UCOP, “Law School Applicants, Admits and First-year Class Enrollments, Men and Women, 1995-2005”; “Law School Applicants . . . [by ethnicity] (October 2005 reports)

“Law Schools in California Approved by the American Bar Association, Enrollment Statistics,” compiled by UCI from the *ABA Official Guide to Approved Law Schools*, 2005-06.

“California Bar Passage Rates of Graduates of California’s ABA-Approved Law Schools, 2000-04,” compiled by UCI from California Bar Association (2005): “Number of first Timers and Repeaters Taking and Passing and the Percent Passing [the California Bar exam]”; online at http://www.calbar.ca.gov/state/calbar/calbar_home.jsp.

ABA-LSAC Official Guide to ABA-Approved Law Schools (annual reports). Produced by the Law School Admission Council and the American Bar Association. Data on national trends and individual law schools throughout the U.S.

Carson, Clara N. *The Lawyer Statistical Report: The U.S. Legal Profession in 2000*. Chicago: American Bar Foundation, 2004. Data on the U.S. lawyer population, nationally and by state.

Jobs and JD’s: Employment and Salaries of New Law Graduates, Class of 2005. NALP: The Association for Legal Career Professionals. Washington, D.C.: NALP, 2006. National benchmarks and data related to employment in legal professions, nationally and by region.

Other sources on employment, demographics, etc. cited throughout this proposal.

Focus Groups:

Students: Our students have repeatedly expressed interest in the field of law and in attending law schools, literally for decades. There is a large and active Law Forum for UCI students planning careers in law, with formal coursework, a journal, and a regular schedule of extra-curricular activities (<http://www.socsci.uci.edu/lawforum/content/courses.htm>). There is also a minor in “Law and Humanities” available in the School of Humanities (<http://www.humanities.uci.edu/humlaw/program/#skiptocontent>). The scale of student interest is evident in attendance at a “Careers in Law” event in 2003, hosted by the Chancellor in conjunction with planning for the law school; it attracted over 300 students, most of whom signed up for a mailing list to keep up with those plans.

Faculty—UCI and UC Deans of Law: UCI faculty were formally surveyed in 1999-2000 to determine interest in large-scale, school-level initiatives at UCI. Law emerged as a top priority, as it had a decade earlier in response to a similar survey prior to the first proposal to start a law school at UCI in 1991. Deans of Law in the UC system (and at Stanford) were interviewed at the beginning of the planning process in 2000-01 to ascertain their perspective on the creation of a new UC law schools and to identify any plans to increase enrollments at existing law schools. (There were none.) We subsequently extended that consultation to include Deans at Pepperdine, Chapman, and Loyola.

Community: Extensive consultation with leaders in the business and legal communities in Orange County occurred at the beginning of the planning process and continues today. The consultations occurred through formal advisory groups (CEO Roundtable, Chancellor’s Club, etc.) and ad hoc groups focused on one or more areas of expertise (Managing Partners of local and national law firms; venture capitalists and business leaders in areas of interest pertinent to the prospective law, including high-tech industry in the area; etc.)

These consultations resulted in powerful expressions of support from judges, law firms and bar associations, business leaders, community leaders, and elected officials. Our proposal is supported over 80 formal letters of support from members of those groups. More dramatically, we have also received from our supporters over \$5 million for the law school in addition to the \$20 million naming gift from Donald Bren. That level of interest will clearly sustain us through the start-up period and is projected to increase significantly once we begin admitting students.

Section VI: Planning/Approval Process

Planning / Approval Process

A. Description of the planning and approval process within the institution, indicating how faculty and other groups (administrators, trustees, stakeholders, etc.) were involved in the review and approval of the program, including any campus established criteria for doctoral level work

In 1999, UCI Executive Vice Chancellor William Lillyman issued a campuswide call to all faculty for large-scale, school-level proposals. Among those received was a renewed call for a school of law.²³ The proposals were vetted by a joint committee of people from the Senate and the central administration, chaired by the EVC. Law was among five proposals chosen for further development. Development of these proposals was then incorporated into a more general strategic planning project for the whole campus that led to publication of *Focus on Excellence: A Strategy for Academic Development at the University of California, Irvine, 2005-2015*.

An ad hoc committee of faculty and heads of administrative planning offices was formed and charged with developing the law proposal; the group was Chaired by Dean of Engineering William Sirignano. In the course of developing the proposal, the group held town meetings for the whole campus to discuss the plans, and follow-up meetings with faculty, staff, and students were held in the Schools with considerable faculty expertise in fields related to law: particularly Social Sciences, Social Ecology, and Humanities. Drafts of the proposal were also vetted by student groups at the graduate and undergraduate levels. At the same time, the Chancellor and the Executive Vice Chancellor and Provost met regularly with community leaders, elected officials in the city, county, and state, and representatives from most of the law firms in the region, the judiciary, and local Bar associations. Comments from those community sources were reported to the law school workgroup and integrated into the plans for the school.

The group produced its original proposal in October 2000. It was reviewed by the Academic Senate at UCI and by the community leaders and elected officials that had participated in its development as described above. Following comments and suggestions by the Senate and the community, the proposal was revised and resubmitted to the Senate for approval. On January 25, 2001, the Divisional Assembly of the UCI Academic Senate unanimously approved the proposal for a School of Law at UCI. The Chancellor and the Executive Vice Chancellor and Provost also endorsed the recommendation, and the proposal was then submitted to UC Provost and Senior Vice-President C. Judson King on February 1, 2001, for review at the UC systemwide level.

B. Description of the review process at the system level, if the institution is part of a university system, including any system requirements for doctoral level work

UCOP sent the proposal to the systemwide Academic Senate for review. The Senate endorsed the proposal but UCOP review of the proposal was truncated by the Office of the President in 2001. Provost King stated said the prevailing budget climate in California precluded a decision at that time, and he said that UCOP would return to the issue when the budget improved.

²³ An earlier proposal for a law school had been approved by the UCI Academic Senate and the administration in 1990, but at the request of the Office of the President it was not submitted for systemwide review due to budget problems in the state at that time. A school of law has been part of UCI's academic plan since the campus was founded in 1965. See Clark Kerr, *The Gold and the Blue: A Personal Memoir of the University of California, 1949-67* (Berkeley and Los Angeles: The Regents of the University of California, 2001), vol. 1, pp. 243-45.

The process was reopened in 2005 when two new committees were convened: the Task Force on Planning for Doctoral and Professional Education, chaired by Provost Rory Hume; and under the aegis of that committee a Legal Education Advisory Subcommittee (LEAS), chaired by the Dean of Law at UC Berkeley, Christopher Edley.

LEAS recommended that a law school be established at UCI. The Task Force agreed and forwarded that recommendation to UCOP for consideration. UCOP sent the UCI proposal to the Academic Senate for a second review; the Senate unanimously endorsed the proposal and recommended that the school of law be established at UCI.

UCOP then forwarded the proposal for comment to the California Postsecondary Education Commission, which advises the University and the Regents on planning initiatives. On a mixed vote, CPEC commissioners recommended against the UCI proposal based on a staff report that found UCI had failed to meet some elements of three criteria used to review such proposals. (They found that the four other CPEC criteria had been fully satisfied.) Following a response from UCI to that report, UCOP found that UCI had satisfied all standards of review for new graduate programs in the University of California. The President formally endorsed the proposal and recommended to The Regents that the school of law be established at UCI. In November 2006, The Regents accepted that recommendation by a unanimous vote and established the school of law at the University of California, Irvine.

Section VII: Program Description

The following account of the J.D. program has been reviewed and endorsed by the incoming founding Dean, Duke Law Professor Erwin Chemerinsky, whose appointment will begin summer 2008; two current UCI faculty in other units who hold partial appointments in the law school; and UCI Provost and Executive Vice Chancellor Michael R. Gottfredson.

Course titles and other specific aspects of the program are subject to change by the faculty of the Donald Bren School of Law, who will have authority over all academic matters in the school. As explained in Section VIII, we expect eight of those faculty to be in place the year before the first class is admitted, which will allow ample time to review and refine the basic first-year curriculum described here. We expect to hire eight more faculty over the next two years for a total of sixteen faculty to review and develop the more specialized courses before the first cohort of students enters its third year. This process of course development and review by the law faculty will be continuous as hiring continues through 2016-17.

Curriculum

A. Overall description of the program including the alignment of the program philosophy,

curricular design, and pedagogical methods with the target population and degree nomenclature selected

Introduction: This section provides an overall description of the J.D. curriculum to be offered by the Donald Bren School of Law.²⁴ The curriculum will provide students with an excellent graduate and professional legal education which will prepare them to practice law and assume leadership positions in the fields of law, government, and business. Our goal is to produce graduates who will be recruited by the top national law firms, who will compete successfully for major clerkships and for faculty positions at leading schools of law, and who will occupy key roles in business and government and in public interest organizations.

We have selected four primary emphases for our approach to legal education: (1) the relationship between the law and emerging technologies, (2) the globalization of the economy and culture, (3) environmental law, and (4) the field of public-interest law. Our academic strengths in fields related to these emphases, coupled with our location in Southern California at the edge of the Pacific Rim and home to numerous high tech companies, and with an increasing ethnically diverse population, provide an ideal backdrop for addressing these issues through our curriculum. These three emphases will be further developed by the close integration of the law school with other strong academic units; we anticipate that some faculty will hold joint appointments, that courses completed in other schools may count toward some of the JD program requirements, and – as the school develops – that we will develop formal joint degrees with other doctoral and master’s level programs on our campus.

Target Population: Our target population is highly qualified applicants from across the U.S. with either a B.A. or B.S. degree who want to practice law and who aspire to positions of leadership in the fields of law, government or business. Admission to the program will be restricted to full-time students expected to finish in three years. Additional criteria for admission are described at the end of Section VII.

Degree Nomenclature: The J.D. (Juris Doctor) degree is the “first professional degree in law granted by a law school.”²⁵ The degree is offered by all ABA-approved law schools and is the degree required for admission to the bar in nearly all U.S. states and territorial jurisdictions. In addition, as described below, the curriculum for the J.D. includes traditional elements inherent in the nomenclature of a professional doctorate degree: formal knowledge of the field focused on legal doctrine, procedures, and analysis; the study and application of research methods; experience in practice; extensive writing experiences; and review of professional responsibilities including ethics.

Program Philosophy: Our program’s philosophy is shaped by (1) the over-riding goal of justice pursued through a mastery of legal doctrine, procedure, and professional practice; (2) innovative movements in the pedagogy of law that emphasize an integrated approach

²⁴ For a sample three-year schedule of courses for the J.D. see below, Section VII.G.

²⁵ 2007-2008 ABA Standards for Approval of Law Schools, Chapter 1, p. 10
(<http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Chapter%201.pdf>).

to legal education and emphasis on experiential learning; and (3) the ABA standards for law school curricula. Each of these themes are discussed below.

The American Bar Association, which is responsible for approving law schools, requires that each approved law school must offer substantive instruction in five areas:

- “the substantive law generally regarded as necessary to effective and responsible participation in the legal profession;
- “legal analysis and reasoning, legal research, problem solving, and oral communication;
- “writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;
- “other professional skills generally regarded as necessary for effective and responsible participation; and,
- “the history, goals, structure, values, rules and responsibilities of the legal profession and its members.”²⁶

In addition, according to the ABA, law schools must offer substantial opportunities for “live-client or other real-life practice experiences..., student participation in pro bono activities, and small group work through seminars, directed research, small classes, or collaborative work.”²⁷ Our program includes all of these features.

As suggested by a recent report from the Carnegie Foundation for the Advancement of Learning, our curriculum also embodies what they call an “integrative” approach to legal education.²⁸ In this approach, the three areas of legal education – legal doctrine and analysis, clinical practice, and professional identity – are addressed in order to explore how those “parts interact with and influence each other” rather than being treated as separate entities which is the usual practice of law schools.²⁹ The Carnegie report includes several examples of how this integration might occur, many of which we have adopted in our curriculum, including a lawyering course in the first year, reflective clinical practice throughout the program, and opportunities in the third year for students to reflect on their educational experiences, develop a specialization, or engage in more advanced clinical work.

Finally, our philosophy on the curriculum is guided by the idea that students completing the J.D. degree will be fully prepared for the practice of law based on the ultimate objective of any legal system -- the realization of justice. Thus, our curriculum will integrate issues of ethics and diversity throughout the curriculum, and special attention

²⁶ ABA Standard 302.

²⁷ ABA Standard 302.

²⁸ William M. Sullivan, Anne Colby, et al., *Educating Lawyers: Preparation for the Profession of Law*, The Carnegie Foundation for the Advancement of Teaching (San Francisco, CA: Jossey-Bass, 2007), p. 191.

²⁹ Sullivan, p. 194.

will be given to the role of law in the changing demographics of the state and nation and the constantly evolving political and cultural realities of a global society.

Curricular Design: The curriculum will meet all American Bar Association standards for legal education.³⁰ The curriculum will be based on an “integrative” approach to legal education that unites the cognitive (course work), the practical (clinics and internships), and the ethical-social elements (study of ethics, lawyering and other professional development) of the law.³¹

Required courses in the first one to two years will reflect the traditional doctrinal foci of most legal curricula (see list below), but a variety of pedagogical approaches (next section) will expose students from the beginning to the real-world contexts from which legal issues emerge. For example, guest speakers including practicing lawyers and judges, formal and informal mentoring, internships and other co-curricular opportunities will be integrated throughout the curriculum. Through such opportunities, students will be exposed to the ideal of reflective practice and what it means to be a practicing attorney. Students will also participate in simulations and clinical programs, especially in the second and third years of the program.³²

Courses will focus on broad issues of legal theory and fundamental principles, and on methods of analysis and critique necessary for innovative scholarship and effective practice in a wide range of applications, with special attention to case studies in the three areas of emphases: (1) the relationship between the law and emerging technologies, (2) the globalization of the economy and culture, and (3) the field of public-interest law. These emphases will be reflected in the scholarly specializations of the law faculty and the courses they teach; in the cases studied by all students in the first-year doctrinal courses and some second year coursework; and in advanced seminars in the second and third years. Required courses will address the needs of professional education in the field, including (but not limited to) ABA standards and preparation needed for passing the California Bar Examination.

In addition to formal courses in law, the curriculum will provide opportunities for students to fulfill some of their requirements through courses in other UCI graduate programs and/or clinical programs affiliated with UCI. Graduate programs with courses of special interest to law students include Criminology, Law and Society; Earth System Science; and many other programs in Schools of Social Ecology, Social Sciences, Business, and Humanities; courses in other fields, including the sciences and engineering, would be open to students with appropriate levels of preparation. Clinical programs may include high-tech start-up companies, offered through the Paul Merage School of Business; public law clinics associated with the Public Law Center and the Legal Aid

³⁰ ABA Standard 302.

³¹William M. Sullivan, Anne Colby, et al., *Educating Lawyers: Preparation for the Profession of Law*, The Carnegie Foundation for the Advancement of Teaching (San Francisco, CA: Jossey-Bass, 2007), p. 191.

³² See Chapter 9: “Components of a ‘Model’ Best Practices Curriculum” in Roy Stuckey, et al., *Best Practices for Legal Education: A Vision and A Road Map* (Columbia, SC: Clinical Legal Education Association, 2007), pp. 275-81.

Society of Orange County; public health law clinics in association with the Program in Medical Education for the Latino Community (PRIME-LC); and an existing collaboration between the Legal Aid Society and the UCI Family Health Clinic in Santa Ana, California.

Pedagogical Approaches.³³ The integrated curriculum will combine conceptual knowledge of the law appropriate to doctoral-level degrees with practical experience and an ethical awareness of the law in contemporary society that are essential for professional practice at the highest level. Context-based instruction will pervade the curriculum at all levels, including courses in theory, doctrine, and analytical skills. Pedagogical methods will include experiential and non-experiential courses. Experiential courses will include simulation-based instruction, in-house clinical courses and externship courses. Non-experiential courses will be based on Socratic dialogue and casebook approaches to law, supplemented by non-Socratic methods described by Stuckey, including “small group discussions, on-line discussions, role playing, [and] in-class discussion.”³⁴

Most of the required doctrinal law courses in the first year will be offered in the traditional case-dialogue method stressing legal reasoning and procedural knowledge, but with opportunities for problem-based learning that will encourage the self-reflection and contextual understanding associated with the most sophisticated levels of legal practice and leadership. Elective courses in the second and third years will be conducted as classes of various sizes, including small seminars stressing forms of collaborative learning and the consideration of abstract legal concepts in real-world situations. Clinical programs in the second and third years will allow students to apply what they learn in those courses to the practice of law under expert guidance on a case-by-case basis. A third-year capstone experience will combine these three methods to allow students to focus and refine their professional aspirations and identity through more intensive specialization and more extensive clinical experience in conjunction with faculty and other advanced students, including those from related disciplines involved in a common project.

In addition to the pedagogical approaches described above, we will incorporate two additional pedagogical approaches that have been shown to improve student learning. The first approach is to expand the idea of course assessment to include (1) formative assessment strategies, which provide feedback to students during the learning process, and (2) criterion-referenced strategies which are based on the achievement of student learning outcomes rather than the more usual norm-referenced approach which rank-orders students.

Most law schools in the U.S. still focus on norm-referenced, summative assessment (for example, using a single essay exam at the end of a course and assigning grades based on relative rankings). This is likely to remain the characteristic of top law schools in the U.S., especially in light of the content-based accrediting standards used by the American Bar Association as illustrated above. In addition, exigencies of managing the large

³³ Much of the following relies on *Study*, esp. Chapters 5 and 6, and Sullivan.

³⁴ Stuckey, p. 224.

classes typical of most law schools, especially for first-year students, create practical limits on more labor-intensive forms of assessment. Summative assessment will therefore be an important part of the Donald Bren School of Law.

Nevertheless, both the Carnegie report (Sullivan 2007) and the "Best Practices" survey by the Clinical Legal Education Association (Stuckey 2007) argue that formative assessment and more criterion-referenced evaluation of student work are critical to student learning, and we will incorporate them whenever possible. Grading a final exam and then not providing students with any feedback will not help improve student learning. However, if students know what is expected (student learning outcomes), have opportunities to practice what is expected, and have timely and detailed feedback about their performances, student learning can be improved.³⁵ Criterion-referenced testing also plays a role in feedback to students, thus improving student learning. For example, when faculty identify specific standards for student work and judge work against those standards, students are receiving valuable feedback regarding their own strengths and weaknesses. Using criterion-referenced assessment also means that every student can demonstrate proficiency regardless of rank in class.

Our second approach is to employ intentional learning whenever possible in the curriculum. Intentional learning is described by Sullivan et al. as "educational practices that help students become self-conscious about and self-directed in their own learning" (p. 179). With this approach faculty help students to become more aware of their own learning and to develop meta-cognitive strategies for reviewing and judging the quality of their own work. This approach is typically connected to pedagogy which articulates student learning outcomes and provides useful and timely feedback to students during the learning process. Intentional learning would work especially well for developing students' sense of professional responsibilities and lawyering skills, although it could be used in other areas as well.

B. Description of each track within the program being proposed including the capacity of the institution to support each track – Each track will be acted on independently

There is only one track being proposed at this time: full-time study leading to the J.D. degree in three years. (Other degree-programs are anticipated for the law school, including an L.L.M. in the very near future, but only the J.D. is being proposed for review at this time.)

C. Description of how a doctoral level culture will be established to support the proposed program, including such elements as doctoral level course requirements, nature of the research environment, balance between applied and research components of the degree, and type of culminating experience (full dissertation or a culminating project). Also include plans for faculty research, faculty hires, library resources, and peer and campus collaboration. Discuss how students (both full-time and part-time) will be integrated into the intellectual community of the department and institution.

Doctoral-level culture: A doctoral-level culture already exists at UCI. We offer 43 Ph.D. programs, an M.D., and an Ed.D. In 2005-06 we awarded 266 Ph.D. and Ed.D. degrees

³⁵ Munro, pp. 72-73.

and 79 M.D.s. We currently enroll over 4,000 graduate students, almost all of them in doctoral programs: 3,661 are in academic programs across the campus; 416 are in the M.D. program and 151 are Ph.D. students in the College of Health Sciences. The J.D. program will be thoroughly integrated into that culture from the beginning as described below.

Doctoral-Level Course Requirements: Requirements for doctoral programs are established and enforced by the Graduate Council of the Academic Senate. Within the University of California, courses for the J.D., like those for the M.D., are under the purview of faculty in those fields, but Graduate Council reviews those courses for consistency with standards and practices in doctoral education across the whole campus. Review of the J.D. courses will be an opportunity to familiarize the law faculty with graduate programs in other schools, and to teach faculty from those other schools more about the way the J.D. program operates.

Nature of the Research Environment: The research environment at UCI is extraordinarily strong. We are a member of the Association of American Universities and home to three Nobel Laureates, three recipients of the National Medals of Science, 23 National Academy of Sciences members, 9 National Academy of Engineering members, five Institute of Medicine fellows, and 36 American Academy of Arts and Sciences members. More than forty academic programs at UCI are ranked in the top fifty of their fields; fourteen in the top twenty; and five in the top ten. The campus received \$311 million in extramural research funding in 2005-06 and private support totaled over \$100 million for the year. UCI has given rise to over thirty start-up companies and receives approximately \$6 million annually from patents and intellectual property rights. Graduate education is an important part of that research culture and was supported by \$63 million in fellowships, research support, and teaching assistantships in 2003-04, including \$18.6 million in need-based aid and merit fellowships alone. Since then, the amount of aid has increased dramatically, including an increase of \$5 million just in the past year (2006-07).

Balance Between Applied and Research Components of the Degree: The Carnegie Foundation for the Advancement of Teaching has issued a report urging law schools to integrate the applied (clinical) and research (doctrinal) components of their programs into a pedagogical continuum that includes provision for ethical and social self-reflection as well.³⁶ UCI intends to follow that advice with an emphasis on clinical practice joined to the scholarly specialization of the faculty and students. This conceptual link between these components will be reinforced by courses that rely on reflexive practice to embed knowledge of legal concepts and procedures in real-world contexts (see “Pedagogical Methods” above).

Culminating Experience: The J.D. does not require a dissertation or thesis, though a major paper will be required for graduation. Students will be encouraged to use the third year of law school for a capstone experience focused on their field of legal specialization,

³⁶ William M. Sullivan, Anne Colby, et al., *Educating Lawyers: Preparation for the Profession of Law*, The Carnegie Foundation for the Advancement of Teaching (San Francisco, CA: Jossey-Bass, 2007).

working with faculty and other students from law and related disciplines, and with experienced practitioners in a clinical context under the guidance of their faculty advisors. In most cases, the major paper would be associated with this capstone project.

The Third-Year Capstone Projects Program would enable third-year students to develop foundational skills for a smoother transition from law school to the practice of law or the pursuit of some other law-related career.³⁷ Students would be permitted collaboratively to design and implement a project under the supervision of a member of the governing faculty, and, in some cases, with the assistance of outside mentors who would be experts in the substantive area of the project.

The primary purpose of Capstone projects would be to introduce students to complex legal problem-solving through projects that would require the kind of sustained and highly motivated effort expected of young scholars, associates at law firms, and young lawyers at public interest law firms or regulatory agencies. Providing some exposure during law school that simulates skills required in the actual practice of law is not only important for helping students develop well-rounded and more realistic perspectives about the legal profession, it also helps students appreciate the importance of other subjects taught in law schools.³⁸ The Capstone Project program would serve these goals.

Although the precise parameters of each individual project would be flexible, the program would have core requirements applicable to all projects, including the requirement of a substantial final written product that reflected the process of planning, analysis, implementation, and evaluation. (For a more extended account of the capstone projects see attachment for Section H below, “sample syllabi.”)

Peer and Campus Collaboration:

Peer collaboration among UCI law students will take place from the first year in problem-based learning assignments associated with their doctrinal courses, and from the second year within interdisciplinary collaborations among students in law and other disciplines. Inter-institutional peer collaboration will be encouraged by prospective clinical consortia among law schools in Southern California that will allow students to take advantage of clinical opportunities in their field of specialization offered by participating law schools. (We have initiated discussions about these consortia with representatives from law schools at USC, Loyola, Pepperdine, and Chapman.)

Extra-curricular peer collaboration will occur through student-led professional organizations and journals, including a general law review and more specialized journals that will develop related to specializations of the faculty. Editors and staff for these

³⁷ This capstone experience is adapted from a report drafted for the Curriculum Committee at Duke University School of Law by Erwin Chemerinsky.

³⁸ Kevin E. Houchin, “Specialization in Law school Curricula: A National Study,” 2003 report accessible at <http://www.woodenpencil.com/research/JDSpec041403.pdf>.

journals will be chosen through a competition that selects the strongest students in the school. In addition to journals and other forums, students will also have the opportunity to participate in organizations that enrich the educational experience by providing outreach to the community. In particular, a public-interest law association will work with public agencies such as the Orange County's Public Law Center to offer clinical services to those who otherwise lack access to legal counsel. Other organizations will evolve from the interests of students and faculty to support the intellectual and cultural diversity of the student body.

Campus Collaboration

From the earliest stages of its planning, the Donald Bren School of Law at UCI has been imagined as thoroughly integrated into the academic plan for the whole campus. The proposed emphases on emerging technologies and globalization complement and extend existing research conducted in many areas across the campus. These areas of research include international trade and contracts, international finance, population studies and immigration, international and environmental law, bio-medical technology, privacy of electronic communications, and intellectual property. In addition, faculty strengths at UCI positioned the campus to develop strong interdisciplinary programs intellectual property, electronic communications, biotechnology, environmental law, international commerce, the history and literature of law, the philosophy of justice, evidential logic, criminal justice reform, alternative methods of dispute resolution, and health-care law. This research will be based in a Center and/or an Organized Research Unit that will facilitate collaboration between faculty in Law and other fields, including significant existing strengths in psychology and law, immigration, criminology, and other law-related fields. (UCI currently has a Center in Law, Society, and Culture that will collaborate closely with the law school.) Coordinating research in this way will increase the ability of the campus to attract extramural funding for research that is now often scattered and isolated in different units.

The law school will also be at the center of a culture of interprofessional education built upon joint degrees between law and business (JD/MBA), medicine (JD/MD), and public health (JD/prospective MPH now under review by UCOP). In addition, the School of Medicine houses the Program in Medical Education for the Latino Community (PRIME-LC). This program joins the curriculum for the MD with master's level training in related fields for people interested in practicing and administering health programs in the underserved Latino community. A similar model for people interested in public service to this community (and others) will be developed in the School of Law. *Note, however, that these joint degrees are merely prospective at present and are not included in this substantive change proposal for the J.D. alone.*

A School of Law will also increase the strength and visibility of existing undergraduate programs in many areas of the campus. The campus now has an active interdisciplinary pre-law undergraduate program. A set of courses in Public Law is offered by the Department of Political Science, and a Minor in Law and Humanities is offered by the School of Humanities. The School of Social Ecology offers a popular major in

Criminology, Law, and Society, and students interested in legal careers often pursue degrees in economics, sociology, and political science in the School of Social Sciences.

D. Student learning outcomes for the proposed program (see also section XIV)

Regular Assessment of students' performance is required under ABA Standard 303 "Academic Standards and Achievements" (a) and (b):

(a) A law school shall have and adhere to sound academic standards, including clearly defined standards for good standing and graduation.

(b) A law school shall monitor students' academic progress and achievement from the beginning of their studies and periodically throughout their time in law school.

We will comply with that standard. Unfortunately, there is no generally accepted set of learning objectives or outcome measures per se for J.D. programs in the United States beyond the general objectives described in the ABA Standards 301 and 302.³⁹ Those standards for legal education describe what a law school should provide in terms of the content of the courses, but they do not attempt to specify the knowledge, skills and attitudes that graduates should attain.

Virtually all of the law schools we reviewed use the content-based ABA standards rather than a statement of expected student learning outcomes.⁴⁰ Internationally, however, especially in the European Union, England, Scotland, and Australia, there are professional organizations in the process of developing formal outcomes statements for legal education.⁴¹ This international trend toward outcomes-based education has already begun to influence legal pedagogy in the U.S. as evident in the Carnegie report noted earlier (Sullivan 2007) and the "Best Practices" survey by the Clinical Legal Education Association (Stuckey 2007). This interest in developing student learning outcomes for legal education reflects and is reinforced by the increasing emphasis on outcomes-based education and assessment by most accrediting agencies in the U.S. for educational institutions at all levels, including WASC.

Our approach to student learning outcomes is to use the best of both worlds, that is, our J.D. program embraces both the content-based ABA standards and outcomes-based assessment. In the development of our student learning outcomes, we were influenced primary by two sources. The first source is *Best Practices for Legal Education*, in which Stuckey adopts (with slight modification) the outcomes being developed by the Law Society of England and Wales. These outcomes describe the personal and professional attributes of the practicing lawyer, one who "demonstrates the capacity to deal sensitively

³⁹ American Bar Association, 2007-08 Standards for Approval of Law Schools (<http://www.abanet.org/legaled/standards/standards.html>). Chapter Three, "Program of Legal Education" (<http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Chapter%203.pdf>), Standards 301-308.

⁴⁰ For two examples, see statements of student learning outcomes from the J. Reuben Clark Law School at Brigham Young University and the Georgia State University College of Law.

⁴¹ For a review of these international efforts, see Stuckey, 2007, pp. 45-49. Munro (2000) is the most extended effort to do the same for U.S. law schools.

and effectively with clients, colleagues and others from a range of social, economic and ethnic backgrounds,” “effectively approach problem-solving,” and “demonstrate an appreciation of the commercial environment of legal practice, including the market for legal services.”⁴²

The second source we used is *Ensuring Successful Assessment* from the National Centre of Legal Education at the University of Warwick, and written by Alison Bone.⁴³ She identifies student learning outcomes grouped under four major categories: (1) knowledge with understanding, (2) analysis and application, (3) evaluation and judgment, and (4) investigation and presentation.

From these two sources and our own thinking and knowledge of student learning outcomes, we have developed a set of student learning outcomes that directly parallel the five ABA standards for instruction and that reflects the findings of the Carnegie Report and the “Best Practices” Survey by the CLEA. For each standard, the wording has been changed to reflect what students are expected to know, understand, do, and value as a result of their legal education for the J.D. degree from the Donald Bren School of Law. These outcomes also form the basis of assessment plan, described in Section XIV.

Student Learning Outcomes

Graduates of the Donald Bren School of Law will demonstrate attainment of the following learning outcomes and objectives.

Outcome 1: Students will demonstrate a working knowledge and understanding of core concepts, theories, principles, and procedures of the law, particularly in the areas of contracts, torts, property, civil procedure, criminal law, and constitutional law.

- Objective (a): Students will correctly define and use legal terminology.
- Objective (b): Students will explain the main concepts and theories of core legal subjects.
- Objective (c): Students will identify the key elements in civil and criminal procedures and explain how these procedures ensure the rights of individuals.
- Objective (d): Students will demonstrate knowledge of constitutional law and describe the structure and role of judicial review.

Outcome 2: Students will use legal analysis and reasoning, and legal research methods for problem solving.

- Objective (a): Students will use traditional and electronic methods of legal research for researching legal issues, legislative history, and state and federal law.

⁴² The Law Society, Second Consultation on a New Training Framework for Solicitors, 4.46 (Sept. 2003), cited in Stuckey 2007, p. 54.

⁴³ Alison Bone, *Ensuring Successful Assessment*. (Coventry, England: The National Centre of Legal Education and Author[s], 1999)

- Objective (b): Students will select, organize, and interpret facts and apply the law to novel problems and situations.
- Objective (c): Students will distinguish between evidence and opinion, and make reasoned judgments in an accurate and logical manner.
- Objective (d): Students will demonstrate competency in both predictive and persuasive analysis methods.

Outcome 3: Students will demonstrate effective written and oral communication skills.

- Objective (a): Students will write clear, effective and persuasive legal documents.
- Objective (b): Students will demonstrate professional-level writing skills in at least two major writing assignments (one in the first year, and one after the first year), using appropriate tone, consideration of audience, a thesis statement and transitions, and appropriate use of quotations and citations.
- Objective (c): Students will deliver effective oral presentations in public and actively participate in oral classroom discussions.

Outcome 4: Students will develop their own professional identity and demonstrate the professional skills necessary for effective and responsible participation in the legal profession

- Objective (a): Students will use self-reflection and feedback regarding their own strengths and weaknesses to develop and implement a plan for enhancing their professional skills, knowledge and attitudes needed for practicing law.
- Objective (b): Students will demonstrate appropriate behavior and integrity in a variety of situations, including potentially contentious areas of work.
- Objective (c): Students will demonstrate the capacity to deal sensitively and effectively with clients, colleagues and others from a range of social, economic, and ethnic backgrounds.
- Objective (d): Students will manage their personal workload and manage efficiently and concurrently a number of client matters.
- Objective (e): Students will demonstrate the ability to work effectively as a member of a legal team.
- Objective (f): Students will recognize the need to engage in life-long learning and participate in continuing education after graduation.

Outcome 5: Students will know and understand the history, goals, structure, values, rules and responsibilities of the legal profession and its members

- Objective (a): Students will be able to recognize and resolve ethical dilemmas.
- Objective (b): Students will be familiar with the Model Rules of Professional Conduct of the American Bar Association and will be able to apply the rules to different situations and scenarios.
- Objective (c): Students will be committed to the values of justice, fairness and morality, and will foster respect for the rule of law.

E. Curricular Map

The following curricular map describes the alignment between program learning outcomes and course learning outcomes.

Figure 1: Curricular Map

Courses	Program Outcomes				
	1. Knowledge and understanding of core concepts, theories, principles and procedures of the law	2. Legal analysis and reasoning; legal research methods and problem-solving	3. Effective written and oral communication skills	4. Professional identity and lawyering skills	5. Knowledge and understanding of the history, goals, structure, values, rules and responsibilities of the legal profession
Doctrinal law courses: --Civil Procedure --Contracts --Constitutional Law I, II --Criminal Law --Property --Torts --Wills and Trusts	X	X	X		X
Introduction to Lawyering and Ethics				X	X
Lawyering Skills (Legal Writing) I, II		X	X		
Moot Court			X	X	X
Professional Responsibility (Ethics)				X	X
Electives	X	X	X		X
UD Emphasis	X	X	X		X
Externships		X	X	X	X
Legal clinic experience		X	X	X	X
Capstone Experience (specialization & extensive clinical experience)	X	X	X	X	X

Note: X indicates that the course outcomes are aligned with the program outcomes indicated.

F. Listing of courses, identifying which are required⁴⁴

Students will take the following courses in their first year. Required courses are noted by an asterisk (*). (In some cases, students may be allowed to postpone one or more of these courses till the second year in order to pursue special curricular opportunities in the first year.) The status of the elective course in the first year, a separate ethics course, and the title and content of the legal-writing course is tentative pending faculty discussion and approval.

- Civil Procedure*
- Contracts*
- Criminal Law*
- Introduction to Constitutional Law*
- Property*
- Torts*
- Introduction to Lawyering and Ethics (short course)*
- Lawyering Skills (Legal Writing) I* (Fall = predictive writing)
- Lawyering Skills (Legal Writing) II* (Spring = trial court motion and mock oral argument)
- One elective course
- Recommended: First year moot court* experience

Second- and third- year courses will address the broader objectives of modern legal education, reflect the scholarly interests of the faculty, and focus on special needs and opportunities in the region and state. These courses will also allow students to complete their requirements and prepare to meet the demands of the California Bar. Many of the following courses will be regularly offered.

Business and Corporate Law

Antitrust, Bankruptcy, Business Associations, Secured Transactions, Taxation, and Venture Capital

Civil Procedure and Litigation

Alternative Dispute Resolution and its various forms; Evidence, Federal Litigation

Criminal Law

Criminal Procedure, White Collar Crime

Environmental Law

Environmental Law, Land Use, Natural Resources Law, Toxic Torts, Water Law and Policy

High Technology and Intellectual Property Law

⁴⁴ Much of the material for this section was developed as a special project of UCI's Leadership Academy. Members of the group which focused on Law School Curriculum Development were Tony Hansford (Paul Merage School of Business), Brenda Fitzjarrald (Sociology), Ellen Reibling (Health Education Center), and Chuck Villaneuva (Psychology and Social Behavior). The group was overseen by Vice Provost for Academic Planning Rob Ameele. All course titles subject to revision.

Biomedical Research, Intellectual Property Law, Patent Law, Telecommunication Law
International and Comparative Law
Critical Theory, Comparative Legal Institutions, International Human Rights, International Trade Law, Transnational Law, Global Environmental Law

Other clusters of courses will be designed under the following rubrics:

Public Law and Policy
Medicine and Mental Health Law
Family Law
Human Rights and Civil Liberties Law
Labor and Employment Law

G. Process by which syllabi are reviewed and approved to ensure that 1) course learning outcomes are described and are linked to program learning outcomes 2) materials are current 3) pedagogy is appropriate for the modality of the course

Syllabi for new courses will be reviewed and approved by faculty in the Donald Bren School of Law.

H. Attach three sample syllabi and the syllabus for the dissertation or culminating experience, which are adapted to the modality of the course. Sample syllabi must demonstrate rigor appropriate to a doctoral level course in terms of required reading, course content/topics, and assignments/grading policy. Course syllabi should reflect a learning outcomes orientation and be linked to program outcomes. Syllabi should demonstrate that extensive library usage is required including use and research of primary and secondary level resources.

Sample syllabi are attached, with a description of a capstone project as the culminating experience. (The J.D. does not require a thesis, though the capstone project will include a significant written product; see description.)

Grading Policy⁴⁵: A+ through F. For First Year courses and upper division lectures with an enrollment of 40+, the recommended distribution is:

A+ to A-, Target = 27-25% respectively

B+ to B, B-, and C+ and below

For classes with < 40 and seminars and clinicals with +/<14, the following applies:

Median grade shall be =/<B+. For seminars and clinicals with enrollments of 14 or below, there are no grading constraints.

Pending explicit exceptions noted on the syllabus and/or announced to the class, grades will be based on a final examination and/or paper. Class participation may be considered and grades adjusted accordingly if/as described on the syllabus.⁴⁶

⁴⁵ Modeled on UCLA's policy.

⁴⁶ Based on Academic Rules, School of Law—Boalt Hall
(<http://www.law.berkeley.edu/students/registrar/academicrules/#anchor313803>).

Dismissal: If GPA is below 2.0- with no rounding up - by the end of the first year, students will be dismissed. If 2.2 or below, and student has not been dismissed, s/he will be on probation. Failure to maintain a 2.699 average in all first year coursework will subject students to special requirements.

Connections between syllabi and student learning- and program-outcomes described above for two of the syllabi and the capstone project are indicated in the following table.

Course: Constitutional Law (Chemerinsky)

Course objectives	Assessment Methods			Associated Program Outcomes
	Final Exam	Self-Assessment Survey	Class Participation	
Demonstrate knowledge of constitutional law	X	X	X	PO1
Apply concepts and principles of constitutional law to solve new problems related to due process, division of power, civil rights, and equal protection under the law	X			PO2
Demonstrate clear and effective writing	X			PO3

Course: Labor Law (Fisk)

Course Objectives	Assessment Methods				Associated Program Outcomes
	Final Exam	Optional Essay	Self-Assessment Survey	Class Participation	
Demonstrate knowledge of labor law	X		X	X	PO1
Use knowledge of labor law to explain the meaning and application of statutes in areas such as collective representative, collective bargaining and protections for employee protests	X				PO2
Describe how the structure of labor law influences strikes, union-busting, or other labor-related events (real or fictional), using appropriate research methods	X	X			PO2
Demonstrate clear, effective and persuasive writing	X	X			PO3

Course: Capstone Project

Course Objectives	Assessment Methods			Associated Program Outcomes
	Substantive Written Paper	Clinical Performance	Self-Assessment	

		Evaluation	Survey	
Demonstrate in-depth knowledge of a specific area of law based on student's professional interests	X		X	PO1
Apply legal analysis and reasoning and legal research methods to solving complex, real-world legal problems	X	X		PO2
Demonstrate clear, effective and persuasive writing; demonstrate effective oral communication skills.	X	X		PO3
Demonstrate appropriate professional skills in a clinical setting; describe plans for professional development after graduation	X	X	X	PO4
Demonstrate understanding of ethical dilemmas faced in the practice of law; demonstrate commitment to values of justice and fairness.	X	X		PO5

I. Internship requirements and monitoring procedures, if an internship is required

“Internship” is addressed by ABA Standard 302:

- (b) a law school shall offer substantial opportunities for
- (1) live client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by student on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence.
 - (2) student participation in pro bono activities . . .

In the Donald Bren School of Law, these experiences will be provided through clinical programs directly administered and overseen by clinical professors and other faculty; internships with local agencies including the Public Law Center and the Legal Aid Society of Orange County.

J. Special requirements for graduation

Requirements for the three-year J.D. Program are:

- completion of 85 semester units of credit, including completion of required first-year courses;
- completion of moot court;
- completion of a professional responsibility (ethics) course;;
- fulfillment of the writing requirement (defined below); and
- six semesters of residence credit (one residence credit is earned for each semester a student enrolls in and successfully completes a minimum of 10 unit).

The writing requirement consists of (1) completion of the first-year Lawyering Skills (legal writing) course and (2) completion of a significant piece of written work after the first year undertaken as part of a seminar or an independent study (for a minimum number of two units credit), done under the supervision of a faculty member. Writing used to fulfill writing requirement (2) must be graded and may not be completed on a pass/fail basis.

During their second and third years, students are allowed to take a minimum of 10 units and a maximum of 15 units per semester. The J.D. degree requirements must be completed in six semesters. It is not possible to graduate early by taken high course loads each semester. Any variation from the normal three-year program must be discussed with and approved in advance by the Dean of Students.⁴⁷

The J.D. degree requirements must be completed in six semesters. It is not possible to enroll in high course loads and graduate early. Any request for a variation in the normal three-year program must be discussed with, and approved in advance by, the Dean of Students.⁴⁸

Schedule/Format Requirements

A. Length of time that the typical student is expected to complete all requirements for the program

Three years.

B. Description of the cohort or open registration model being used Minimum attendance/participation requirements and the provisions made for students to make-up assignments or for students who have to drop out of the cohort for a short period of time

Attendance is required for all classes meeting in regularly-scheduled time and place. Students who are unable to attend a meeting of the class should notify the instructor and provide support for any reason given for the absence, including documentation of medical treatment if pertinent. If students cannot complete the course as scheduled, pending decanal approval, instructors may schedule a make-up examination, allow extensions of deadline, or otherwise accommodate legitimate needs of students in special circumstances.

Students may withdraw from the Donald Bren School of Law voluntarily between semesters or in a semester prior to the examination period. Those students must then reapply for admission, explaining the reasons for withdrawal. Those with one year or more of full-time study and/or who were forced to withdraw because of documented illness or other circumstances beyond their control will normally be readmitted if the

⁴⁷ Law School Curriculum Development Committee, "J.D. Requirements and Graduation."

⁴⁸ Law School Curriculum Development Committee, "J.D. Requirements and Graduation."

period of withdrawal is reasonable. Withdrawal with less than one year of full-time study may prejudice the possibility of readmission.⁴⁹

C. Include a matrix articulating the number of students per cohort throughout the first five years of the program and the faculty resources to support such estimates.

J.D. Enrollments	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
First Year	0	67	134	201	201	201
Second Yr.	0	0	66	132	198	198
Third Yr.	0	0	0	65	130	195
Total	0	67	200	398	529	594
Full-Time Faculty	8	11	16	20	23	26

D. Typical class size throughout the program

First-Year courses will average 67 students per large lecture.

Elective courses will vary in enrollment, with average seminar size of 15-30 students.

E. Description of how timely and appropriate interactions between students and faculty, and among students will be assured. This is especially relevant for online courses within the program.

Interactions between students and faculty will be structured most formally in courses, with additional time for individual discussion during office hours. In the second and third years, smaller classes and, especially in the third year, more individualized instruction will be available. Interactions with clinical faculty will occur in the clinics and be structured around actual casework, as well as more general courses on procedural issues and practice.

Students will interact in class through discussion and in small study groups preparing for examinations. Especially in the second and third years, collaborative projects will bring students and faculty together in problem-based learning contexts centered around cases and legal issues. Those groups will include students and faculty with expertise in related areas from fields outside the law school.

F. Timeframe of courses, i.e. accelerated, weekend, traditional, etc. If the course timeframe is abbreviated, an institution must allow adequate time for students to reflect on the material presented in class. Faculty using the accelerated course format should be expected to require pre- and post-course assignments, as appropriate. The Committee will expect course syllabi for accelerated courses to be adjusted accordingly to reflect the pre- and post-course assignments, and the accelerated nature of the curriculum.

⁴⁹ Policies modeled on Boalt Hall. On attendance and make-up allowances, see Academic Rules, Boalt Hall, 1.07 and 2.01; on withdrawal and readmission, see 4.01-4.02 (<http://www.law.berkeley.edu/students/registrar/academicrules/#anchor313803>)

All courses will be offered in the traditional timeframe of a semester-based curriculum as indicated above.

G. Sample schedule of courses for a full cycle of the program

Sample Human Rights and Civil Liberties Specialization - JD Program (85 Units Required.)

1st Year Curriculum (33 units)

Introduction to Legal Skills and Ethics (2)
Civil Procedure (5)
Contracts (5)
Criminal Law (3)
Constitutional Law I (4)
Property (4)
Torts (5)
Lawyering Skills (Legal Writing and Research) (3)
Moot Court (2)

2nd Year Curriculum (28 units)

Business Associations (3)
Constitutional Law II (4)
Civil Rights Law (4)
Immigration Law and Procedure (3)
Appellate Advocacy (2)
Civil Rights Seminar (2)
Evidence (4)
Public Interest Externship (6)

3rd Year Curriculum (29 units)

Capstone Project--Civil Rights Clinic (6)
Advanced Constitutional Law Seminar (2)
Administrative Law and Policy Seminar (2)
Immigration Law Clinic (6)
Trial Practice (3)
Advanced Lawyering Skills (Legal Writing) Seminar (2)
Judicial Process Seminar (2)
Judicial Process Externship (6)

H. Include a matrix articulating the number of students per cohort throughout the first five years of the program and the faculty resources to support such estimates.

Duplicates C. above.

Admissions Requirements

A. Admissions requirements

- Must have a bachelor's degree from an approved institution. (Students who have attended graduate school must send official transcripts directly to either the Donald Bren School of Law or LSDAS.)
- Must take the LSAT and register with the Law School Data Assembly Service (LSDAS). LSAT must be taken by February, and scores on LSAT older than 5 years are not accepted
- Letters of recommendation from 2 professors familiar with the applicant; if out of school for a long time, from a supervisor or colleague. (For transfer students, letters from law professors are required.)
- Questionnaire on social and financial information for students who claim a disadvantage of any sort.

Requirements for Admission of students transferring from other law schools:

- Must have completed first year at ABA accredited institution
- Application process is via a transfer application. LSAC requirements, letters of recommendation are the same –but looking for letters from law faculty. Want letter of good standing from Dean or Registrar and class ranking.

B. Identification of the type of student targeted and qualifications required for the program

Students applying to and being admitted to the Donald Bren School of Law are expected to resemble those of other UC law schools, particularly UCLA and UCB's Boalt Hall.⁵⁰

Profile of Students entering Boalt JD Class – fall 2007

- 6,980 applicants
- Median GPA – 3.79
- Median LSAT – 167
- Age range – 20-40
- Gender: 55% female; 45% male
- Students of Color: 38%
- Entering with advanced degrees: 12%
- Common UG majors: Economics, English, History, Philosophy, Political Science
- Receiving financial aid: 94%

Profile of UCLA Law Students in Entering Class: 2007

- Applicants: 6,499

⁵⁰ Information for entering class at UCLA from "2007 Incoming Class Profile" (<http://www.law.ucla.edu/home/index.asp?page=1975>); at UCB-Boalt Hall from "Entering J.D. Class Profile Fall 2007" (<http://www.law.berkeley.edu/admissions/welcome/facts/profile.html>); Hastings from "Hastings Quick Facts" (<http://www.uchastings.edu/?pid=37>) (2007 data not available at this time). Information about entering class at UC Davis not available at this time. Student profile data for total enrollment at Davis resemble those data for entering classes at other UC schools; see <http://www.law.ucdavis.edu/admissions/profile.shtml>.

- Admits: 1,140
- Percent admitted: 17.5%

Class composition of UCLA Law for fall 2007 entering class:

- Enrolled: 323
- Academic Information (in percentiles): 25th, 50th, 75th
- GPA: 3.54, 3.72, 3.85
- LSAT: 163, 167, 169
- Female: 52%, Male: 48%
- Minorities: 35%
- Average Age: 25
- Advanced degrees: 38
- California Residents: 65%
- Non-Residents: 35%

Profile of Hastings College of Law Entering Class Fall 2006

- Enrolled: 421
- Female: 54% Male 46%
- GPA: median=3.59
- Age Range: 20-53
- LSAT: median=162
- No. of Undergraduate institutions represented: 107
- Top fields of undergrad study represented: Political Science (26%); English/Lit. (9%); Economics (7%); Psychology (7%)

C. Credit policies including the number of credits that students may transfer in

Subject to decanal review, transfer students may count as many as thirty-one units and two semesters or work at another ABA-approved law school toward their residency requirement.⁵¹

D. Residency requirements, if applicable

- General residency requirements for non-citizens or non-permanent residents are the same as those for all UC students (see below).
- Residency requirements for completion of the JD Program: minimum of 12 units per term taken at the Donald Bren School of Law.
- Foreign Legal Study usually restricted to one semester only, but may apply for two. Students applying for foreign study must be in good standing, with a minimum GPA of 3.0, and in 3rd, 4th, or 5th semester at time of foreign study.

Residency requirements for the University of California⁵²

⁵¹ Based on transfer credit policy at UCB Boalt Hall (see School of Law, Academic Rules, 1.01.G at <http://www.law.berkeley.edu/students/registrar/academicrules/#anchor313803>).

- Adult students (at least 18 years of age) may establish residence for tuition purposes in California if they are a U.S. citizen, a permanent resident or other immigrant, or a nonimmigrant who is not precluded from establishing a domicile in the U.S. This includes nonimmigrants who hold valid visas of the following types: A, E, H-1, H-4, I, K, L, O-1, O-3, R, or V.
- To establish residence a student must, immediately prior to the residence determination date:
- Be physically present in California for more than one calendar year, *and*
- Must have come to California with the intent to make California the permanent home. For example, physical presence within the state of California solely for educational purposes does not constitute the establishment of California residence regardless of the length of stay.
- Students under 24 years of age whose parents are not residents of California will be required to meet the Financial Independence requirement in order to be classified as a resident for tuition purposes.
- Residence cannot be derived from a spouse or parents.

E. Sample brochure or admissions material

Brochure attached.

F. If a joint doctoral degree will be offered simultaneously with an independent doctorate, describe the admissions criteria used to differentiate admission to each program, and the difference in target populations.

No joint degrees are being proposed at this time.

Section VIII: Faculty

Faculty

A. Number and type (full-time, part-time, tenured, non-tenured) of faculty allocated to support the program in terms of developing the curriculum, delivering instruction to students, supervising internships and dissertations, and evaluating educational effectiveness

By 2016-17, the Donald Bren School of Law is projected to have 48 faculty, including 36 full-time faculty in ladder-rank positions. We anticipate eleven full-time faculty in place by the time the first students are admitted in fall 2009, and faculty positions have already been set aside for that purpose. The campus is committed to allocating the rest of the positions as described in the table below.

Projected Instructional Staff from Start-Up Through Build Out										
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17

⁵² *University of California, Irvine, General Catalog 2007-08*, "Expenses and Fees"
<http://www.editor.uci.edu/07-08/intro/intro.7.htm>.

Dean	0	1	1	1	1	1	1	1	1	1
Senior (Prof. IX)	0.5	6.0	8.0	8.0	8.0	8.0	8.0	9.0	10	11
Junior (Prof. II)	0	0	1	6	10	13	16	18	21	23
Law Librarian	0.3	1	1	1	1	1	1	1	1	1
Full time Total	0.8	8	11	16	20	23	26	29	33	36
Part-time FTE (Visitors/Lecs)	0	0	0	3	3	3	4	6	8	10/14*
Legal Writing FTE		1	1	2	2	2	2	2	2	2

* Part-time FTE are projected to increase to a total of 14 FTE in 2018-19

B. Information about the balance of full- and part-time faculty members involved, and how that balance will ensure quality and consistency in instruction and advising

The ratio of full-time ladder-rank faculty to students will vary throughout the start-up period but will remain roughly at or under 1:20, a ratio consistent with that of other UC law schools and one that supports the core curriculum and range of electives at the level of quality and consistency characteristic of UC law schools—including mentoring and advising of students outside the classroom. Visitors, part-time/adjunct faculty, and full- and part-time Lecturers will supplement instruction provided by the full-time faculty, particularly in areas of expertise not covered by the full-time faculty, some of the clinical supervision and instruction, and legal writing.

C. Description of the plan to orient and mentor junior faculty to support their doctoral-level research, scholarship, and dissertation supervision responsibilities

Each new member of the faculty will be assigned a mentoring committee of three tenured faculty, including a chair, to advise and assist on matters related to teaching and scholarship. The mentoring committee will remain in place until the tenure decision to advise the untenured professor on professional matters related to that decision.

An all-day orientation session will also be conducted at the beginning of each year for new faculty, including introductions to law school policies and practices, financial support for research activity, availability of instructional support including overview of technological resources in and out of the classroom, etc. A detailed account of support services available to faculty will be distributed and discussed at that meeting.⁵³

Additional support for new law faculty from minority groups will be available through the mentoring program developed by the American Association of Law Schools Section on Minority Groups.⁵⁴

D. Analysis of the impact that the proposed program or change will have on overall faculty workload, including teaching, research, and scholarship. Who will teach courses no longer being taught by the faculty reassigned to this doctoral program? How will units be assigned for dissertation work (i.e. how many for serving as the chair as opposed to serving on the

⁵³ For an example of such a guide see the UCLA School of Law *Guide to Faculty Services Academic Year 2007/2008* (http://www.law.ucla.edu/docs/faculty_guide_to_services_-_fall_2007.pdf).

⁵⁴ See “Mentorship Program,” AALS Section on Minority Groups, http://www.aalsminoritygroups.org/mentor_program.asp.

committee) and what will be the maximum number of students that each faculty member can advise? Discuss the implication of the cohort vs. faculty resource matrix included in the program description section, particularly when one cohort is in the dissertation phase and others are in the coursework phase of the program. How is faculty workload impacted?

New faculty are being hired to staff the law school, so, with a few exceptions, there will be no faculty reassigned from existing positions at UCI and hence no impact on workload. The J.D. does not require a dissertation. The capstone experience will be more labor-intensive in some ways for faculty involved in the projects, but the model provides for multiple-faculty participation in a project, including legal practitioners outside the university, so the workload implications of these projects for individual members of the faculty will be limited. Workload for mentors in these projects will be measured as independent study throughout the program, i.e., accommodated within the general workload expectations for all faculty.

E. Support/resources for faculty to develop a doctoral level culture, engage in research, and if applicable, receive an orientation in order to chair dissertation committees

Financial Support for research by ladder-rank faculty will include stipends associated with endowed chairs, which will be associated with most if not all faculty appointments. Those stipends may be used to support research, including travel and expenses and summer salary. Other faculty will have access to funding for travel and expenses associated with their research.⁵⁵ Additional funding available at Deans' discretion.

Sabbatical leaves will be available to law faculty as for faculty on the general campus, i.e., faculty are eligible for a full year of sabbatical at 2/3rds salary after 12 semesters (18 quarters) of full-time service. Shorter sabbaticals and/or sabbatical at a smaller fraction of salary will be available as well.⁵⁶

F. Description of each core faculty member's workload within and beyond this program

Workload requirements for law faculty are governed by the usual expectations of all UC faculty, which include research, teaching, professional activity outside the university (conferences, participation in professional organization, etc.), and some service on university committees. Law faculty will be expected to teach the equivalent of three semester-courses each year. They will also be expected to meet with students during regularly-scheduled office hours, to conduct a reasonable number of independent studies with individual students and/or small groups--including the capstone projects--and to participate in the governance of the School of Law and the university through service on committees.⁵⁷)

⁵⁵ For a sample policy of such research funding at UCLA law school see "Faculty Support Accounts Guidelines (As Revised in August 2006), attachment to a letter from Mike Schill to all law school ladder faculty, August 22, 2006 (http://www.law.ucla.edu/docs/fsa_policy_memo_-_revised_aug._06.doc).

⁵⁶ See "Benefits and Privileges, Leaves of Absence/Sabbatical Leaves, University of California Academic Personnel Manual (APM)-740 (<http://www.ucop.edu/acadadv/acadpers/apm/apm-740.pdf>).

⁵⁷ For example, a study by UCLA in 2002 indicated that law faculty at UCLA's law school typically teach 2.8-3.0 semester courses per year in addition to their other instructional duties and

G. Faculty background and experience to engage in doctoral-level instruction ~ Attach abbreviated vitae (three to five pages) for core faculty, which include an overview of the key credentials, publications, and if applicable, prior experience supervising dissertation work. Vitae for core faculty should reflect a range of scholarship including serious theoretical research, applied research in the field, and practice. Vitae should distinguish between peer reviewed articles and non-peer reviewed articles.

Vitae attached.

Section IX: Student Support Services

A. Support services available for doctoral-level students, such as financial aid, placement and research opportunities

Academic Records

The University Registrar is the custodian of the official student record. To comply with ABA Standard 511, the Registrar will provide accurate academic records and policy information to faculty, staff, students, alumni, central administration and external constituencies. This office collects and disseminates student, course, instructional, and academic information through processes that ensure the integrity and security of all academic records particularly with regards to the Family Educational Rights and Privacy Act (FERPA). The Registrar's office provides an important link between the academic policies of the institution and the community of faculty and students. The office also is responsible for sensitive information and has the obligation to help preserve the academic integrity of the institution, and maintain the confidentiality of certain data.

In addition, the Registrar's office will coordinate with support staff in the law school to administer registration, enrollment, grade posting, and graduation. Academic support staff in the law school will administer examinations, monitor degree progress, and coordinate bar certification.

Financial Aid Counseling

The Donald Bren School of Law will provide a comprehensive financial aid program to students pursuing the J.D. Students will receive advising from financial aid professional staff housed locally in the school on the availability of both need-based and merit-based aid programs. Enrolled students will have access to debt counseling, consistent with ABA Standard 510, as they enter the program as well as upon graduation from the school. Current practices include online counseling coupled with in-person workshops that are mandatory for all student borrowers. An industry standard utilized to monitor student debt is the student loan default rate. The current rate for the UC Irvine campus, including all graduate students, is 1.3% based on the 2005 year. This is well below the federal

responsibilities. Formal workload policy of the UCLA law school requires 150 contact-hours/year (an average of 5 hrs/wk for 30 weeks). *Joint committee Report on the Academic Calendar: November 1, 2002*, UCLA, Section 5, Faculty Issues (<http://www.senate.ucla.edu/calendar/section5.pdf>), p. 31-32.

requirement that institutional default rates remain below 20% to be considered in good standing. Graduates of the school who pursue public interest law careers may also find access to a Loan Repayment Assistance Program (LRAP) that provides assistance to students with the often burdensome debt accumulated while attending law school. To be considered for all financial aid sources, students need to complete a Free Application for Federal Student Aid (FAFSA). Some programs also require a supplemental aid application that the school makes available.

Placement and Career Counseling

A key student service that will be provided to Donald Bren School of Law students is counseling to make sound career choices and advising on obtaining employment, consistent with ABA Standard 511. In today's competitive job market, students need every tool available to find the desired legal job. The Career Services office staff located within the School will provide students with such tools, including printed listings, telephone or in-person counseling, and electronic means of locating career and job information on line. This office will coordinate internship placements as well as judicial clerkships, all designed to expose students to the diverse career opportunities available to the law school graduate. Through counseling and the use of career planning tools, students will create a personal profile that can facilitate the matching of internship, and post-graduate opportunities appropriate to the students' unique interests.

Research Opportunities

Research opportunities will be available to law students throughout the curriculum in response to class assignments, through preparation for clinical practice under supervision of clinical program directors, and in conjunction with more independent projects pursued in the third year individually and as part of collaborative groups with other students, faculty, and legal practitioners outside the school. See Section VII for more detailed descriptions of these opportunities.

General-Campus Services

Law students will have access to on-campus student support services that are generally available to graduate and professional students attending the University of California, Irvine. These include a comprehensive student health program with access to medical staff and treatment on campus via the UCI Medical Center's local clinic. Supported in part by student registration fees and through a mandatory health insurance program, these services include physician appointments, clinical laboratory, radiology, pharmacy, physical therapy and women's clinic. UC Irvine is committed to the wellness of the total student through its student health program, and also by offering mental health counseling and preventative health advising via the Health Education Center and the Counseling Center. Law students will have access to state-of-the-art facilities on campus to pursue recreation via the Anteater Recreation Center, and a wide array of services and events delivered through the newly expanded UCI Student Center. These two facilities provide

the opportunity for students, faculty and staff to intersect in a manner that promotes the physical, mental and emotional fitness of the student.

B. Ongoing advising and academic support

Advising and Student Support

The Associate Dean of Students in the Donald Bren School of Law will address and respond to the issues that are important to enrolled students. In addition to the services listed below, this office also provides academic and non-academic advising to individual students, in accordance with ABA Standard 511. Together with the Registrar's/Student Records Office and the Financial Aid Office, this staff will offer support and assistance to current students, hoping to make their time while in law school as productive and collegial as possible. Services include:

- Facilitate student contact with law faculty and other administrators
- Provide academic and non-academic counseling and assist with referrals to various campus resources
- Assist with issues of performance, adjustment concerns, stress reduction, and other personal matters
- Serve as administrative liaison to SBA and other student groups
- Help student groups coordinate activities and secure University funding
- Administer New Student Mentoring Program
- Coordinate Orientation, Commencement and other student programming
- Work with student organizations to plan events
- Coordinate publication of Summary of Academic Standards and Related Procedures and other informational materials
- Provide information on School of Law rules and procedures and mechanisms for redress of problems or concerns.

Academic Support

While admission to the law school will be a highly selective process, students may have difficulty adjusting to the academic demands of the first year curriculum. The Donald Bren School of Law is committed to fostering a supportive academic environment that allows students to achieve their full potential. To that end, the Academic Support Program will provide academic advising, skills training, and support for first year law students during perhaps the most rigorous year of study.

To ease the transition into law school, students will be assigned a faculty mentor who shares the student's interest as far as possible. The first-year course in Lawyering Skills (Legal Writing) will provide opportunities for small group discussion and instruction in skills needed for success in law school (outlining and exam writing, etc.) as well as basic lawyering skills including case briefing, rule analysis and synthesis, and other fundamental elements of legal practice.

Section X: Information Literacy and Resources (LT)

Information Literacy

A. Description of the information literacy competencies expected of graduates and how they will be evaluated

Expected Competencies: Information literacy is an essential skill needed for legal analysis and reasoning, legal research, problem-solving, and writing in a legal context; it is a professional skill that will be needed once the student becomes a practicing member of the legal profession, and as such is a required part of the law school curriculum (ABA Standard 302.a.2-4).⁵⁸ Information literacy is defined by the Association of College and Research Libraries (ACRL) as the ability “to find, retrieve, analyze, and use information.” The widely-cited ACRL standards based on this definition have been adapted by several professional fields, including legal education in England, where it has been integrated into the law curriculum at Cardiff University.⁵⁹

The ACRL standards declare that “the information literate student” is one who

1. defines and articulates the need for information;
2. accesses needed information effectively and efficiently;
3. evaluates information and its sources critically and incorporates selected information into his or her knowledge base and value system;
4. individually or as a member of a group, uses information effectively to accomplish a specific purpose; and
5. understands many of the economic, legal, and social issues surrounding the use of information and accesses and uses information ethically and legally.⁶⁰

In addition to meeting those standards for basic information literacy, our expectations of graduates are informed by the following goals for “advanced information literacy”

⁵⁸ American Bar Association, Standards and Rules of Procedure 2007-08, Chapter 3, p. 22 (<http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Chapter%203.pdf>).

⁵⁹ Definition of “information literacy” from the Association of College and Research Libraries, “Information Literacy” (<http://www.ala.org/ala/acrl/acrlissues/acrlinfo/infolitoverview/introtoinfolit/introtoinfolit.cfm>). These standards have been adapted to the teaching of law in England by the Quality Assurance Agency for Higher Education in its “Academic Standards—Law” (<http://www.qaa.ac.uk/academicinfrastructure/benchmark/honours/law.pdf>). Jackie Davies and Cathie Jackson discuss the connection between the ACRL standards and those of the QAAHE in “Information Literacy in the Law Curriculum: Experiences from Cardiff.” *Law Teacher* 39, 2 (2005): 150-60. Cardiff E-Prints. <http://eprints.cf.ac.uk/31/01/LawTeacher.pdf>. There are, of course, significant pedagogical differences between teaching law as undergraduate study in the U.K. and at the post-baccalaureate level in the U.S., but in terms of information literacy the differences are matters of degree rather than differences in kind.

⁶⁰ *Information Literacy Competency Standards for Higher Education*. Association of College and Research Libraries, January 18, 2000. Chicago: American Library Association, 2000. <http://www.ala.org/ala/acrl/acrlstandards/informationliteracycompetency.cfm>.

developed by the Indiana University Bloomington Libraries.⁶¹ The advanced student:

- Possesses sophisticated and in-depth knowledge of the literature of a particular discipline or field of study, how it is organized and how it is transmitted;
- Knows the major information resources in a discipline;
- Evaluates the reliability and significance of information found in context of knowledge of the discipline; and,
- Understands how all of the skills of basic and advanced information literacy are used to support his/her own ideas and/or to create new knowledge.

Understood as program objectives, these expectations have been integrated into the student learning outcomes of the curriculum described above in Section VII.A and illustrated for specific courses in Section VII.H. Training will be overseen by the Law Library as part of more general training in research methods required of all students.

Evaluation: Evaluation of information literacy will be emphasized in the Lawyering Skills (Legal Writing) I course in the first year and just prior to graduation in association with the major written product required of all students (and usually incorporated into the Capstone Project).⁶² Assessment of those competencies will be conducted through formative assessments of students' progress throughout the course and confirmed through a summative assessment at the end of the first-year course and third-year project. Assessment methods will include a combination of direct examination and criterion-referenced evaluations of written work and research portfolios for information literacy competence.

Information Resources

A. Description of what staffing and instructional services have been put in place and what library and informational resources are available to students and faculty in support of the new degree level

The UCI Law School faculty, students, and staff will be able to utilize all the existing library resources and services offered by the UCI Libraries in addition to the library resources and services that will be offered by the new UCI Law Library.

Existing library staff, services, and resources:

⁶¹ "An Assessment Plan for Information Literacy." Assessment Planning committee. Indiana University Bloomington Libraries. 1996 (http://www.indiana.edu/~libinstr/Information_Literacy/assessment.html).

⁶² A recent study indicates that law students overestimate their information literacy competency when they enter law school, and that they seldom achieve a level of competency by graduation that their employers consider adequate. Focusing on these issues at the beginning and the end of the law-school career should establish and reinforce these competencies as a fundamental objective of legal education and practice. For the study see Ian Gallacher, "Who are those Guys?: The Results of a Survey Studying the Information Literacy of Incoming Law Students." Social Science Research Network Working Paper Series (July 31, 2007). <http://ssrn.com/abstract=1004088>.

The UCI Libraries (comprised of the Jack Langson Library, the Science Library, and the Forest J. Grunigen Medical Library) serves the research and curricular needs of the campus and the community. Its employees (70+ librarians and 130+ support staff) provide in-person and digital reference services, instruction on research methods, and select/acquire/catalog a wealth of information sources.

The collections include more than 2.6 million volumes and current subscriptions to more than 53,000 journals in electronic and print formats, as well as numerous manuscripts, microforms and graphic collections.

Existing library collections include a well-rounded law collection to support the B.A., M.A., and Ph.D. degrees offered by the Criminology, Law & Society Department. Core print law materials (codes, digests, law reporters, treatises, etc.) will likely transfer to the new law library when it opens, while most of the government, criminology, political science, and interdisciplinary materials will remain available to law students in Langson Library just a short walk away from the future law school location.

Nearly 600 computers are available for public use, study, and research. The UCI Libraries' web pages feature online subject guides, tutorials, and access to online resources. Library classes on research methodology and information literacy are provided to over 17,000 students. UCI Libraries regularly assesses and evaluates student information literacy skills and follows the ACRL Information Literacy Competency Standards for Higher Education

(<http://www.ala.org/ala/acrl/acrlstandards/informationliteracycompetency.cfm>)

Future UCI Law Library staff, services, and resources:

The UCI Law Library will have a staff of 25 FTE to address the educational and research needs of the law school. Staff will be hired to provide a range of user-focused services: reference; instruction; access services (circulation, interlibrary loan, reserves); collection development; and technical services (acquisitions, cataloging, processing/preservation).

Space for the temporary law library will include room for a library collection of approximately 54,000 volumes, several computer workstations, and a wireless network to access online resources. In addition, there will be a computer lab, multi-user desks, carrels, and group study rooms that will be venues for training, study, and research.

Here is a breakdown of floors, functions, and approximate assignable square footage:

- First Floor: Shelves for books and serials; study carrels; lockers, microforms, etc. [7,000 asf]
- Second Floor: More collections space; library services (reference, circulation, interlibrary loan, reserves); computer lab; group study rooms, social spaces, cafe [9,600 asf]
- 4th Floor: Staff offices, acquisitions, cataloging, preservation/bindery [3,000 asf]

A permanent new building for the law school and law library is part of the overall plan

for the campus.

The new law library will have a separate collections budget (approximately \$700,000/year) that will facilitate the purchase of foundational law library resources needed for start-up, as well as the purchase of specialized legal materials to address the specific research and teaching needs of new faculty hired in the coming years.

B. Access to library systems (local, national, or global), electronic services, Internet, information utilities, service providers, and document delivery services for both faculty and students

The Donald Bren School of Law faculty, students, and staff will have the same library privileges as current UCI faculty, students, and staff. They will have access to the world-class library resources of the UC system (over 34 million volumes and significant digital holdings). They will have reciprocal borrowing privileges and may checkout materials in-person or borrow materials via interlibrary loan from any of the other UC campus libraries, including the law library collections of UCB (Boalt Hall), Hastings, UCD, and UCLA.

Law School faculty, students, and staff will have access to numerous electronic resources either through UCI-licensed subscriptions or via UC-wide licenses negotiated by the California Digital Library on behalf of the UC campuses. Many of the existing licensed online resources will benefit the law school faculty and students, such as: HeinOnline, LegalTrac, Shepards Citation Service, ECCO, etc. These resources are available remotely to authorized UCI users via the secure virtual private network (VPN) system.

Extensive library resources are searchable on UCI's online catalog (ANTPAC) and the UC-wide resources are viewable on the online catalog (MELVYL). The law school will be using the same online catalogs, so future law school students/faculty will be able to discover what is held in the law school library, as well as the print and electronic collections held at the UCI Libraries and throughout the UC system.

UCI law school users will be able to request materials from worldwide major research institutions via interlibrary loan. Materials requested are transmitted to users electronically or else they are document delivered in print or microform format to faculty offices and graduate student mailboxes.

The Law Library will work closely with the UCI Libraries to insure effective library services for collaborative academic programs and interdisciplinary research, including integrated library systems and coordinated collection development.

C. Staff and services available to students and faculty for instruction on how to use, access, and support information resources, both onsite and remotely

Plans for the future law school include additional staff for the law school library (25 FTE) with an expertise in addressing the public service, collections, and technical services needs of the law school. There are plans for a law library collections budget for

start-up costs and ongoing support to acquire print and online resources that address the teaching and research mission of the law school. Online resources will be accessible remotely to authorized UCI users via the campus virtual private network (VPN). Instructions to law school users on how to use and access information resources will be provided in a number of ways: web guides/tutorials; in-person or online reference assistance; and library instruction/training.

D. Availability of library staff to support research activity

A full range of services is planned for the law school (in-person and digital reference, circulation, interlibrary loan, reserves, research instruction, and technology training). This will ensure the high level of service for users available at other law schools in the UC system.

E. Impact on the maintenance of the home institution's library in terms of library and research support appropriate for doctoral-level research

Plans to create a separate law library with new law library space, staff, collections, and services means there will not be a significant impact to the overall campus library services. The addition of the law school will have a complementary and enriching effect on the campus and any additional impact will be accommodated by the UCI Libraries within the current plan for expanding user space, collections, and services to a growing campus.

F. Need for additional cooperative agreements with other institutions to supplement resources for doctoral work Copies of the agreements should be attached

UCI Libraries is a member of the Association for Research Libraries that supports the influential and contributory role of libraries in scholarly communication, research, teaching, and learning. It is also a member of the Center for Research Libraries, the Global Resources Network, and the Pacific Rim Digital Library Alliance, which enables all UCI users to access doctoral-level research materials from around the world. Law library faculty, students, and staff will have access to the same membership benefits to all these organizations. Copies of agreements do not exist, but information about these organizations' mission and member benefits can be found on their websites.

The UCI Law Library will automatically become a member of the consortium of UC Libraries (<http://libraries.universityofcalifornia.edu/>). The California Digital Library is the entity that negotiates electronic resources on behalf of the UC system. In addition, the law school library might opt to become an affiliate member of the New England Law Library Consortium (NELLCO, <http://www.nellco.org/>), which negotiates discounts for electronic resources for a fee to affiliated members.

The future law library will include sufficient infrastructure, services, resources, technology and staffing to qualify for accreditation by the American Bar Association, and to meet the standards for membership in the American Association of Law Libraries (AALL).

Section XI: Technology

A. Description of the institution's technological capacity to support teaching and learning in the proposed program

The UCI School of Law will employ a technologically advanced information technology infrastructure. The complex is currently served by a 10 Gigabit/second connection to the main campus with a 1 Gigabit/second redundant connection. These connections are supported by the central campus networking group. Connectivity to the desktop and servers is currently 100 megabits/second. These connections will be supported by law school staff.

The Berkeley Place complex will have wireless penetration both inside the building as well as outside for the seating in the patio area. Wireless is currently implemented using 802-11g standards.

Technology enhanced classrooms will be outfitted with “smart” podium housing a PC, VHS/DVD deck, and an AMX touch-panel that controls everything from your audio/visual sources to the room lights. Wireless connectivity can be turned on in the classroom depending on the preference of the faculty. There will be a 50 seat computer classroom for teaching various seminars and several smaller drop-in computer labs for open use.

There will a separate and distinct group hired to provide information technology support for the law school and the library. This will include desktop support for faculty, staff and students, as well as, server support.

General purpose software will be obtained using the campus site license program. Specialized software or services provided by outside vendors, e.g., Lexis-Nexis, will be purchased separately by the law school.

B. Required technology skills – What level of technology proficiency is expected of graduates? Will students receive training on how to access required technology used in the program?

We assume students will arrive with a basic grasp of word-processing software, some facility with Web-based resources and search-engines, and a general familiarity with e-mail, text-messaging, and other ubiquitous forms of electronic communication. All students will be trained in the use of Lexis/Nexis, Westlaw and any other licensed software used for legal research, and they will be expected to become proficient in the use of these resources by the end of the first semester. Training will be overseen by the Law Library as part of more general training in research methods required of all students. Additional training will be available in the first-year course Lawyering Skills (Legal Writing). See Section X: Information Literacy and Resources.

Section XII: Physical Resources

A. Description of the physical resources provided to support the proposed program(s) and the impact of the proposed change on the physical resource capacity of the institution. This includes, but is not limited to the physical learning environment classrooms, study spaces, student support areas

Initially the law school will be housed in approximately 50,000 square feet of campus owned space in the Berkeley Place complex. This location will include space for the following areas:

- dean's suite (business services, career services, student services, external affairs, admissions/marketing, and computing services);
- library;
- faculty, staff, and student offices;
- space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs (two 67 seat smart classrooms);
- class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars (several smaller classrooms in Berkeley Place and one 50 seat computer classroom);
- several drop-in computer labs for open use;
- space for equipment and records in proximity to the individuals and offices served;
- faculty and student lounges;
- café and social areas; and
- ground floor, easy access, dedicated space for student lockers.

The library will have space for books, microforms, and other library materials. There will be study carrels as well as open seating for individual study, as well as, small rooms available for group study. Rooms for printer services connected to different law reference providers will also be housed in the library. There will also be a coffee café and a room for adaptive technologies.

Classrooms for the first year students will be two 67 seat classrooms located in an adjacent building and other smaller classrooms located in Berkeley Place. Classrooms for 2nd and 3rd year students will be in Berkeley place.

In the longer term, two building sites have been identified in a parking lot next to the Berkeley Place complex. The scope and design of the two buildings has not been defined, but, in concept, priority will be placed on close proximity between classrooms and faculty offices to facilitate student-faculty interaction, and there will be dedicated space for the library, moot court, administrative offices, and other facilities. Together these buildings are projected to be approximately 160,000 gross square feet to yield approximately 100,000 assignable square feet.

Section XIII: Financial Resources

Financial Resources

A. Total cost of the program for students, including tuition and any special fees. How are students expected to finance their tuition.

It is projected that students enrolled in the professional degree programs (J.D. and L.L.M.) will pay the following fees each year. Fee levels at the University of California are subject to annual review, so the amounts noted below are projected. The professional school fee illustrated below is based on the estimated fee that the law school at UC Davis will charge in 2009-10.

Educational fee	\$6,636
Registration fee	900
Professional School Student fee	20,836
Special fee	376
Campus-based fees	770
Graduate student health insurance	3,033
Total	\$32,551

It is expected that students will finance their fees from one or more of the following sources: financial aid funds (these are derived from set-asides on the Educational, Registration, and Professional School Student fees); gift-funded fellowships; and loans. We are currently developing a loan repayment assistance program for those graduates who go into public service positions.

B. Narrative describing all start-up costs for the institution and how the costs will be covered.

Start-up costs will include:

- the salary and benefits of the law school's senior leadership, faculty, and support staff;
- law library personnel (salary and benefits) and collections;
- non-salary needs such as supplies, equipment, faculty recruiting, memberships, and other standard operating needs;
- student financial aid;
- lease of space costs for offices displaced by the law school.

Costs will be covered from a combination of funding, including: state-funded enrollment growth revenues; student fee revenues; campus discretionary funding; and gift funding.

C. Financial impact of the change on the institution including evidence that the institution has the capacity to absorb start-up costs. If the institution has incurred a deficit in the past three years, supplemental information describing the financial capacity of the institution to start and sustain the new program is required.

State support is available for budgeted enrollment growth at University of California campuses. UC Irvine's enrollment growth plan includes law school enrollments, and thus law school enrollments will generate new support from state sources. Student fee revenue will also be available to support the law school. The campus has already received a

substantial \$20M naming gift which will endow 11 faculty chairs and a chair for the dean, as well as a \$1M gift to support the law school library core collection. Campus discretionary funding is available as bridge funding in the start-up years.

UC Irvine has not incurred a deficit in the past three years.

D. Describe the capacity of the institution (or department) to allocate funding from existing programs to the new program, e.g. allocations from a master's program to a doctorate program. How will the level of support for existing programs be maintained?

State support is available for budgeted enrollment growth at University of California campuses. This support becomes an addition to a campus's base budget. Enrollment growth in the law school will bring new state resources to the campus. The enrollments will also bring new student fee resources to the campus. It is not expected that a reallocation of resources from existing programs will be necessary.

E. Statement of the minimum number of students necessary to make the program financially viable; the budget should reflect anticipated attrition.

The Donald Bren School of Law will be financially viable from the beginning through a combination of private giving, campus enrollment-growth funds, and professional student fees. See the attached budget for Section XIII.F below. Bridge funding from the campus will be required for the first four years of the law school's operation, gradually decreasing until ceasing in 2012-13. At that time, the school is projected to enroll 529 students and to generate a surplus of \$1,868,078. The School will continue to generate a surplus up to and after reaching its projected enrollment of approximately 600 J.D. students. (See table of enrollment projections, Section VII, Schedule/Format Requirements," subsection C.)

F. Budget projection, for at least the first three years of the proposed program, based on the enrollment data in the market analysis and including projected revenues and costs. The budget should include all budgetary assumptions and may be attached as a separate document.

The budget is attached as a separate document.

G. If the institution plans to continue to offer a joint doctoral program(s) in the same or a similar disciplinary area, describe the availability of resources for all such programs, and the basis for allocation of resources to support both the joint and the independent programs.

Not applicable, as UCI does not offer any joint degrees in the area at this time.

Section XIV: Plan for Evaluating Educational Effectiveness

Educational Effectiveness

A. Annual assessment leading to the program review – Describe the annual assessment process for year one and subsequent years leading to the overall program review. Attach an

assessment plan for the first several years of the program that describes how core faculty review the performance of the students in each cohort as it progresses annually to determine satisfactory progress. The assessment plan should include the review of student work and achievement of program learning outcomes as well as rubrics for assessment of the qualifying exam and the dissertation.

The Donald Bren School of Law will regularly assess the effectiveness of its educational program in achieving its desired outcomes, i.e., most particularly in preparing students to practice law at a level consistent with the standards and expectations of the school and university and the profession at large. Outcome measures will reflect the standards and expectations of legal educators, the community of practitioners, and also contemporary learning theory.⁶³ The results of these regular assessments will be shared with faculty, administration, staff, and students in the law school, and the assessments will inform the development and refinement of the curriculum, including legal writing and clinical practice, as well as the more general goals of the school and the methods by which they are pursued.

These assessments will include both self-study and strategic planning and assessment. Both quantitative and qualitative evidence will be gathered using direct measures of learning outcomes (graded examinations in courses, observation of clinical performance, written exams and essays, passage rates for the California Bar Examination, etc.) and indirect measures (students' self-assessment of growth, surveys of graduates, exit interviews, placement records, employer ratings of graduates' performance, etc.) Additional sources of evidence will include assessment and advice from the legal community and the university as a whole, particularly those who interact with faculty, students, and/or graduates of the school on a regular basis.

Our plan for assessing the educational effectiveness of the law school program is based on the six-step approach to assessment recommended by Mary Allen (2004). The six steps are:

1. Develop student learning objectives
2. Check for alignment between the curriculum and the objectives
3. Develop an assessment plan
4. Collect assessment data
5. Use results to improve the program.
6. Routinely examine the assessment process and correct, as needed.⁶⁴

The first step is the identification of student learning outcomes which were described earlier (see Section VII). The second step, checking for alignment between the curriculum and objectives, is described in Figure 1 of Section VII. The remainder of this section focuses on the third step: development of the assessment plan.

⁶³ Sullivan (2007) describes in detail application of contemporary learning theory to methods of legal education.

⁶⁴ Mary J. Allen (2004). *Assessing Academic Programs in Higher Education*. Bolton, MA: Anker Publishing.

Our assessment plan is guided by the following principles:

1. The primary purpose of assessment is the improvement of student learning.
2. Assessment is based on important student learning outcomes established by the faculty.
3. Multiple methods will be used to assess student learning outcomes; at least one method must be a direct measure.
4. Methods used for assessment will be reliable and valid for the purposes identified.
5. Whenever possible, existing sources of assessment information will be used.
6. Not all students need to be assessed each year; samples of student work may be used.
7. Results from assessment may be quantitative (using numbers) or qualitative (using descriptions or narratives).
8. Results of assessment will be reviewed on a regular basis by faculty and used for the improvement of the program, not to assess individual faculty.

Plan for Assessing Student Learning Outcomes

Outcome 1: Students will demonstrate a working knowledge and understanding of core concepts, theories, principles, and procedures of the law.

Direct measures:

- Course exams, papers, and evaluation of demonstrated professional skills
- Course grades
- Active participation in class discussions
- Capstone project
- Passing rate on California Bar Examination

Indirect measures:

- End-of-course survey of self-reported learning gains
- Law School Survey of Student Engagement (LSSSE)

Outcome 2: Students will use legal analysis and reasoning, and legal research methods for problem solving.

Direct measures:

- Course exams, papers, and evaluation of demonstrated professional skills
- Course grades
- Presentations of legal arguments in legal clinic or moot court
- A substantial paper demonstrating appropriate use of legal research methods using both electronic and traditional resources
- Feedback from legal clinic supervisors
- Capstone project
- Passing rate on California Bar Examination

Indirect measures:

- End-of-course survey of self-reported learning gains
- Law School Survey of Student Engagement (LSSSE)

Outcome 3: Students will demonstrate effective written and oral communication skills.

Direct measures:

- Course exams, papers, and evaluation of demonstrated professional skills
- Successful completion of Lawyering Skills (Legal Writing) I and II
- Two substantial papers demonstrating excellent legal writing
- Presentations of legal arguments in legal clinic or moot court
- Portfolio of student work, with self-reflection and exhibits demonstrating acquisition of professional skills
- Capstone project
- Passing rate on California Bar Examination

Indirect measures:

- End-of-course survey of self-reported learning gains
- Law School Survey of Student Engagement (LSSSE)

Outcome 4: Students will develop their own professional identity and demonstrate the professional skills necessary for effective and responsible participation in the legal profession.

Direct measures:

- Course exams, papers, and evaluation of demonstrated professional skills
- Successful completion of the Introduction to Lawyering and Ethics course
- Portfolio of student work, with self-reflection and exhibits demonstrating acquisition of professional skills
- Capstone project

Indirect measures:

- Law School Survey of Student Engagement (LSSSE)
- Alumni survey
- Placement rates

Outcome 5: Students will know and understand the history, goals, structure, values, rules and responsibilities of the legal profession and its members.

Direct measures:

- Participation in pro bono or other volunteer activities
- Portfolio of student work, with self-reflection and exhibits demonstrating acquisition of professional skills
- Capstone project

Indirect measures:

- Law School Survey of Student Engagement (LSSSE)
- Alumni survey

Descriptions of Outcome Measures

In this section, we describe some of the assessment measures that we will use to determine the educational effectiveness of the law school program.

Direct measures of student learning:

1. Course exams, papers, and evaluation of demonstrated professional skills. These measures include the normal course-embedded assessment activities used for assigning grades. Many of these activities will be especially appropriate for measuring student learning outcomes, especially cognitive outcomes from the doctrinal law courses. Use of course-embedded assessment reflects our principle of using assessment that is readily available.

2. Lawyering Skills (Legal Writing) I and II. Students will be required to complete two substantive research and writing projects, one in the first year and another one prior to graduation. Papers must meet standards developed by the faculty with input from practicing lawyers and judges. With the second paper, students must demonstrate ability to examine and research a complex legal problem of considerable depth. Alternatively, students may draw on their clinical experiences to explore a related legal issue. The second paper may be completed as an independent research paper, a seminar paper, or a paper associated with clinical practice. Both papers must be graded by a faculty member as part of a course or an independent study.

3. Portfolio of Student Work: Starting with the first semester, students will be asked to compile a portfolio of their work, including graded exams, writing samples, resumes, letters of reference, and self-reflective essays regarding the process of “thinking like a lawyer.” Portfolios encourage students to become more responsible for their own learning and to link that learning to their own personal goals.⁶⁵ Although rarely used in law schools, portfolios have been used successfully for assessment in business schools and engineering schools.⁶⁶ Each year a random sample of portfolios will be reviewed by faculty.

4. Feedback from Clinical Practice. Students who participate in clinics will be evaluated by their clinical supervisor (an instructor or a practicing attorney). Those evaluations will be regularly reviewed by faculty.

Indirect measures of student learning:

1. Self-assessment of student learning gains: At the end of each course, students will be asked to rate the extent to which the course has helped them achieve the learning

⁶⁵ Stuckey, pp. 261-263.

⁶⁶ Munro, pp. 120-121.

outcomes of the course as well as the 5 program outcomes, listed above. These items will be attached to the usual end-of-course teaching evaluation survey that is regularly administered in all UCI courses. Faculty will review the course survey results at the end of each academic year.

2. Law School Survey of Student Engagement (LSSSE): This survey will be administered every three years to third-year law students. The survey asks students how they spend their time, what they have gained from their classes, the quality of interaction between faculty and students, and participation in co-curricular activities. The first administration of the LSSSE will serve as a baseline measure for subsequent administrations of the survey. Survey results are also useful for the ABS Self-Study since results can be linked directly to the ABA standards. Faculty will review the LSSSE results in the year after the survey is administered.

3. Alumni Survey. Periodically the school will conduct surveys of students who have graduated, asking about their current employment, participation in continuing education, participation in pro bono work, professional affiliations, honors and awards, plus their assessment of how well the school prepared them to be a lawyer. Alumni surveys will be used to determine placement rates of new graduates.

The plan for assessing student learning outcomes is described in Figure 1.

Plan for Assessing Student Learning Outcomes

	Program Outcomes					
Assessment Methods	1. Knowledge and understanding of core concepts, theories, principles and procedures of the law	2. Legal analysis and reasoning; legal research methods and problem-solving	3. Effective written and oral communication skills	4. Professional identity and lawyering skills	5. Knowledge and understanding of the history, goals, structure, values, rules and responsibilities of the legal profession	Assessment Schedule
Course-embedded assessment (exams, papers, demonstrated professional skills, course grades, active participation in class discussions)	X	X	X	X		End of each course
Capstone project	X	X	X	X	X	Annual
Bar exam results	X	X	X			Annual
Substantial written paper (first year)		X	X			Annual
Substantial written project (second or third year)		X	X			Annual
Completion of Lawyering Skills (Legal Writing) I, II			X			End of each course
Completion of Lawyering and Ethics				X		End of course
Presentations of legal arguments in legal clinic or moot court		X	X			End of each clinical experience
Feedback from legal clinical supervisors		X			X	End of each clinical experience
Participation in pro bono clinics					X	Annual

Portfolio of student work			X	X	X	Annual review for graduating students only
Self-reported learning gains	X	X		X		End of each course
Law School Survey of Student Engagement (LSSSE)	X	X	X	X	X	Once every 3 years
Alumni survey and placement rates				X	X	Once every 5 years

Note: Yellow areas are direct measures of student learning; green areas are indirect measures.

Additional Assessment Measures

In addition to assessment methods listed above, the school will collect and analyze aggregate student data including:

- LSAT scores of entering students
- Grade point average (GPA) trend analysis
- Graduation and attrition rates, by entering cohort
- Bar examination passing rates
- Placement rates in a law-related position within first year of graduation
- Level of student engagement in co-curricular activities
- Student satisfaction with advising, financial aid, career and other services.⁶⁷

These indicators will be used primarily for strategic planning purposes.

Schedule of Assessment Activities

Students are expected to enroll beginning fall 2009. To prepare for the various assessment activities, the prior year (2008-09) will be devoted to developing student end-of-course surveys and guidelines for student portfolios. Scoring rubrics will be developed for common assignments such as the capstone projects and papers for Lawyering Skills (Legal Writing) I and II. An assessment committee will be identified (faculty and staff) to provide direction to the assessment activities. This committee will also work with faculty on the development of course outcomes aligned with program outcomes.

During the first year of the program, assessments will include end-of-course evaluation surveys (quality of instruction, overall value of the course as well as self-reported student learning gains). A sample of papers from Lawyering Skills (Legal Writing) I and II will be collected and reviewed by the faculty in the summer of 2010. As a pilot program, two courses will be identified to work with the assessment committee on the selection of appropriate course-embedded assessments. Each year, two additional courses will be selected.

Since assessment and the improvement of student learning is the responsibility of the faculty, after the first year the assessment committee will identify an appropriate venue for faculty to review and act on assessment results. This venue might be a faculty retreat or faculty seminar during which faculty analyze student work and review or revise their own learning outcomes. As the program matures, additional assessment measures will be implemented, including attrition and graduation rates, passing rates on the Bar exam, samples of student portfolios, alumni surveys and placement rates.

A. Program review – Describe how and when this program will be incorporated into the department, school and institution’s regular assessment and program review process.

⁶⁷ Based on measures developed by the Thomas M. Cooley School of Law as a basis for the institutional assessment process.

Following the initial approval of the degree, the JD program will be reviewed as part of the regularly-scheduled reviews of the law school.

All academic units and professional schools at the University of California, Irvine, are subject to formal external review at least every ten years by experts in the field outside UCI. Units are reviewed on-campus (and sometimes through external review) more frequently as required. New units are reviewed by the campus on an accelerated schedule according to milestones in the implementation process (appointment of founding faculty, admission of first cohort of students, graduation of that cohort, etc.). When possible, these reviews of a unit by the campus are coordinated with professional accreditation reviews but are not replaced by those reviews.

B. External review – Describe any plans for an external review of the program. External review refers to the evaluation of the program by one or more evaluators unaffiliated with the institution. Please note that professional accreditation reviews can be relied upon, but are not expected to be the sole source evaluating the effectiveness of the program.

Ordinarily, external reviews of academic units are governed by Academic Senate policies as described in “Joint Review of Academic Programs—Description and Procedures.”⁶⁸ However, according to Standing Order of the Regents 105.2 (b), the Senate does not have purview over courses and curricula offered in “professional schools offering work at the graduate level only.”⁶⁹ Divisional Academic Senates within the University of California are not involved in reviews of courses and curricula for the J.D., and that will be the case at UCI. However, the Academic Senate will be informed of planning within the Donald Bren School of Law related to the J.D. degree and will be consulted for advice and comment on all issues involving connections between that degree and other academic programs on campus.

At other UC campuses, policies vary related to Academic Senate review of other degrees offered by the law school (e.g., L.L.M., S.J.D., etc.), as do policies governing the Academic Senate’s role in the review of the law school as a whole. A specific policy for the role of the UCI Academic Senate in such reviews of the Donald Bren School of Law will be developed in 2008-09 after the initial law faculty have arrived on campus.

As in all cases of schools subject to accreditation by professional organizations—as with our School of Medicine—academic reviews are closely coordinated with professional accreditation reviews whenever possible, supplementing accreditation standards where appropriate with criteria and topics pertinent to internal concerns of the campus. Reports of the external reviewers are made available to faculty and administrative leadership in the unit for a response. Material is forwarded to the Academic Senate for advice and comment, and then the material is forwarded to the Provost with comments and recommendations for action. All parts of the review are treated as confidential to participants in the review process.

⁶⁸ http://www.senate.uci.edu/images/senate_docs/mia/joint%20review%20may%202005%20procedures-final.pdf.

⁶⁹ Standing Orders of The Regents of the University of California.
(<http://www.universityofcalifornia.edu/regents/bylaws/so1052.html>)

The reviews are used as part of the decision process in the allocation of resources, especially in terms of personnel, operating funds, and space. Professional accreditation reviews are treated very similarly by the campus and can be coordinated with campus reviews to avoid duplication of effort, but one form of review does not replace the other.

During the start-up phase, the Donald Bren School of Law will be reviewed annually in terms of its operating budget. The program will be monitored continually in terms of its personnel as faculty and staff are hired throughout the year. (Review of faculty appointments are subject to the usual personnel process, including review by the Academic Senate Council on Academic Personnel.) External reviews will be coordinated with the ABA approval process thereafter. ABA provisional accreditation will be sought fall 2010 after the first full academic year of the program is complete (summer 2010) per ABA Rule 4.a and 4c. During the period of provisional status, annual site evaluations are then required by the ABA (Rule 12.a), with a complete self-study required in year two (Rule 12.b).⁷⁰ Full approval will be sought two years later (2012); upon gaining full approval, site evaluations by the ABA will be required in the third year after full approval and then every seven years (Rule 12.a). Results of these reviews will be made available to the Academic Senate and will be incorporated into the decision processes of the campus as described above.

Section XV: Plan for Teach-out Provisions

Teach-out

A. Teach-out plan detailing how students who begin this program will finish if the institution determines that the program is to be closed.

In the highly unlikely event that the university should decide to close the Donald Bren School of Law, the School would retain enough of its faculty and staff to mount the courses required for graduation by students in the program until all students have had an opportunity to complete their degrees.

B. For joint doctoral programs transitioning to independent doctoral programs, describe the nature of the teach-out plan between the partnering institutions, including how financial responsibility and expenses will be shared, students served and dissertations supported. Identify the timelines established for the teach-out and the notice to be given to all students enrolled in the program. Copies of formal agreements for teach out among the partnering institutions and the notice provided to students are to be submitted with the proposal. The formal agreement should be agreed upon by all partnering institutions. If the original MOU between the partnering institutions contains a detailed description of the teach-out responsibilities for each institution, this document may be submitted in lieu of a new formal teach-out agreement.

Not applicable.

⁷⁰ Rules of Procedure for Approval of Law Schools
<http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Rules%20of%20Procedure.pdf>

Attachments

1. UCI Annual Report to WASC
2. Admission Brochure (sample)
3. Budget Overview, Donald Bren School of Law
4. Description of Capstone Project
5. Graduation Rates of Professional Doctoral Cohorts, Ed.D. and M.D.
6. Vitae
7. Sample Syllabi for courses in Labor Law and Constitutional Law

ANNUAL REPORT FORM

(Please return **the ORIGINAL and two copies** by March 31, 2007. Use 2006 fall data.)

Name of institution University of California, Irvine Date March 21, 2007

Address _____

Address Irvine, California
92697

Telephone (for listing in the Directory) 949 824-
5011

FAX (for listing in the Directory) 949 824-
2087

Web site address (for listing in the Directory) http://www.uci.edu/

1. Institutional sponsorship and control (check all that apply):

☐ Religious Affiliation

☐ Independent

☐ Proprietary

☐ StateXX

☐ Other

(Please describe)

Describe any change in sponsorship or control that occurred in the past year or is contemplated in the coming year. N/A

2. For the 2007-2008 academic year, please list the following information: name; title; direct phone; fax number; and e-mail address. If a new person will be filling the position after March 2007, please give us the starting date of his/her arrival.

A. Chief Executive Officer:

Name : Michael V. Drake Phone (949) 824-5111

Title : Chancellor FAX (949) 824-2087

E-mail : chancellor@uci.edu

B. Board chair (Please include mailing address):

Name : N/A

Phone _____

Title : _____

FAX _____

Address: _____

E-mail _____

Address: _____

C. Chief Academic Officer:

Name : Michael R. Gottfredson

Phone (949) 824-6296

Title : Executive Vice Chancellor and Provost

FAX (949) 824-2438

E-mail : gottfred@uci.edu

D. Accreditation Liaison Officer (if other than CAO):

Name : Michael P. Clark/Sharon Salinger – Co ALOs

Phone (949) 824-4501/(949) 824-7761

Title : Vice Provost/Dean of Ugd. Education

FAX (949) 824-2513/(949) 824-3469

E-mail: mpclark@uci.edu/salinger@uci.edu

3. Students: Full-time equivalent in credit courses: **Use Fall data** for each column.

	<u>2005-06</u>	<u>2006-07</u>
(Use Fall 2006 data)		
FTE of on-campus undergraduate students:	19,930	20,719
FTE of on-campus graduate students:	3,774	4,365
FTE of undergraduate students in off-campus and distance learning programs:	0	0
FTE of graduate students in off-campus and distance learning programs:	45	40
Total FTE of students in all programs:	24,986	25,124

4. Attach a list of all current degree programs (majors) by level. (If list is extensive, the catalog listing of programs may be appended.) Please indicate which programs were initiated during the past year.

Total Degree Programs

Type of Degree	Number (Please give a count of each degree by major)
Associates	_____
Bachelors	75
Masters	45
Research Doctorate (PhD)	39
Professional Doctorate	1
Joint Doctorate*	3

*If you offer any joint doctorates, they should be listed here and not listed separately as Professional or Research doctorates.

5. Please list the contact for :

Faculty Senate Chair (Name, Title, phone, email)

Professor Martha Mecartney, Academic Senate Chair, (949) 824-5897, chair@uci.edu

6. Please list any new degree programs that you plan to initiate in the next year: (See 2005 Substantive Change Manual, Section II, to identify those that must be approved in advance.)

Anticipated New Degree Programs for the Academic Year 2007-08		
On-Campus	a. Off-Campus b. Location	a. Distance Education
M.S./Ph.D., Statistics M.A., Political Science M.A., Psychology		
B.S. Business Economics B.A. Quantitative Economics B.S. Nursing Science B.S. Microbiology & Immunology B.S. Pharmaceutical Science		

7. Please list any programs you offer that have been accredited by specialized accrediting agencies and have lost their accreditation or have gone on sanction this year.

Report on programs accredited by specialized accrediting agencies.		
Program Name	Agency Name	Please explain Action: Accreditation terminated or Sanction imposed (specify). Attach letter from Agency taking the action.
N/A		

Please use additional pages as needed to include all needed entries.

8. We are required by Federal law to maintain a current listing of your tuition and fees. Please provide below or attach a separate sheet.

	<u>Tuition</u>	<u>Fees (Resident)</u>	<u>(Non Resident)</u>
Undergraduate	0	7606.50	26,290.50
Graduate	0	9669.78	24,630.78

9. Finances:

Change in unrestricted net assets at fiscal year end for the following three years:	2004 \$35,289,000 (Inc.)
	2005 \$72,141,000 (Inc.)
	2006 \$33,668,000 (Inc.)
Net assets (deficit) end of fiscal year:	2006 <u>0</u>

10. Please report the institution's cohort default rate on Federal Guaranteed Student Loans for the most recent year for which data are available. Year 2005-2006 Default Rate 1.4%

If the default rate exceeds 20% for any given year, the U.S. Department of Education (34CFR Part 668.17) requires that a "Default Management Plan" be submitted. Please attach a copy of the plan with this Annual Report for the Commission file.

11. Did your institution meet the required minimum composite financial ratio (1.5) for financial aid responsibility, as determined by the US Department of Education? Yes X
No

If No, please provide a copy of the current letter from the US Department of Education concerning this matter.

12. Please send two copies of your most recent audited financial statement **and the related management letter** or a fully disclosed financial statement (including footnotes).

All statistics are as of Fall 2006 unless otherwise noted.
(date)

Signed

Accreditation Liaison Officer

OPERATIONAL BUDGET SUMMARY FOR UCI'S PROPOSED SCHOOL OF LAW
(excludes capital projects)

		Academic year											
		2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
ANNUAL REVENUES													
1.	Student fee revenues	\$0	\$0	\$1,900,924	\$5,674,400	\$11,292,056	\$15,008,788	\$16,852,968	\$17,136,688	\$17,180,132	\$17,208,504	\$17,236,876	\$17,236,876
2.	Campus enrollment funds	\$73,188	\$991,332	\$3,463,335	\$5,261,416	\$7,272,862	\$8,500,989	\$9,160,106	\$9,276,828	\$9,342,207	\$9,383,680	\$9,392,069	\$5,418,497
3.	Campus bridge funding	\$0	\$4,712,848	\$4,575,816	\$4,720,660	\$710,075	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.	Private gifts and fund-raising	\$909,524	\$1,302,381	\$1,470,238	\$1,023,929	\$1,247,036	\$1,473,168	\$1,702,628	\$1,792,890	\$1,887,179	\$1,985,897	\$1,989,487	\$2,098,436
5.	Total revenues	\$982,712	\$7,006,561	\$11,410,313	\$16,680,404	\$20,522,029	\$24,982,945	\$27,715,702	\$28,206,406	\$28,409,518	\$28,578,081	\$28,618,432	\$24,753,809
ANNUAL EXPENSES													
6.	Law school operations	\$784,105	\$5,672,960	\$7,055,991	\$8,926,392	\$10,109,460	\$10,921,863	\$11,655,763	\$12,679,264	\$13,847,128	\$14,747,401	\$14,579,269	\$14,594,269
7.	Law library	\$0	\$342,268	\$1,459,258	\$2,660,420	\$2,711,377	\$2,869,259	\$2,939,266	\$3,075,156	\$3,159,211	\$3,155,401	\$3,155,401	\$3,155,401
8.	Student financial aid	\$0	\$0	\$713,140	\$2,128,776	\$4,236,264	\$5,630,613	\$6,322,465	\$6,428,904	\$6,447,083	\$6,457,727	\$6,468,371	\$6,468,371
9.	Lease of space	\$73,188	\$991,332	\$2,181,924	\$2,964,816	\$3,464,928	\$3,693,132	\$3,856,104	\$3,896,496	\$3,938,976	\$3,972,816	\$3,973,572	\$0
10.	Total expenses	\$857,293	\$7,006,561	\$11,410,313	\$16,680,404	\$20,522,029	\$23,114,866	\$24,773,598	\$26,079,819	\$27,392,398	\$28,333,345	\$28,176,613	\$24,218,041
ANNUAL BALANCE		\$125,419	\$0	\$0	\$0	\$0	\$1,868,078	\$2,942,104	\$2,126,587	\$1,017,121	\$244,736	\$441,819	\$535,768

Notes:

- Revenues from student fees and gifts are minimal estimates of revenue, which may increase as fee levels are refined and as fundraising efforts progress.
- Revenues and expenses for all years of this table are expressed in constant 2009-10 estimated dollars.
- "Student fee revenues" includes the Educational Fee (\$6,636 per student per year), the Registration Fee (\$900/student/year), and the Professional School Student fee (\$20,836/student/year). (All are at estimated 2009-10 rates.) It is assumed that 50% of the revenues from the Educational Fee and the Registration Fee and 33% of the Professional School Student fee are earmarked for financial aid to law students.
- "Campus enrollment funds" are campus funds that will be available for allocation to the law school. This includes marginal cost of instruction (MCOI) funding from the state (at the estimated 2009-10 level of \$9,727/student/year). In addition, this includes allocations from the campus to the law school for library acquisitions in the law library and funding to cover the costs of temporary space.
- "Campus bridge funding" is an estimate of the funds the campus will provide until student fee revenues, enrollment funding, and gifts and fundraising are sufficient to cover expenses.
- "Private gifts and fund-raising" includes both cash gifts to the law school and interest earnings from the law school's endowment corpus. This includes pledges already received for the endowment (\$20 million, to be realized over 7 years), plus an endowed chair position (at a minimum endowment of \$1 million each) each year, beginning in the law school's fourth year. Also included are three \$1 million cash pledges (one to be realized over 10 years, the other two over 3 years each), plus additional current-year cash gifts ranging from \$250,000 in the second year to \$650,000 in the last year of this budget.
- "Law school operations" includes salaries and benefits for law school faculty and staff (not including staff in the law library). Also included are expenditures for faculty recruiting, faculty set-up, faculty research and travel, law school membership and accreditation fees (e.g., ABA), equipment (computing, audio-visual, photocopying, etc.), office furnishings, and other operational expenses (e.g., telephone, mailing, etc.).
- "Law library" includes salaries and benefits for law library staff, as well as costs for serial and non-serial acquisitions, online legal databases, computer bibliographic services, binding and preservation, library equipment (including computers), office furnishings, staff development, and other operational expenses.
- "Student financial aid" represents financial aid provided to law students. The average financial aid package provided per student is estimated to be \$17,740 per year and it is assumed that 60% of J.D. students will receive financial aid. The revenues to cover these costs come from student fees.
- "Lease of space" is the cost of locating the law school in an existing building on campus and moving the current occupants of that building (mainly administrative functions) to leased space. The revenues to cover these costs will come from campus operational funds, backstopped by a combination of overhead recovery on contracts and grants and land lease payments to the campus from The Irvine Company for space rented to commercial occupants of the University ResearchPark. This budget assumes that permanent space for either option is secured by 2018-19 and therefore the lease costs are eliminated in that year.



Donald Bren School of Law

The Donald Bren School of Law, established by the University of California Board of Regents in November 2006, is the first public law school to open in California in more than 40 years.

Combining legal education with the advantages of a major research university, the school will leverage UCI's existing strengths in emerging technology, social policy, international business and health care and produce 21st-century leaders in law, government and business. UCI law graduates will be encouraged to pursue careers in public-interest law and other forms of public service, including non-governmental organizations and philanthropic agencies.

The school is expected to open its doors to the first class of students in fall 2009. Over the next few years, UCI will recruit its founding faculty and students—an effort greatly facilitated by generous support from the community, including a major gift from business leader and philanthropist Donald Bren that created 11 endowed faculty chairs and a dean's chair for the law school.

See below for general information about requirements and the prospective curriculum. We offer a quick and easy [on-line application](#). See the [Applying to the Donald Bren School of Law](#) page for more information about our application process.

Welcome from Founding Dean Erwin Chemerinsky

October 3, 2007

I am tremendously honored and enormously excited to be the founding dean of the Donald Bren School of Law at the University of California, Irvine. The school will open to its first students in August 2009, but already we are beginning the process of recruiting outstanding faculty and administrators. I believe that we have the opportunity to create an outstanding school to meet the needs of Southern California and the nation.

This is the first new law school at a public university in California in almost half a century. A public university has a special role and mission in a state. It is significantly supported by the tax resources of the state and should serve the state.



In part, this is done by educating the students of the state, many of whom will remain and be the region's next generation of great lawyers, judges, and academics.

As a public university, teaching a commitment to public service will be a core aspect of the law school's mission. This is not liberal or conservative; individuals of every political persuasion should feel a duty to use their talents and skills to make society better. My hope is that leadership training will be a part of the new law school's mission and program.

The University of California, Irvine is an especially desirable place for a new law school. It already has some of the top faculty in the country in law related fields, such as law and humanities, law and society, criminology, law and psychology, law and economics, and other disciplines. Thus, part of what will make the new law school distinctive will be its use of these outstanding faculty members in creating a truly interdisciplinary law school.

My hope, too, is that the school will be an innovator in legal education. I would like to see every law student have a significant "experiential learning" component in law school and ideally in each year of law school. For example, the goal will be that every student must have a clinical experience, or something comparable to it, before graduating. I always have been astounded that medical students treat patients, often from early in their training, but many law students never see a client until they graduate.

The law school likely will emphasize areas that are particularly important in Orange County, such as intellectual property, law and technology, environmental law, law and medicine, and public interest law. My hope is to begin immediately to create fellowships for students in these areas.

The goal is to hire faculty as quickly as possible while maintaining the highest standards of scholarship and teaching, with a faculty of about 35 when the school is fully operational. Although it will start smaller, ultimately there will be 200 students in a class. It will be a faculty and student body that is diverse in every possible way, where all viewpoints are reflected and debated.

I do not underestimate how daunting the task will be to create a new institution. The existence of this school is the result of enormous hard work by many people at UCI and in Orange County over the last 15 years. Chancellor Michael Drake has been tireless in his efforts to make this dream a reality.

Please do not hesitate to contact me or others at UCI if we can provide any information about the new school or be of assistance in any way.

Sincerely,



Erwin Chemerinsky, Dean
Donald Bren School of Law

About the University of California at Irvine

As a law student at the University of California Irvine, you will be part of the outstanding achievements and potential that define our campus. In only four short decades, Irvine has achieved [national and international recognition](#). Our reputation reflects the cutting-edge contributions of our faculty, the high caliber of our student body, the dynamics of our progressive curriculum, our technological orientation, and

our exceptional commitment to quality progressive education and research; all in the ideal location.

The beautiful UCI campus is built upon 1,500 acres of coastal foothills in [Irvine](#), California, just 5 miles from the Pacific Ocean. A walk across the campus reveals some 24,000 students from every state in the nation and more than 100 countries. As a UCI student scholar, you will become a member of this diverse multicultural, international, and intellectual community.

Visitors to UCI are struck by its natural park-like beauty as well as the cutting-edge research and scholarly work quietly going on in its surrounding buildings. UCI's circular design successfully integrates the natural open space with the modern architecture of the academic, research and administrative structures. Ring Road, a mile in circumference walkway, is the pedestrian thoroughfare that connects the [Student Center](#) with campus classrooms, eateries, [libraries](#), laboratories, [housing](#) and faculty offices. The Ring also serves as the outdoor staging area for a full [calendar](#) of cultural and social activities. [Life at UCI](#) is as dynamic as it is intellectually challenging and rewarding; everyone is always welcome.



Curriculum

J.D. REQUIREMENTS & GRADUATION

The majority of students at the UCI School of Law earn a Juris doctor (J.D.) degree. Requirements for the three-year J.D. Program are:

- 85 semester units of credit (including the required first-year courses);
- completion of moot court; completion of a professional responsibility (ethics) course in the second year;
- completion of the Constitutional Law course; fulfillment of the writing requirement (first year and additional course during second or third year);
- six semesters of residence credit; one residence credit is earned for each semester a student enrolls in and successfully completes a minimum of 10 units.

During their second and third years, students are allowed to take a minimum of 10 units and a maximum of 15 units each semester.

The J.D. degree requirements must be completed in six semesters. It is not possible to enroll in high course loads and graduate early. Any request for a variation in the normal three-year program must be discussed with, and approved in advance by, the Dean of Students.

FIRST YEAR CURRICULUM (illustration only; individual schedules will vary)

Short course - Introduction to Ethics & Legal Practice

Civil Procedure

Contracts

Criminal Law

Introduction to Constitutional Law I (Evidence)

Property

Torts

Legal Research and Writing

UPPER DIVISION CURRICULUM

In the second and third years, students will be able to fill out courses required or highly recommended for Bar preparation, such as Wills and Trusts. In order to meet the demands of the Bar and to realize the broader objectives of modern legal education, many of the following courses will also be regularly offered: Antitrust, Bankruptcy, Secured Transactions and Venture Capital (under the general rubric of *Business and Corporate Law*); Evidence, Federal Litigation (under *Civil Procedure and*

Litigation); Alternative Dispute Resolution and its various forms; Criminal Procedure, White Collar Crime (under *Criminal Law*); Environmental Law, Land Use, Natural Resources Law, Toxic Torts, Water Law and Policy (under *Environmental Law*); Biomedical Research, Intellectual Property Law, Telecommunication Law (under *High Technology and Intellectual Property Law*); Critical Theory, Comparative Legal Institutions, International Human Rights, International Trade Law, Transnational Law (under *International and Comparative Law*). Other clusters of courses will be designed under the following rubrics: *Public Law and Policy*; *Medicine and Mental Health Law*; *Family Law*; *Human Rights and Civil Liberties Law*; and *Labor and Employment Law*.

In addition to these courses, a capstone experience will be required of all students that includes substantial clinical experience under faculty supervision, with the aim of developing complex legal problem-solving skills necessary for effective practice in the students' areas of specialization.

Whenever possible, the cases and legal issues on which these courses are based will reflect the general emphases of the School on emerging technologies and the globalization of our economy and culture, and on the practice of law in the public interest. Choosing among these courses will also allow the student to develop an area of informal concentration, such as environmental law, intellectual property law, humanities and the law, or international law. Course-work in each of these topical areas will develop highly analytical approaches to practice and critical thinking about the law and its institutions. In addition to studying with the full-time faculty in the School of Law, students will also have opportunities to work with the leading figures among the present faculty at UCI in Law and Humanities, Law and Society and Criminology, Social Sciences and the Law, and other fields.

Admissions

Online Admissions

At the Donald Bren School of Law Website (www.law.uci.edu), follow instructions at the [Admissions](#) link to submit an online application and a nonrefundable application fee.

Personal Statement

Applicants are required to submit a personal statement that will elaborate upon the credentials and experience that support the candidate's admission to law school. The applicant is invited to explain any exceptional skills, life circumstances, or unique qualifications that might enhance their academic profile. Please limit the statement to 3-5 typed pages, double spaced.

Letters of Recommendation

Applicants must provide two letters of reference. Referees should be unrelated to the applicant, and at least one reference should be from a faculty member under which the applicant has studied.

Law School Admissions Test

An applicant should take the Law School Admissions Test by December of the year proceeding the fall semester for which admission is sought.

Law School Data Assembly Service (LSDAS)

Applicants are requested to register with the Law School Data Assembly Service (LSDAS) by December of the year preceding admission.

Accreditation Status

The Donald Bren School of Law will seek accreditation from the American Bar Association as soon as possible, a process that takes place over a 3-5 year period. In compliance with ABA Standards, application will be made for provisional approval in the fall after the first full year of the law school's operation. Provisional approval is dependent upon demonstration of substantial compliance with all ABA Standards. Full accreditation requires full compliance with all ABA Standards after having been provisionally approved for at least two years. A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully-approved law schools.

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, however, that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

Course Description: Capstone Project (culminating experience)⁷¹

The Third-Year Capstone Projects Program (Capstone Projects) will enable third-year students to develop foundational skills for a smoother transition from law school to the practice of law or the pursuit of some other law-related career. The concept of the Projects is to provide a flexible mechanism for two or more students to have a clinical-type experience, in the absence of a permanent clinic in the area of the student's substantive interest, or as a continuation of an interest developed in a clinic. Students will be permitted collaboratively to design and implement a project under the supervision of a member of the governing faculty, and, in some cases, with the assistance of outside mentors who will be experts in the substantive area of the project. In a sense, these projects will function as ad hoc clinics.

The primary purpose of Capstone projects will be to introduce students to complex legal problem-solving, through projects that will require the kind of sustained and highly motivated effort expected of young scholars, associates at law firms, and young lawyers at public interest law firms or regulatory agencies. To more effectively prepare for the practice of law, law students need to experience the demands, constraints, and methods of analyzing and dealing with unstructured situations in which issues are not identified in advance.⁷² Otherwise, their problem-solving skills do not readily mature. Providing some exposure during law school that simulates skills required in the actual practice of law is not only important for helping students develop well-rounded and more realistic perspectives about the legal profession, it also helps students appreciate the importance of other subjects taught in law schools.⁷³ The Capstone Project program will serve these goals, along with the law school clinical programs.

Although the precise parameters of each individual project will be flexible, the program will have core requirements applicable to all projects, including the requirement of a substantial final written product that reflected the process of planning, analysis, implementation, and evaluation.

In practice, students will spend a substantial portion of time over the academic year (for example, up to 14 credits) engaged in intensive legal work in an area of professional interest. Ideally, Capstone Projects will allow third-year law students to translate what they have learned during the first two years of law school into practical legal skills through an in-depth exploration of a particular area of law or public policy, while expanding their problem solving and team-building skills. The projects can involve any substantive area of law in which the students undertaking it are interested. The projects can be associated with a course in which the students are concurrently enrolled; they can be a continuation of a course or clinic that the students previously took; or they can be free-standing projects, designed entirely by the students and their advisor and outside mentor, and unconnected to a particular course.

Students ordinarily will recruit to supervise their projects a member of the law

⁷¹ This capstone experience is adapted from a report drafted for the Curriculum Committee at Duke University School of Law by Erwin Chemerinsky.

⁷² Kevin E. Houchin, "Specialization in Law school Curricula: A National Study," 2003 report accessible at <http://www.woodenpencil.com/research/JDspec041403.pdf>.

⁷³ Houchin.

school faculty who teaches or writes in the substantive area of the project. When that is not possible, however, students can recruit a mentor in the substantive area of the project from outside the law school, who will work with the faculty advisor. These outside mentors can be alumni of the law school or legal professionals with no prior relationship with the law school. In addition, interdisciplinary projects also will require students to work with experts outside the field of law.

Capstone Projects will identify students who undertake them as particularly well prepared to make a relatively smooth transition from law school to the practice of law. Prospective students also accord considerable weight to innovative legal curriculum models when choosing which law school to attend, and likely will find this program attractive.

Development of Capstone Projects

Students can design Capstone Projects as add-ons to existing courses and clinics, or they can design their projects independently of the existing curriculum, within specifically defined parameters and requirements. The scope and requirements of each project will be commensurate with the number of course credits sought. For example, Projects can be focused topically, such as on philosophy and legal theory; around intensive clinical, trial practice or ADR experiences; combined with relevant interdisciplinary study elsewhere in the University; as components of internships with judges, legislators, other government offices, public-interest law offices, or international entities (such as the law school's current international externship programs); or as a track for students interested in pursuing academic careers.

Capstone Projects will be designed to provide students with opportunities to conduct in-depth analyses of real world policy issues. The proposed program will allow law students to narrow the even wider gap that exists between legal education and the practice of law.

Criteria for Capstone Projects

Capstone Projects are intended to be intensive, active learning projects, requiring significant effort in the planning and implementation, and resulting in a final written product. At a minimum, the projects will require interested students to submit a written proposal (ideally during the spring of the 2L year), detailing the specific area of study (including topical area, core courses, additional materials to be consulted, etc.), faculty or mentor involvement needed, the number of students involved in the project, the time-frame for the different phases of the project, the number of credits sought, and the final written product to be produced. This proposal will be the first phase of all projects. (Conceivably, a student could enroll in a one-credit independent study to develop the project proposal.)

The faculty advisor or other person appointed to administer the program (in consultation with the faculty advisor) will review a project proposal to ensure that it met the requirements for the program and that the credit proposed was warranted. Once this interactive process is completed, and the project approved, the faculty advisor will serve as the primary mentor for the project during the students' third year. At a minimum, a

single law school professor will serve as the law school advisor; but, additional advisors/mentors can be professors from other schools within the university, practicing lawyers, judges, legislators, and other relevant professionals, as appropriate to the particular project.

Each project proposal will designate the academic curriculum for the project. Students will designate courses will be components of their projects, forcing them to think more critically about their course selections, and to be thoughtful about their planned course of studies in the second and third years.

Specific courses that the students already have completed can be designated for the project, as well as courses that will be taken in the third-year, concurrently with the beginning of the Capstone Project. The final written work can be in the form of a scholarly work of publishable quality, model legislation and the supporting report, the documents required for a corporate transaction, with an explanatory memorandum to the client; a brief; comments filed with a regulatory agency on a proposed rule-making; etc.

The number of academic credits awarded for the entire project will be determined by the courses taken in conjunction with the project, the scope of the project, the estimated timeframe (one or two semesters) and the number of hours expected to be devoted to the project; and the complexity of the final written project. The project credits will be on a pass-fail basis (perhaps with the possibility of earning distinction for some projects). The courses taken as part of the project will be subject to the usual law-school grading system.

A critical component of the project, and one that will further differentiate it from the existing law school model, will be the substantial and individualized feedback provided to the students. The faculty advisors and mentors will be expected to provide students with on-going regular feedback, throughout the duration of the project. The advisors and mentors will expect that subsequent drafts or documents and actions of the students will reflect feedback given. Students will be expected to provide regular status reports to the advisor. And the advisor and students will be expected to hold periodic review sessions (the frequency of which will depend upon the project) to discuss progress on the project. Finally, students will be required to prepare a post-performance critique, noting their accomplishments, and offering suggestions for improving the program. Students also will be expected at the conclusion of the project to provide candid assessments of each other's effort and contributions.

Conclusion

Capstone Projects will be an innovative program that distinguishes the third-year curriculum at the Donald Bren School of Law from those of its peer institutions. Students at other institutions may engage in a significant legal research project during their Third-Year, but the majority of schools do not offer third-year students an intensive program designed to expose them to and challenge them with "real-world" problems, or to equip them with the practical skills necessary for the practice of law in the kinds of jobs that our students typically take after graduating.

Academic Unit Profile — School of Education

Graduate Students

Indicator	Academic year					
	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02
Graduation rates of entering doctoral cohorts						
Number in entering cohort	3	7	5	8	11	11
Earned doctorate and not enrolled Spr 2007	3	3	3	4	4	3
Earned no degree but still enrolled Spr 2007	0	1	0	1	3	8
Earned no degree and not enrolled Spr 2007	0	3	2	3	4	0
Total	3	7	5	8	11	11
Number graduating in:						
4 years or less	0	1	0	0	1	0
> 4 but <= 5 years	1	1	0	3	3	2
> 5 but <= 6 years	1	0	2	1	0	1
more than 6 years	1	1	1	0	0	—
4-year graduation rate	0.0%	14.3%	0.0%	0.0%	9.1%	0.0%
5-year graduation rate (cumulative)	33.3%	28.6%	0.0%	37.5%	36.4%	18.2%
6-year graduation rate (cumulative)	66.7%	28.6%	40.0%	50.0%	36.4%	27.3%
Time to degree of graduating doctoral cohort, in quarters	17.7	16.7	18.0	15.0	12.8	14.7

Academic Unit Profile — School of Medicine: MD

Graduate Students

	Academic year
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Indicator	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03
Graduation rates of entering doctoral cohorts							
Number in entering cohort	92	92	92	92	92	94	92
Earned doctorate and not enrolled Spr 2007	87	87	91	89	87	88	83
Earned no degree but still enrolled Spr 2007	0	0	1	2	3	3	7
Earned no degree and not enrolled Spr 2007	5	5	0	1	2	3	2
Total	92	92	92	92	92	94	92
Number graduating in:							
4 years or less	76	75	77	76	79	74	67
> 4 but <= 5 years	4	5	9	12	8	10	16
> 5 but <= 6 years	3	5	1	1	0	4	—
more than 6 years	4	2	4	0	—	—	—
4-year graduation rate	81.5%	79.3%	83.7%	82.6%	85.9%	78.7%	72.8%
5-year graduation rate (cumulative)	84.8%	84.8%	93.5%	95.7%	93.5%	89.4%	90.2%
6-year graduation rate (cumulative)	87.0%	89.1%	94.6%	96.7%	93.5%	—	—
Time to degree of graduating doctoral cohort, in quarters	12.7	12.7	12.9	12.4	12.1	12.6	12.6

Vitae

Faculty:

Erwin Chemerinsky
Joseph DiMento
Catherine Fisk
Elizabeth Loftus

ERWIN CHEMERINSKY

Address:

HOME: 3922 Westchester Rd.
Durham, N.C. 27707
(919) 403-0283

WORK: Duke University School of law
Science Drive and Towerview Rd,
Durham, N.C. 27708
Phone: (919) 403-0283
Fax: (919) 613-7231
e-mail: chemerinsky@law.duke.edu

Employment:

2004-present: Alston & Bird Professor of Law and Political Science, Duke University
Awards: Duke University Scholar-Teacher of the Year Award, 2006

1983-2004: University of Southern California Law School. Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science, 1997-2004. Director, Center for Communications Law and Policy, 2000-2004. Legion Lex Professor of Law, 1991-1997; Professor, 1987-1991; Associate Professor, 1984-1987. Visiting Associate Professor, 1983-1984. Awards: Outstanding Teacher, 1984; 1991

Fall 2002. Visiting Professor, Duke Law School

Spring 1997; Spring 2001 Visiting Professor, UCLA Law School

1980-1984: DePaul University College of Law, Chicago, IL. Associate Professor, 1983-1984 (on leave 1983-84). Assistant Professor, 1980-83.
Awards: Outstanding Teacher, 1983

1986-present: Lecturer, BAR/BRI (Constitutional Law; Professional Responsibility)

1981-1982: Director, Northwestern University, National High School Institute in Speech, Forensics Division, Evanston, Illinois

1979-1980: Attorney, Dobrovir, Oakes, and Gebhardt, Washington, D.C.

1978-1979: Attorney, Attorney General's Program for Honor Law Graduates, United States Department of Justice, Civil Division, Frauds Section, Washington, D.C.

Education:

LEGAL: Harvard Law School, Cambridge, Massachusetts, J.D. 1978

Honors: Graduated Cum Laude

COLLEGE: Northwestern University, Evanston, Illinois, B.S. 1975

Honors: Graduated with Highest Distinction (top 1% of class)
Clarion DeWitt Hardy Scholar (award for academic and extracurricular achievements)
Florsheim Award (monetary prize received for academic and extracurricular achievements)
Award Winner, Kirk Contest for essays in rhetorical criticism
National debate honors (numerous national team and individual awards)

Honors:

2003 President's Award, Criminal Courts Bar Association
2003 Freedom of Information Award, Society for Professional Journalists
2002 Award for Contribution to Judicial Education, National College of Bankruptcy Judges
2002 Community Service Award, Western Center for Law and Poverty
2001 Community Service Award, Anti-Defamation League
2001 Clarence Darrow Award, People's College of Law
2000 Alumni Merit Award, Northwestern University
1999 Eason Monroe Courageous Advocate Award from the American Civil Liberties Union of Southern California
Awards in 1999 from the Los Angeles Chamber of Commerce, the Los Angeles Urban League, and Los Angeles Branch of the American Society for Public Administration, for work on Los Angeles City Charter
1998 Judge John Brown Award for Contributions to Federal Judicial Education.
Distinguished Professor Award, American Civil Liberties Union of Southern California
1996
Named in October 2000 as one of the 10 most influential lawyers in California by the Daily Journal and California Law and Business. Named to the list of the 100 most influential lawyers in California in 1998, 1999, 2000, 2001, 2002, 2003.
Named in April 2005 as one of the "top 20 legal thinkers in America" by Legal Affairs.

Publications:

Books:

Enhancing Government: Federalism for the 21st Century (to be published by Stanford University Press in spring 2008)

Criminal Procedure (to be published by Aspen Law and Business in spring 2008) (with Laurie Levenson) (a casebook)

Federal Jurisdiction (Boston: Aspen Law & Business, 5th ed., 2007; 4th ed. 2003; 3rd. ed. 1999; Little, Brown & Co., 2d ed. 1994; 1st edition 1989) (a one volume treatise)

Constitutional Law: Principles and Policies (Boston: Aspen Law & Business 3d ed. 2006; 2d. ed 2002; 1st ed. 1997) (a one volume treatise)

Constitutional Law (Boston: Aspen Law & Business, 2d ed. 2005; 1st ed. 2001) (a casebook) (Annual supplements in 2001, 2002, 2003, 2004, 2005, 2006, 2007)

Interpreting the Constitution (New York: Praeger, 1987)

Articles: Over 125 articles in law reviews, including many articles in publications such as Harvard Law Review, Michigan Law Review, Northwestern Law Review, Stanford Law Review, University of Pennsylvania Law Review, Yale Law Journal

Essays: Since 1992, have regularly written a column for Trial magazine on the Supreme Court. Also, regularly writes a column for the Daily Journal and California Lawyer. Have written hundreds of op-eds that have appeared in newspapers such as the Atlanta Journal Constitution, Baltimore Sun, Boston Globe, Los Angeles Times, New York Times, and Washington Post

Selected professional activities

Pro bono appellate litigation, including serving as counsel of record and presenting oral argument in the United States Supreme Court in *Scheidler v. NOW* (2005), *Van Orden v. Perry* (2005), *Tory v. Cochran* (2005), *Lockyer v. Andrade* (2003). Briefed and argued over 50 cases in federal courts of appeals and state supreme courts.

Chair, Mayor's Blue Ribbon Commission on City Contracting in Los Angeles, 2004-2005 (report issued February 2005)

Commissioner and Chair, Los Angeles Elected Charter Reform Commission. (Elected by voters April 8, 1997 for a two-year term to Commission to propose a new City Charter. Charter adopted by voters June 8, 1999)

Member, Governor's Task Force on Diversity and Outreach, 1999-2000 (appointed by Governor Gray Davis, September 1999)

Independent Analysis of the Board of Inquiry Report on the Rampart Police Scandal, Prepared at the Request of the Police Protective League, September 2000

Editorial Advisory Board, Law Division, Aspen Law and Business

Member, Board of Directors, ACLU of North Carolina (2005-present)

Member, Board of Directors, MAZON (2004-present)

Fellow, Center for Excellence in Teaching, University of Southern California, 1997-2000; Senior Fellow, 2000-present

President, Academic Senate, University of Southern California, 1996-1997 (President-elect, 1995-1996)

Lecturer, Federal Judicial Center, 1989-present (speaking to federal judges, magistrates, and bankruptcy judges at programs throughout the country)

Chair, Civil Rights Section, American Trial Lawyers Association, 1998-1999 (Vice-chair, 1997-1998)

Reporter, Task Force on the Legislative Role in Setting Powers and Jurisdiction of the Courts, Citizens for Independent Courts, 1998-2000

Reporter, Task Force on Federalization of Civil Law Matters, Three-Branch Roundtable (Convened by Attorney General Janet Reno, Chief Justice William Rehnquist, and Senator Joseph Biden, March 7, 1994)

Reporter, Ninth Circuit Rule 11 Study Committee, 1990-1992 (prepared, "Rule 11 in the Ninth Circuit," Report of the Ninth Circuit Rule 11 Study Committee (1992))

Member, Technical Assistance in Constitution Drafting for the Republic of Belarus, American Bar Association, Central and Eastern European Law Initiative, Minsk, Belarus, August 1992

President, Board of Regents, Temple Emanuel Community Day School, Vice-President for Education, Temple Emanuel, 1994-1996

Commentator and consultant, CBS News, KCBS-TV, Cable News Network, Court TV, CNBC, KNX Radio, UPI Radio, and others, on the O.J. Simpson case and other legal events

Member, Editorial Advisory Board, California Lawyer Magazine, 1994-present

Member, Litigation Committee, American Association of University Professors, 1991-1995

Member, Board of Directors, American Civil Liberties Union of Southern California, 1987-1997; Member of the Executive Committee, 1991-1995

Member, Regional Council, American Jewish Congress, 1992-present; Member, Board of Directors, 1993-1998

Chair, Federal Courts Section, American Association of Law Schools, 1993 (Chair-elect, 1992)

Member, Task Force on Professional Responsibility, Committee of Bar Examiners, State of California, 1987

Co-drafter (with Jeffrey Shaman) of Illinois Freedom of Information Act, on behalf of the American Civil Liberties Union of Illinois, adopted by the Illinois State Legislature, 1983

Debate Manager, Mayoral Campaign of Harold Washington, Chicago, Illinois, 1982-83

VITA

JOSEPH F. C. DIMENTO **University of California, Irvine**

Education

1969	B.A. (Government, cum laude), Harvard College, Cambridge, Massachusetts.
1974	Ph.D. (Urban and Regional Planning), University of Michigan.
1974	J.D. University of Michigan.

Academic Positions

1984-	Professor, Planning, Policy, and Design and Criminology, Law and Society, School of Social Ecology; Paul Merage School of Business; Transportation Science; and Global Peace and Conflict Studies, University of California, Irvine.
2001-	Director, Newkirk Center for Science and Society, UCI
1995-	Head, Focused Research Group in International Environmental Cooperation, UCI
1990-1992	Assistant Executive Vice Chancellor, UCI.
1989-1990	Director of Land Management, Office of the Chancellor, UCI.
1975-1992	Consultant, Public Policy Research Organization, UCI.
1988-1989	Head, Criminology, Law and Society Section, Program in Social Ecology, UCI.
1988-1989	Head, Center for Orange County Research, UCI.
1988-1989	Associate Director, Public Policy Research Organization, UCI.
1985-1986	Visiting Professor, University of Florida Law School.
1980-1985	Director, Program in Social Ecology, UCI.
1979-1980	Visiting Associate Professor, Ph.D. Program in Urban and Regional Planning and Visiting Faculty, Law School, University of Michigan.
1978	Visiting Scholar, School of Architecture and Urban Planning; Co-teaching, Law School, UCLA.
1974-1984	Assistant-Associate Professor, Program in Social Ecology, UCI.

Professional Activities

Memberships and Affiliations

The American Society of International Law
State Bar of California
State Bar of California Environmental Law Section
State Bar of California, Condemnation Committee, 1983-1985

City of Irvine Planning Commission 1988-1989
 City of Irvine Transportation Commission 1988
 City of Irvine Committee on Environmental Assistance
 Irvine Campus Housing Authority, Board of Directors, 1984-1985 and 1989-; Vice President, 1984-1985; Secretary, 1989-1998.
 Science Advisory Board, United States Environmental Protection Agency, Technology Assessment and Pollution Control Advisory Committee, 1978-1981
 Public Law Center, Board of Directors, 1989-91
 Panel Member, Pro-Mediate and Real Estate Arbitration and Mediation Services
 South Coast Air Quality Management District, Advisory Council, 1981-1985
 Faculty Fellow, Lincoln Institute of Land Policy
 The Law and Society Association
 Comitato Scientifico (Scientific Committee), Rivista Giuridica Dell'Ambiente
 Editor, "Focus North America," Rivista Giuridica Dell'Ambiente
 Environmental Law Network International
 National Trust for Historic Preservation
 Senior Care Resources, Newport Beach, California, Vice President
International Environmental Agreements: Politics, Law and Economics, Book Review Editor

Related Experience

2006	Fulbright Distinguished Professor, Polytechnic of Torino, Italy
1999-	Adjunct Professor, Whittier Law School.
2000	Visiting Lecturer, environmental law, Università degli Studi dell'Insubria; Università Cattolica Del Sacro Cuore, Sede De Piacenza.
1998	Fulbright Research Fellow, Italy (criminal law and the environment).
1986-1987	Special Assistant, Appellate Section, Land and Natural Resources Division, United States Department of Justice, Washington, D.C.
1986	National Endowment for the Humanities Summer Seminar, "Dante's Italy," Florence, Italy (focus on urban development laws).
1981-1984	Kellogg National Fellow (focus on scientific basis of environmental and occupational regulation).
1980	National Endowment for the Humanities Summer Seminar for Law Teachers, Yale University Law School (focus on the Takings Issue in Constitutional Law).
1972-1973	Research Assistant, State of Michigan Department of Natural Resources.
1969-1971	Assistant to the Director, Ann Arbor Model Cities Program, Ann Arbor, Michigan.

Publications

A. Books

DiMento, J., Managing Environmental Change. (Praeger Publishers, New York), 1976.
 DiMento, J., The Consistency Doctrine and the Limits of Planning. (Oelgeschlager, Gunn & Hain, Boston), 1980.

- DiMento, J., Environmental Law and American Business: Dilemmas of Compliance. (Plenum: New York), 1986.
- DiMento, J., Graymer, L., and Schnidman, F., (eds.), The Urban Caldron. (Oelgeschlager, Gunn and Hain, Boston), 1986.
- Graymer, L., DiMento, J., and Schnidman, F., Rental Housing in California. (Oelgeschlager, Gunn and Hain, Boston), 1987.
- DiMento, J. (ed.), Wipeouts and Their Mitigation: The Changing Context for Land Use and Environmental Law. (Lincoln Institute of Land Policy: Cambridge, MA), 1990.
- DiMento, J. (ed.), Confronting Regional Challenges: Approaches to LULUs, Growth, and Other Vexing Governance Problems. (Lincoln Institute of Land Policy: Cambridge, MA), 1991.
- Nespor, S., with DiMento, J., et al., Rapporto Mondiale Sul Diritto Dell 'Ambiente/A World Survey of Environmental Law. (Giuffr  Editore, Milano), 1996.
- DiMento, J. The Global Environment and International Law (University of Texas Press), 2003.
- DiMento, J. and Doughman, P. (eds). Climate Change: What it Means to Us, Our Children and Our Grandchildren (MIT Press), 2007.

B. Chapters and Articles

- Kelly, J. G., DiMento, J., and Gottlieb, B., "The Community as Teacher," in D. Flourney (ed.), The New Teachers (Jossey-Bass, Inc., San Francisco), 1971.
- Sax, J.L., with DiMento, J., "A Supplement to Sax and Conner, Michigan Environmental Protection Act of 1970: A Progress Report." Hearings Before the Subcommittee on the Environment, Committee on Commerce, United States Senate (No. 9319), 1973.
- Sax, J., and DiMento, J., "Environmental Citizen Suits: Three Years' Experience Under the Michigan Environmental Protection Act," 4 Ecology Law Quarterly 1 (Winter 1974).
- DiMento, J., "Looking Back: Consistency in Response to and Interpretation of the California Consistency Requirement: A.B. 1301," II Pepperdine Law Review S196 (Spring 1975).
- Catalano, R., and DiMento, J., "Mandating Consistency Between Zoning Ordinances and General Plans: The California Experience," VIII Natural Resources Lawyer 455 (1975).
- DiMento, J., "Citizen Environmental Legislation in the States: An Overview," 53 Journal of Urban Law 413 (February 1976).
- Catalano, R., and DiMento, J., "Local Government Response to State Environmental Impact Assessment Requirements: An Explanation and a Typology," 7 Environmental Law 25 (Fall 1976).
- DiMento, J., "Citizen Environmental Litigation and the Administrative Process: Empirical Findings, Remaining Issues and a Direction for Future Research," 2 Duke Law Journal 409 (May 1977).
- Hagman, D., and DiMento, J., "The Consistency Requirement in California," 30 Land Use Law & Zoning Digest 5 (1978).

- DiMento, J., "Have We Found A Free Lunch? Evaluating Public Participation in Environmental Decision Making," Lead Chapter in A. Randall (ed.), Citizen Participation in Natural Resource Decision Making, The North Central Research Strategy Committee for Natural Resources, The Farm Foundation and the Department of Agricultural Economics, University of Kentucky (November 1978).
- DiMento, J., "Improving Development Control Through Planning: The Consistency Doctrine," 5 Columbia Journal of Environmental Law 1 (Fall 1978).
- DiMento, J., Hagman, D., et al., "Land Development and Environmental Control in the California Supreme Court: The Deferential, the Preservationist, and the Preservationist-Erratic Eras," 27 UCLA Law Review 859 (April-June 1980).
- DiMento, J., "Developing the Consistency Doctrine: The Contribution of the California Courts," 20 Santa Clara Law Review 285 (Spring 1980).
- DiMento, J. "Making Usable Information on Environmental Stressors: Opportunities for the Research and Policy Communities," 37 Journal of Social Issues 172 (Winter 1981).
- DiMento, J., "The Consistency Doctrine: Continuing Controversy," 4 Zoning and Planning Law Report 89 (January 1981).
- DiMento, J., "The Consistency Doctrine in its Adolescence: More Questions about the Role of Comprehensive Plans," 5 Zoning and Planning Law Report 49 (July-August, 1982).
- DiMento, J., "Much Ado About Environmental Stressor Research: Policy Implications," in G. Evans (ed.), Environmental Stress (Cambridge University Press, New York) 1982.
- DiMento, J., "Asking God to Solve Our Problems: Citizen Environmental Suit Legislation in the Western States," 2 UCLA Journal of Environmental Law and Policy 169 (Spring 1982).
- DiMento, J., "But It's Only Planning: Planning and the Taking Issue in Land Development and Environmental Control Law," 6 Zoning and Planning Law Report 137 (July-August, 1983).
- DiMento, J., "Environmental Hope or Hysteria of Dilettante Earth Savers? A Return to the Debate Over MEPA," 63 Michigan Bar Journal 348 (May 1984).
- DiMento, J., "Taking the Planning Offensive: Implementing the Consistency Doctrine," 7 Zoning and Planning Law Report 41 (June 1984).
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- DiMento, J., "Once There Were to Be Green Fields: Cooperative Approaches to Environmental Clean up: Promise and Performance," in F. Sgubbi and M. Franzoni, Diritto Dell'Ambiente: Le Discipline Di Settore (Torino, G. Giappichelli Editore) 2000.
- DiMento, J., and Forti, G., "Green Managers Don't Cry: Criminal Environmental Law and Corporate Strategy" in H.N. Pontell and D. Shichor (eds.) Contemporary Issues in Crime and Criminal Justice: Essays in Honor of Gilbert Geis (Prentice Hall) 2001.
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- DiMento, J., Ingram, H., Matthew, R., Whiteley, J., and Doughman, P. "Implementation of the NAFTA Institutions-The Record and the Potential" in Scovazzi, T. (ed.). The Protection of the Environment in a Context of Regional Economic Integration (Giuffrè editore) 2001.
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- Geis, G., and DiMento, J.F.C., "Empirical Evidence and the Legal Doctrine of Corporate Criminal Liability," 29 American Journal of Criminal Law 341 (Summer 2002).
- DiMento, J., "International Environmental Law: A Global Assessment," XXXIII The Environmental Law Reporter, 10 387 (June, 2003).
- DiMento, J., "Process, Norms, Compliance, and International Environmental Law," 18 Journal of Environmental Law and Litigation 251 (2003).
- DiMento, J., and Ingram, J. "Science and Environmental Decision making: The Potential Role of Environmental Impact Assessment in the Pursuit of Appropriate Information" 45 Natural Resources Journal 283 (Spring 2005).

- Kaminski, S., Geis, G., Mazumdar, S., and DiMento, J., "The Viability of Voluntary Visitability," The Journal of Disability Policy Studies. (2006).
- Cho, B., Geis, G., and DiMento, J., "Economic and Environmental Crimes" in Hans Joachim Schneider (ed.) International Handbook of Criminology (Walter de Gruyter, Berlin, New York, 2006). In press.
- Geis, G., and DiMento, J., "Corporate Criminal Liability in the United States," in Stephen Tully, Research Handbook on Corporate Legal Responsibility, Edward Elgar Publishing Limited (2005).
- DiMento, J., "La procedura di VIA negli Stati Uniti, Considerazioni generali e particolarita' nel caso di grandi opere di interesse pubblico, in Stefano Margiotta (ed.). The Environmental Impact Assessment of Major Projects. In press.
- DiMento, J., and Geis, G., "The Extraordinary Condition of Extraordinary Rendition," in 2 War Crimes, Genocide & Crimes Against Humanity. 35 (2006)

Teaching Areas

Domestic, Comparative and International Environmental Law, Management and Policy; Land Use and Development Control Law; Urban and Regional Planning; Administrative Law and Regulation; Business and Government; Conflict Resolution; Property Law.

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Academic Employment

Chancellor's Professor of Law, Donald Bren School of Law, University of California at Irvine (to commence summer 2008).

Douglas Blount Maggs Professor of Law (2007-), *Professor of Law* (2004-2007), Duke University, Durham, North Carolina.

Professor of Law, University of Southern California, Los Angeles, California. 2003-2004.

Professor of Law & William M. Rains Fellow (1996-2003), *Associate Professor* (1992-96), Loyola Law School, Loyola Marymount University, Los Angeles, California.

Visiting Professor, Duke University School of Law, Durham, North Carolina. 2002.

Visiting Professor, University of California at Los Angeles Law School. 1997, 1999, 2002.

Lecturer, University of Wisconsin Law School, Madison, Wisconsin. 1991.

Current and Recent Courses: Civil Procedure, Employment Law, Interdisciplinary Perspectives on Discrimination; Labor Law; Appellate Litigation Clinic, Employment and Intellectual Property; Readings on Ethics. *Past Courses*: Employment Discrimination, Employee Benefits Seminar, Workers' Rights Under International Law, Legislation Seminar, Legal Writing.

Education

LL.M., 1995, University of Wisconsin at Madison
Thesis: *Preemption and the Development of Federal Common Law under the Employee Retirement Income Security Act*

J.D., 1986, University of California at Berkeley (Boalt Hall)
Order of the Coif; Executive Editor & Student Articles Editor, *Berkeley Women's Law Journal*;
Vice-President, Berkeley Public Interest Law Foundation

A.B., 1983, *summa cum laude*, Princeton University
Phi Beta Kappa; Buchanan Prize winner (best academic record in Politics Department); New York Herald Prize winner (best senior thesis on American government); National Merit Scholar

Legal Employment

Labor Arbitrator. 2003-2006 (Chosen to hear two disputes under Writers Guild-West agreement with motion picture and television producers; cases settled without hearing.)

Attorney, Appellate Staff, Civil Division, United States Department of Justice, Washington, D.C. 1990-1991. (Civil federal appellate litigation.)

Associate, Rogovin, Huge & Schiller, Washington, D.C. 1988-1990 (Trial, appellate, administrative, and arbitral litigation representing unions, ERISA funds, and other civil litigants.)

Law Clerk for Judge William A. Norris, United States Court of Appeals for the Ninth Circuit, Los Angeles, California. 1987-1988.

Staff Attorney, United States Court of Appeals for the Ninth Circuit, San Francisco, California. 1986-1987.

Intern, Altshuler, Berzon, Nussbaum, Berzon & Rubin, San Francisco, California. 1985-1986. (Labor litigation.)

Intern, Legal Aid Society of Alameda County, Oakland, California. Summer 1985. (Welfare rights litigation.)

Summer Associate, Law Offices of Gerald W. Markham, Kodiak, Alaska. Summer 1984. (Admiralty and maritime personal injury litigation.)

Books

Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property, 1800-1930 (under contract with University of North Carolina Press).

Labor Law in the Contemporary Workplace (casebook) (under contract with West Publishing Co.) (with Christopher Cameron, Roberto Corrada, Kenneth Dau-Schmidt, and Martin Malin).

Labor Law Stories (Foundation Press, 2005) (editor with Laura J. Cooper)

ARTICLES AND BOOK CHAPTERS

Preemption and Civic Democracy in the Battle Over Wal-Mart, 92 MINNESOTA LAW REVIEW __ (forthcoming 2008) (with Michael Oswalt) (symposium on The Low Wage Worker: Legal Rights – Legal Realities).

The Story of Ingersoll Rand v. Ciavatta: Employee Inventors in Corporate Research & Development – Reconciling Innovation with Entrepreneurship, in *Employment Law Stories*, Samuel Estreicher & Gillian Lester, eds. (Foundation Press 2007).

Credit Where It's Due: The Law and Norms of Attribution, 95 GEORGETOWN LAW JOURNAL 49 (2006).

Privacy, Power, and Humiliation in the Workplace: The Problem of Appearance Regulation, 66 LOUISIANA LAW REVIEW 1111 (2006).

The Story of Hoffman Plastic Compounds, Inc. v. NLRB: Labor Rights Without Remedies for Undocumented Immigrants, in *Labor Law Stories*, Laura Cooper & Catherine Fisk, eds. (Foundation Press, 2005) (with Michael J. Wishnie).

The Story of Hoffman Plastic Compounds, Inc. v. NLRB: The Rules of the Workplace for Undocumented Immigrants, in *Immigration Stories*, David Martin & Peter Schuck, eds. (Foundation Press, 2005) (with Michael J. Wishnie).

Knowledge Work: New Metaphors for the New Economy, 80 CHICAGO-KENT LAW REVIEW 839 (2005).

In Defense of Filibustering Judicial Nominations, 26 CARDOZO LAW REVIEW 331 (2005) (with Erwin Chemerinsky).

What Is Commercial Speech? The Issue Not Decided in Nike v. Kasky, 54 CASE WESTERN RESERVE LAW REVIEW 1143 (2004) (with Erwin Chemerinsky).

Justice for Janitors in Los Angeles and Beyond: A New Form of Unionism in the 21st Century? in *The Changing Role of Unions: New Forms of Representation* (Phanindra Wunnava, ed.) (M.E. Sharpe 2004) (with Erickson, Milkman, Mitchell & Wong).

Authors at Work: The Origins of the Work-for-Hire Doctrine, 15 YALE JOURNAL OF LAW & THE HUMANITIES 1 (2003).

Union Lawyers and Employment Law, 23 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 57 (2002).

Reflections on the New Psychological Contract and the Ownership of Human Capital, (Symposium on The New Psychological Contract), 34 CONNECTICUT LAW REVIEW 765 (2002).

Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations, 40 BRITISH JOURNAL OF INDUSTRIAL RELATIONS 543 (2002) (with Erickson, Milkman, Mitchell, and Wong).

Unions and Low-Wage Immigrant Workers: Lessons from the Justice for Janitors Campaign in Los Angeles, 1990-2002, Center for the Study of Law and Society Working Paper Series, available at <http://repositories.cdlib.org/cslls/lss/> (with Erickson, Milkman, Mitchell, and Wong).

Humiliation at Work, 8 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 73 (2001).

The Expressive Interest of Associations, 9 WILLIAM & MARY BILL OF RIGHTS JOURNAL 595 (2001) (with Erwin Chemerinsky).

Working Knowledge: Trade Secrets, Restrictive Covenants in Employment, and the Rise of Corporate Intellectual Property, 1800-1920, 52 HASTINGS LAW JOURNAL 441 (2001), reprinted in *International Library of Essays in Law and Society – Intellectual Property* pp. 53-148 (William Gallagher, ed., Ashgate Press, 2007).

Union Representation of Immigrant Janitors in Southern California: Economic and Legal Challenges, in *Organizing Immigrants* (Ruth Milkman, ed., Cornell University Press, 2000) (with Daniel J.B. Mitchell and Christopher L. Erickson).

Civil Rights Without Remedies: Vicarious Liability Under Title VII, Section 1983, and Title IX, 7 WILLIAM & MARY BILL OF RIGHTS JOURNAL 755 (1999) (with Erwin Chemerinsky).

Removing the 'Fuel of Interest' from the 'Fire of Genius': Law and the Employee Inventor, 1830-1930, 65 UNIVERSITY OF CHICAGO LAW REVIEW 1127 (1998).

ERISA Preemption of State and Local Laws on Domestic Partnership and Sexual Orientation Discrimination in Employment, in *Symposium on Emerging Issues in Sexual Orientation Law*, 8 UCLA WOMEN'S LAW JOURNAL 267 (1998).

Rights in Employee Inventions and Creative Works: An Overview of United States Law, in *Symposium on Cutting-Edge US Employment Issues Relevant to Contemporary New Zealand Concerns*, 23 NEW ZEALAND JOURNAL OF INDUSTRIAL RELATIONS 47 (1998), reprinted in 5 *Intellectual Property Rights: Critical Concepts in Law* 7 (David Vaver, ed., Routledge 2006).

Union Representation of Immigrant Janitors in Southern California: Economic and Legal Challenges, Working Paper of the UCLA Institute on Industrial Relations (1998) (with Daniel J.B. Mitchell and Christopher L. Erickson).

The Filibuster, 49 STANFORD LAW REVIEW 181 (1997) (with Erwin Chemerinsky).

The Last Article About the Language of ERISA Preemption? A Case Study of the Failure of Textualism, 33 HARVARD JOURNAL ON LEGISLATION 35 (1996).

Lochner Redux: The Renaissance of Laissez-Faire Contract in the Federal Common Law of Employee Benefits, 56 OHIO STATE LAW JOURNAL 153 (1995).

Employer-Provided Child Care Under Title VII: Toward an Employer's Duty to Accommodate Child Care Responsibilities of Employees, 2 BERKELEY WOMEN'S LAW JOURNAL 89 (1986).

ESSAYS AND BOOK REVIEWS

- Local, State, and Federal Law and Civic Democracy in the Battle Over Wal-Mart*, __ WORKING USA – A JOURNAL OF LABOR AND SOCIETY __ (forthcoming 2008) (with Michael Oswalt) (Special Issue Marking the 60th Anniversary of the Passage of the Taft-Hartley Act).
- Foreword: Making Makeup Matter*, 14 DUKE JOURNAL OF GENDER LAW & POLICY 1 (2007) (with Devon Carbado & Mitu Gulati) (*Symposium on Makeup, Identity Performance and Discrimination*).
- Book Review, *Defending Rights: Law, Labor Politics, and the State in California 1890-1925*, by Thomas Ralph Clark, 1 CALIFORNIA LEGAL HISTORY 171 (2006).
- Foreword – Looking for a Miracle? Women, Work, and Effective Legal Change*, 13 DUKE JOURNAL OF GENDER LAW & POLICY 1 (2006).
- A Founders' Roundtable Discussion*, 20 BERKELEY JOURNAL OF GENDER, LAW & JUSTICE 20 (2005).
- Book Review, *Trade Secrets: Intellectual Piracy and the Origins of American Industrial Power*, by Doron S. Ben-Atar, 79 BUSINESS HISTORY REVIEW 367 (2005).
- Book Review, *In Pursuit of Equity* by Alice Kessler-Harris, 51 BUFFALO LAW REVIEW 101 (2003).
- Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations, *California Policy Options* (2002) (with Erickson, Milkman, Mitchell, and Wong).
- Introduction to Symposium on Rampart Police Scandal: Policing the Criminal Justice System*, 34 LOYOLA OF LOS ANGELES LAW REVIEW 537 (2001) (with David W. Burcham).
- The Filibuster, in *Encyclopedia of the American Constitution, Supplement II* (2000) (with Erwin Chemerinsky).
- In Defense of the Big Tent: The Importance of Recognizing the Many Audiences for Legal Scholarship*, 34 TULSA LAW JOURNAL 667 (1999) (with Erwin Chemerinsky).
- Owning Employees' Knowledge*, 2 PERSPECTIVES ON WORK 12 (1998).
- ERISA Preemption of State and Local Laws on Domestic Partnership and Sexual Orientation Discrimination in Employment*, 12 CALIFORNIA LABOR AND EMPLOYMENT LAW QUARTERLY 11 (1998) (with Julianne Scott).
- Book Review, *Lawyers Against Labor* by Daniel Ernst, 41 AMERICAN JOURNAL OF LEGAL HISTORY 152 (1997).
- Still 'Learning Something of Legislation': The Judiciary in the History of Labor Law*, 19 LAW & SOCIAL INQUIRY 151 & 217 (1994) (review essay and rejoinder).

Works in Progress

- Human Capital and Professional Reputation in the Twentieth Century: A Short Legal History of the Resume and Its Relationship to Celebrity.
- Employee Inventions: Rethinking the Roles of Compensation, Ownership, and Attribution.
- Contract without Obligation and Employment Without Law.
- Modern Trials of Racial Determination: Discrimination and Identity Performance (with Devon Carbado & Mitu Gulati).
- Employment Without Law (an empirical study of employment arbitration).
- Organizing Immigrants: The Resurgence of American Labor Law.

OTHER WRITINGS

- "Judges Know Best," Forum Column, *LA Daily Journal* (May 15, 2007) (with Erwin Chemerinsky).

“Judges Do Make Law: It’s Their Job,” op-ed, *USA Today* (Aug. 24, 2005)(with Erwin Chemerinsky).
“Senate Must Reject Nominee Who Blatantly Distorts Truth,” op-ed, *LA Daily Journal* (Nov. 12, 2003).
“No to a Far-Right Court: Use Filibusters,” op-ed, *Los Angeles Times* (Nov. 11, 2002) (with Erwin Chemerinsky).

UNIVERSITY SERVICE

Duke University

University Service (Current or Recent): Chair, University Academic Programs Committee; University Priorities Committee; Board of Trustees Committee on Faculty, Graduate and Professional Schools Affairs; University Academic Council; Faculty Hearing Committee.

Law School Service (Current or Recent): Faculty Advisor, *Duke Journal of Gender Law & Policy*; Law School Strategic Planning Committee; Advisory Board, Children’s Education Law Clinic; Lateral Hiring and Workshops Committee; Co-editor, Duke Law Working Paper Series; Tenure Review Committee.

Law School Service (Past): Appointments Committee (2004-05)

University of Southern California

Steering Committee, Center for Law, History and Culture; Judicial Clerkships Committee

Loyola Law School

Co-editor, Loyola Law School Public Law & Legal Theory Working Paper Series; Faculty advisor to *Loyola of Los Angeles Law Review*; Dean’s Advisory Committee; Appointments Committee; Student Journals Committee; Judicial Clerkships and Careers in Academe Committee; Curriculum Committee; Disability Committee; Clinics and Pro Bono Service Committee; Sexual Harassment Committee; Research and Sabbaticals Committee

Fellowships and Awards

Franklin Humanities Institute Seminar Fellowship (2007-2008).

Duke Bar Association Distinguished Teaching Award (2007).

Duke Law School Blueprint Award for Leadership (2006).

ACLU of Southern California Award for Pro Bono Service (2004).

ACLU of Southern California Distinguished Law Professor (2003).

William M. Rains Fellowship, Loyola Law School (1998–2003).

Industrial Relations Research Association Award for Excellence in Labor and Employment Education (2000).

Grants to support research, Hagley Museum & Library, Wilmington, Delaware (1999 & 2000).

Law & Society Association Summer Institute (1993).

University of Wisconsin Law School fellowship (1991-1992).

Professional and Public Service

Member, American Law Institute (elected in 2007).

Law & Society Association: Board of Trustees (2006-2009); Nominating Committee (2004-2005); Chair of Willard Hurst Book Prize Committee (2003-2004).

The Labor Law Group: Executive Committee (2005- present); member (since 2000).

Editorial Advisory Board, *Law & Society Review* (2007- present).

American Civil Liberties Union: National Committee on Commercial Speech (2003-2005); Board of Directors, ACLU of Southern California (1996-2004); Executive Committee of ACLU-SC (1998 -2000; 2003 -04); Vice-President (2000 -04).

Los Angeles County Bar Association: Committee on Amicus Participation (2000-04); Section on Employment and Labor Law, Saturday Seminar Committee (2000 -01); Committee on Sexual Orientation Bias (1995 -98).

Vice-Chair, Special Committee on Investigative Oversight, City of Los Angeles (1998) (appointed pursuant to city ordinance to review allegations of discrimination by elected City officials).

American Society for Legal History Committee on Membership (1997-1999).

Reviewer of manuscripts for *Law & Social Inquiry*, *Law & Society Review*, *Policy History*, *Law & History*, and *Studies in American Political Development*, Law & Humanities Junior Scholars Conference.

VITA

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EDUCATION

B.A., with highest honors in Mathematics and Psychology, UCLA, 1966
M.A., Psychology, Stanford University, 1967
Ph.D., Psychology, Stanford University, 1970

TEACHING EXPERIENCE

Permanent

Distinguished Professor, University of California, Irvine, 2002 – present
Psychology & Social Behavior, 2002-
Criminology, Law & Society, 2002 –
Cognitive Sciences, 2002-
Fellow, Center for the Neurobiology of Learning and Memory, 2002-
Director, Center for Psychology & Law, 2005 -
Donald Bren School of Law, 2007-
Affiliate Professor, Univ. of Washington, Psychology Dept and School of Law, 2002 – present
Assistant, Associate, Full Professor, University of Washington, 1973-2002
Adjunct Professor of Law, University of Washington, 1984-2002
Assistant Professor, New School University, Graduate Faculty, 1970-73

Visiting

Harvard University, Seminar on Law and Psychology, 1975-76
National Judicial College, University of Nevada, 1975-87 (summers)
Visiting Professor, Georgetown University Law Center, 1986

HONORS AND AWARDS

Honorary Degrees

Doctor of Science, Miami University (Ohio), 1982
Doctorate Honoris Causa, Leiden University, The Netherlands, 1990
Doctor of Laws, John Jay College of Criminal Justice, City University of New York, 1994
Doctor of Science, University of Portsmouth, England, 1998
Doctor of Philosophy, Honoris Causa, University of Haifa, Israel, 2005

Honorary Societies & Organizations

Phi Beta Kappa, elected 1965 (President of University of Calif. – Irvine chapter, 2005-06).

Pi Mu Epsilon, National Mathematics Honorary, elected 1965

Mortar Board, National Senior Women's Honorary, elected 1965

Elected, Golden Key International Honour Society, honorary member, 2005

National Academy of Sciences

Other Awards & Honors

National Lecturer of Sigma Xi, 1978-80

American Psychological Association nomination for the NSF Waterman Award for Outstanding Contributions to Science, 1977 and 1978

National Media Award for *Eyewitness Testimony* (American Psychological Foundation, Distinguished Contribution, 1980)

Greyhound Research Award, 1987-88

Honorary Fellow, British Psychological Society, 1991 (includes lifetime membership)

George E. Allen Professor, University of Richmond School of Law, 1995

American Academy of Forensic Psychology, Distinguished Contributions to Forensic Psychology Award, 1995

American Association of Applied and Preventive Psychology (AAAPP), Distinguished Contribution to Basic and Applied Scientific Psychology Award, 1996

Association for Psychological Science (Formerly American Psychological Society), James McKeen Cattell Fellow ("For outstanding lifetime contributions to the area of applied psychological research"), 1997

Oklahoma Scholar Leadership Enrichment Program Scholar 2001

Association for Psychological Science, William James Fellow Award, 2001 ("For significant lifetime intellectual contributions to the basic science of psychology.")

Quad L Award (for "outstanding life-long contributions to our understanding of learning or memory processes" University of New Mexico) 2002

National Academy of Sciences: Henry & Bryna David Lectureship, 2002 (inaugural award, for "application of the best social and behavioral sciences research to public policy issues") Speech delivered at NAS (2002). Article selected for inclusion in: *The Best American Science and Nature Writing*, (2003)

Society for the Scientific Study of Sexuality (SSSS), Contributions to Sexual Science Award, 2002

American Academy of Political and Social Sciences, elected Thorsten Sellin Fellow, 2003

Distinguished Scientific Award for the Applications of Psychology, American Psychological Association, 2003.

American Academy of Arts & Sciences, elected Fellow, 2003

National Academy of Sciences, elected 2004.

Grawemeyer Prize in Psychology (for "Outstanding Ideas in the Science of Psychology"), 2005

Royal Society of Edinburgh, Corresponding Fellow (Scotland's National Academy of Science & Letters, Est 1783). 2005

Distinguished Member of Psi Chi (The National Honor Society in Psychology), 2005

Lauds & Laurels, Faculty Achievement Award, University of California- Irvine, (for "great professional prominence in their field" in research, teaching and public service; 9th recipient in UCI history), 2005

Ireland Distinguished Visiting Scholar Prize, 2006

American Philosophical Society (U.S. oldest learned society, Est. 1745 by Benjamin Franklin), elected 2006

International Academy of Humanism, elected Humanist Laureate, 2007 (for “outstanding contributions to science, law, and academic freedom, and to the public understanding of the human mind”)

PROFESSIONAL MEMBERSHIPS

Current:

Association for Psychological Science (Formerly American Psychological Society; President 1998-99)

Western Psychological Association (President, 1984; President 2004-2005)

Psychonomic Society (Governing Board, 1990-1995)

Society of Experimental Psychologists, (1990 –)

British Psychological Society (1991, Lifetime Member)

Society for Applied Research in Memory & Cognition. (SARMAC)

Royal Society of Edinburgh (2005 – Lifetime Corresponding Fellow)

National Academy of Sciences, 2004 - .

Past:

American Psychological Association (Fellow-Div. 3, 35, 41; President, American Psychology-Law Society, Div. 41, 1985; President, Experimental Psychology Division, Div. 3, 1988) (1973-1996)

Institute for the Study of the Trial (Board of Directors, 1979-81)

Law and Society Association (1982-89)

PUBLICATIONS

Books

Mednick, S.A., Pollio, R. H. & Loftus, E.F. (1973). *Learning*. Englewood Cliffs, NJ: Prentice-Hall.

Loftus, G.R. & Loftus, E.F. (1976) *Human Memory: The Processing of Information*. Hillsdale, NJ: Erlbaum Associates.

Bourne, L.E., Dominowski, R. L., & Loftus, E.F. (1979). *Cognitive Processes*. Englewood Cliffs, NJ: Prentice-Hall.

Loftus, E.F. (1979). *Eyewitness Testimony*. Cambridge, MA: Harvard University Press. (National Media Award, Distinguished Contribution, 1980). (Reissued with new Preface in 1996).

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September 2007

CONSTITUTIONAL LAW SYLLABUS

Erwin Chemerinsky

1. Assignments: The required texts are Chemerinsky, Constitutional Law (2d ed, 2005) and its 2006 Supplement. Although the vast majority of assignments will be made from these texts, there will be occasional assignments of material distributed by the instructor. A detailed schedule of assignments and supplemental materials are attached. The average assignment will be approximately 75 pages per week.

2. Course content: Constitutional Law focuses on the constitutional provisions creating the American system of government and protecting individual liberties. Specifically, the course material will be divided into five units. Unit one will examine the separation and balance of powers among the three branches of the federal government. Unit two will focus on the constitutional relationship between the federal and state governments. Unit three will consider the structure of the Constitution's protection of individual liberties, examining several principles that apply to the constitutional provisions protecting civil rights and civil liberties. The fourth unit will focus on the due process clauses of the fifth and fourteenth amendments and the rights protected under them. Finally, unit five will consider the constitutional guarantee of equal protection of the law.

Several areas of constitutional law are not covered, but are instead the focus of upper level courses. The course will not consider the first amendment (covered in an upper-level course); the rights of criminal defendants under the fourth, fifth, and sixth amendments (covered in Criminal Procedure); and constitutional provisions concerning federal court procedure (examined in Federal Courts).

3. Evaluation: Students will be graded on the basis of an eight hour take-home, open-book, open-notes examination to be given on the day scheduled by the Law School. The examination will be comprised entirely of essay questions. Copies of several past examinations are attached at the back of the Supplemental Materials.

An optional mid-term practice examination will be distributed in approximately the middle of the semester. Students are strongly encouraged to take the practice examination. I will provide written comments on each student's practice exam.

The mid-term practice examination will not count in the determination of final grades for the course.

4. Course method: The class will proceed almost entirely by discussion. Students are expected to regularly participate.

CONSTITUTIONAL LAW

Erwin Chemerinsky

ASSIGNMENT SHEET

All assignments are to the required text, Chemerinsky, Constitutional Law (2d ed. 2005). Assignments to "Supp." refer to the 2006 Supplement to the casebook. Assignments to the Supplemental Materials distributed by the instructor (and attached to this assignment sheet) are designated, "SM." On average, we will cover three or four assignments per week.

1. Introduction

Chemerinsky, pp. xxxvii-lii (Constitution)

L. Levy, Judgments: Essays on American Constitutional History (1972), SM, pp. 1-9

F. McDonald, A Constitutional History of the United States (1982), SM, pp. 10-12

UNIT I

The Separation of Federal Powers

A. The role of the judiciary

2. The authority for judicial review
pp. 1-10

3. The method of constitutional interpretation
pp. 10-24

B. The division of power between the executive and legislature

4. Separation of powers and presidential authority

pp. 271-287

Assignment sheet, p. 2

5. Allocation of power in conducting foreign policy
pp. 320-331

6. Presidential power and the war on terrorism
pp. 331-354
Supp. pp. 30-43

Unit II

Federalism: The Division of Powers Between the State and National Governments

A. Federal authority and state limitations upon it

7. The scope of Congressional authority
pp. 99-112

8. Congressional power and the Tenth Amendment before 1937
pp. 112-129

9. Congressional power and the Tenth Amendment: 1937-1991
pp. 129-152

10. Congressional power and the Tenth Amendment: 1991-present I
pp. 153-176

11. Congressional power and the Tenth Amendment: 1991-present II
pp. 176-197

12. Taxing and spending power
pp. 198-207

13. Congressional power under the reconstruction amendments

pp. 207-224

B. State authority and federal limitations upon it

14. Preemption

pp. 364-381

Assignment sheet, p. 3

15. Dormant commerce clause I

pp. 381-402

Supp. pp. 45-54

16. Dormant commerce clause II

pp. 402-421

17. Dormant commerce clause III; The privileges and immunities clause of Article IV

pp. 423-443

Unit III

The Structure of the Constitution's Protection of Civil Rights and Civil Liberties

18. The application of the Bill of Rights to the states

pp. 445-468

19. The requirement for state action I

pp. 469-487

20. The requirement for state action II

pp. 487-518

Unit IV

Due Process and the Protection of Fundamental Rights

A. Due process protection for economic rights

21. The rise of Lochnerism
pp. 519-540

22. The fall of Lochnerism and the protection of economic rights since 1937
pp. 540-564

Assignment sheet, p. 4

B. Modern substantive due process: privacy, family autonomy,
procreation, and personhood

23. Privacy: family autonomy I
pp. 815-847

24. Privacy: contraceptives and abortion I
pp. 847-866

25. Privacy: contraceptives and abortion II
pp. 867-891

26. Privacy: contraceptives and abortion III
pp. 891-905

27. Privacy: medical care decisions
pp. 905-920

28. Privacy: sexual orientation
pp. 920-932

C. Procedural due process

29. When is due process required? I
pp. 1006-1026

30. What is due process required? II; What process is due?

pp. 1027-1043

Unit V

Equal Protection

A. Introduction

31. Equal protection methodology; Rational basis review
pp. 617-646

Assignment sheet, p. 5

B. Racial classifications

32. Race and the Constitution I
pp. 646-666

33. Race and the Constitution II
pp. 666-692
999-1005

34. Racial classifications benefitting minorities
pp. 706-751

C. Gender classifications

35. Gender classifications I
pp. 752-768

36. Gender classifications II
pp. 769-789

D. Other types of discrimination

37. Alienage classifications ; Discrimination against non-marital children
pp. 789-807

A copy of my Constitutional Law I from fall 2002 and a memo explaining how it was graded is attached as pp. 13-26. Also, exams from spring 2006, 2005, 2004, 2002, 2000, 1997, 1996, 1995, 1994, and 1991 are attached as SM, pp. 27-78. (There are not memos explaining the grading for these exams).

Labor Law **Syllabus**

Professor Catherine Fisk

Assignments and all handouts will be posted on Blackboard.

OFFICE HOURS:

Tuesdays & Thursdays 3:00- 4:00 p.m. Wednesdays, 10:00 to noon.

Or by appointment. Or drop in. I am usually around most of every weekday. Also, I am happy to answer questions via telephone or email.

Course Description

This course will focus on the law governing relations between employers and workers acting collectively through unions. Unlike most courses in law school, we focus on *collective*, rather than *individual* rights. We study the law regulating the collective rights of employees from the lowest end of the wage scale (janitors, grocery clerks, and nursing home aides) to the highest end (screen actors and athletes). We study the processes of negotiation and dispute resolution that they and firms use to establish wages and working conditions. We study employee and employer rights of freedom of speech and association in connection with union organizing, the use of strikes and lockouts to resolve negotiating disputes, and the various forms of litigation, lobbying, and alternative dispute resolution, including arbitration, that are used to enforce collective bargaining agreements and other statutory labor rights.

In the process of studying the development of the doctrine in this area, we will consider the larger question of the role of collective action by workers and management in the regulation of working conditions. In particular, we will consider whether the collective model is preferable to the model of statutory protection of individual workers that has increasingly come to replace unions as the principal source of regulation of working conditions.

This course has a practical as well as a policy orientation. To develop the skills you may need as lawyers, we will discuss problems that might arise in practice. I will assign problems in advance, and will expect you to come to class prepared to argue on behalf of various parties to the dispute.

Requirements

Reasonably regular class attendance and participation are required. The substance of class discussion will be considered part of the course subject matter and, therefore, fair game for the final examination. There will be an 8-hour take-home final examination that you can do any day during the exam period. Unless you do the optional essay (described below) your grade will be based largely on the final exam, although I may add points to your final grade to acknowledge outstanding class participation. Exams from years past are at the end of the photocopied materials.

Optional Essay: Labor law's reliance on unions and collective bargaining is a regulatory scheme unlike any other. To fully understand it, you should see how it operates in the workplace. To enrich your understanding, therefore, I encourage you to do the following extra credit essay. If you do the essay and your essay grade is better than your final exam grade, the essay grade will comprise 15 percent of your final course grade. If you do not do the essay, or if your essay grade is lower than your exam grade, your

final grade will be based on the exam and class participation alone.

The essay should be fun and not especially onerous to do. The research will consist of reading one or more book(s) and/or articles on how an organizing campaign, strike, union-busting effort, or other important labor law event affect a particular firm or industry. You could also watch one or more of the many, wonderful documentary films about labor unions. You then need to write an essay about how the structure of labor law influenced the events. If you prefer a current topic, you could write about any of the recent or ongoing labor disputes (e.g., the ongoing effort of the SEIU to organize janitorial workers and security guards in commercial office buildings, labor disputes in Hollywood or professional sports, the effort to form a union at the huge Smithfield pork processing plant in Tarheel, North Carolina, or any other labor-management issue that interests you). I will provide a list of books that you may choose from for your essay, or you can choose any other book (subject to my approval). You can do on-line research, or research in print or broadcast journalism. I'll even loan you books if you can't find them in the library.

The essay must be a minimum of 8 typed, double-spaced pages. It is due no later than the last day of classes.

Course Materials

The required text is in manuscript; it is Cameron, Corrada, Dau-Schmidt, Fisk & Malin, *Labor Law in the Contemporary Workplace* ("LLCW"). It will be published by West in 2008. For your convenience, the statutory supplement to the text is included in the photocopied materials.

There are other materials you may wish to consult for clarification or background reading. They are not required; all are on reserve in the Library. Labor lawyers rely on Hardin, *The Developing Labor Law*, a two-volume treatise published by BNA, for up-to-date and detailed treatment of various subjects. Shorter explanations of doctrine are found in Getman, Pogrebin & Gregory, *Labor Management Relations and the Law* (2d ed., Foundation 1999), Ray, Sharpe & Strassfeld, *Understanding Labor Law* (Matthew Bender, 1999), and Douglas Leslie, *Labor Law in a Nutshell* (4th ed., West 2000). An exceedingly insightful explanation of why the law is the way it is James B. Atleson, *Values and Assumptions in American Labor Law* (University of Massachusetts Press, 1983). ("Atleson")

For those interested in labor policy and law reform, two thoughtful books are Richard Freeman & James Medoff, *What Do Unions Do?* and Paul Weiler, *Governing the Workplace*. The major issues in the current labor law reform debate are covered in an excellent recent collection of essays edited by Friedman, *et al.*, *Restoring the Promise of American Labor Law*. Those of you who want to be labor lawyers might enjoy the amusing memoir of union lawyer Tom Geoghegan, *Which Side Are You On?* or management lawyer Martin Levitt, *Confessions of a Union Buster*. Both are easily read in a few hours.

Assignments

The assignments for the course are listed below, in the order in which we will cover them. I will keep you posted as we proceed about how far ahead you need to read. The page numbers are, unless otherwise noted, to LLCW. There are more assignments listed than we are likely to cover. I will delete some assignments from the syllabus as we go along to reflect student interest and recent developments in the law.

I have also noted which sections of the various statutes that you should read. This course involves a significant component of statutory interpretation, so it is essential to read the statute. In addition, I encourage you to read the notes following the cases. Unlike notes in many casebooks, these are helpful in that they allow you to apply the principles articulated in the main cases to novel fact patterns. I also use

some of them in class discussion, as indicated on the syllabus. I have suggested optional readings for those with an abundance of time and interest in the material.

I. LABOR AND THE CONTEMPORARY WORKPLACE

1. Introduction to Collective Labor Action in the American Context

LLCW 1-57 *Vegeahn v. Guntner* *NLRB v. Jones & Laughlin Steel*

2. The History and Content of Modern Labor Legislation

LLCW 58-85

Statutes: As you read about the statutes in the casebook, you might want to skim the statutes themselves, all of which are in the back of the materials:

-- Sherman Act and the Clayton Act (1890, 1912)

-- Norris-La Guardia Act (1932)

-- Railway Labor Act (1926)

-- Wagner Act, known as National Labor Relations Act (NLRA) (1935)

-- Taft-Hartley Act, known as Labor Management Relations Act (LMRA) (1947)

-- Landrum-Griffin Act, known as Labor Management Reporting and Disclosure Act (LMRDA) (1959)

II. COLLECTIVE ACTION AND REPRESENTATION

3. Collective Action

LLCW 87-115 *NLRB v.*
Washington Aluminum
Eastex v. NLRB
Timekeeping Systems

IBM

Corp.

8(a)

Statute: NLRA §§ 7,

Crown

4. Independent Unions

Cork &

LLCW 115-128

Seal

Electromotion

8(a)(2)

Statute: NLRA §

5. Majority Rule,
Exclusivity and
Employer Domination,
Assistance, and
Interference
LLCW 128-145

Empori
um

Capwell

Electro

mation

(again)

III. BOUNDARIES OF COLLECTIVE REPRESENTATION

6. Who is an Employee? (And Why Does It Matter?)

LLCW 147-192 *Town & Country Electric Lechmere v. NLRB Hoffman Plastic v. NLRB*
Seafarers/Yellow Cab *Oakwood Care Center Brown University*

Statute: NLRA §§ 2(3), 2(12), 8(a)(1)

7. Who (or What) is the Employer? (And Why Does It Matter?)
LLCW 193-216 *Oakwood Healthcare NLRB v. Yeshiva Univ.*
Statute: NLRA §§ 2(2), 2(11)

IV. ESTABLISHING COLLECTIVE REPRESENTATION

8. Access to Employees and to the Workplace
LLCW 223-249 *Technology Service Solutions I & II New York, New York* *Farm Fresh*
Statute: NLRA § 8(a)(1), 8(a)(3)
9. Employer Interference, Restraint or Coercion
LLCW 249-260 *Exchange Parts*
Allegheny Ludlum

Statute: NLRA § 8(c)

10. Discrimination
LLCW 260-268 *NLRB v. Transportation Mgt. Town & Country v. NLRB*
8(a)(3)

Statutes: NLRA §

11. Routes to Union *Seattle Mariners*
Recognition *Hod Carriers*
LLCW 268-313 *New Otani* *Linden*
 Lumber *Gissel*
 Bernhard- *Packing (again)*
Altmann v. NLRB **Statute:** NLRA §§
NLRB v. Gissel Packing 8(b)(7), 9, 10

V. COLLECTIVE BARGAINING

12. Models of the Nature of Bargaining
LLCW 323-338; 341-345 *NLRB v. Katz NLRB v. Insurance Agents Philadelphia Housing Auth. v. PLRB*
Statute: NLRA §§ 8(a)(5), 8(b)(3), 8(d)
13. Duty to Bargain in Good Faith
LLCW 345-363 *NLRB v. American Natl Ins. Hardesty Co. Detroit Edison*
14. Subjects of Bargaining
LLCW 380-398 *Fibreboard Paper* LLCW 405-406 *First National Maintenance* *Dubuque Packing Co.*
15. Remedies for Failures of the Bargaining Process
406-413 *H.K. Porter*
Seattle v. PERC

VI. ECONOMIC WEAPONS

16. Labor Protest and the Constitution

LLCW 415-436 *Thornhill v. Alabama* *Police Dept. v. Mosley* *Teamsters v. Vogt*
NAACP v. Claiborne Hardware *ILA v. Allied International*

17. Statutory Protections for Employee Protest

LLCW 436-468 *Elk Lumber International Protective Servs.* *Jefferson Standard*
Broadcasting *Electronic Data Systems*
U.S. v. Pacific Maritime Assn

Statute: NLRA §§ 8(d), 8(g) 10(c)

LMRA §§ 201, 203, 204, 206-210

18. The Battle for Solidarity: Management Tactics

LLCW 468-480 *Mackay Radio*
TWA v. IFFA

☐ 19. The Battle for Solidarity: Union Tactics – Relations with Members

☐ LLCW 480-487 *Pattern Makers v. NLRB* **Statute:** NLRA § 8(b)(1), 8(b)(2)

☐ 20. The Battle for Solidarity: Union Tactics – Corporate Campaigns

☐ LLCW 487-499 *Caterpillar Employer Weapons*

LLCW 499-513 *Midwest Generation* *Local 15, IBEW v. NLRB* *International*
Paper v. NLRB

22. Statutory Protections for Employers: Secondary Activity

LLCW 513-551 *Denver Bldg. Moore Dry Dock* *Local 761 (General Electric)*
Markwell & Hartz Fruit Packers (Tree Fruits) *DeBartolo*

Statute: NLRA §§ 8(b)(4), 10 (j)

LMRA § 303

23. Statutory Protections for Employers: Hot Cargo Agreements LLCW 551-560 **Statute:**

NLRA § 8(e)

To Be Continued . . .