

REPORT ON
LINCOLN MEMORIAL UNIVERSITY
DUNCAN SCHOOL OF LAW
March 13-16, 2011

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I. INTRODUCTION

A. The Visit

On March 13-16, a six person team conducted a full site visit of Lincoln Memorial University, (LMU), Duncan School of Law (DSOL) in Knoxville, Tennessee. The site inspection was at the request of DSOL, which has applied for provisional accreditation. The school provided the team with all relevant materials and was extremely cooperative in providing whatever information the team requested. The team met with the Dean and all of the Associate Deans; other key administrators, of both the law school and the University; members of the Board; students; student leaders; all full-time faculty members; several adjunct faculty members; representatives of various faculty committees; and members of the local legal community, including both bench and bar. The team visited all classes that were scheduled during the visit; and reviewed scholarship, examinations, syllabi, and other course materials. In addition, three members of the team visited LMU's main campus in Harrogate, touring one of LMU's professional schools, the Lincoln museum, and meeting with library personnel and other persons working in central administration. The team was able to conduct the visit in a smooth and efficient manner, especially due to the months of preparation and assistance by Dean Sydney Beckman; his executive assistant, Anita Monroe; Associate Dean Jon Marcantel; Associate Dean April Meldrum; and Associate Dean and Director of the Law Library, Gordon Russell. University Administrators, Dr. James Dawson, President; and Dr. Clayton Hess, Vice President for Academic Affairs, were also extraordinary in their assistance to the team during our visit. All representatives of the school were cordial, welcoming, and helpful. The team expresses its thanks and notes its gratitude and appreciation to all representatives of DSOL with whom we visited and who assisted in any way during this process.

B. History of the University and the Law School

1. LMU History

In 1888, Reverend A. A. Myers, General O.O. Howard, M. F. Overton, C. F. Eager, A. B. Kesterson, and M. Arthur established Lincoln Memorial University. That group, along with Robert F. Patterson, a Confederate veteran, became the board of directors and purchased the Four Seasons property. Subsequently, on February 12, 1897, the University was chartered by the State of Tennessee.

Since that time, the University has sought to provide educational opportunities, develop community leadership, and expand economic and social forces within the southern Appalachian region. Hundreds of alumni have entered medical practice in Appalachian communities. Approximately 3,000 other alumni have become professional educators, serving in positions ranging from elementary school teaching to university presidencies.

The University is accredited as a Level V institution by the Southern Association of College and Schools – Commission on Colleges to award associate, baccalaureate, master's, educational specialist, and doctoral degrees. Furthermore, the University has individual program

accreditation and/or approval from the following: the Accreditation Review Commission on Education of the Physician Assistant, Inc. (ARC-PA); the American Association of Nurse Anesthetists – Council on Accreditation (AANA-COA); the American Osteopathic Association – Commission on Osteopathic College Accreditation (provisional accreditation) (AOA-COCA); the American Veterinary Medical Association (AVMA); the Commission on Accreditation of Athletic Training Education (CAATE); the Council on Social Work Education (CSWE); the National Accrediting Agency for Clinical Laboratory Sciences (NAACLS); the National League for Nursing Accrediting Commission (NLNAC); the State of Tennessee Department of Education; the Tennessee Higher Education Commission; the Kentucky Council on Higher Education; the Tennessee Board of Law Examiners; the Tennessee Board of Nursing; and the Kentucky Board of Nursing.

The University's mission states that it is a values-based learning community dedicated to providing educational experiences in the liberal arts and professional studies. The University strives to give students a foundation for a more productive life by upholding the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God.

The University is committed to teaching, research, and service. The University's curriculum and commitment to quality instruction at every level are based on the beliefs that graduates must be able to communicate clearly and effectively in an era of rapidly and continuously expanding communication technology, must have an appreciable depth of learning in a field of knowledge, must appreciate and understand the various ways by which we come to know ourselves and the world around us, and must be able to exercise informed judgments.

The University believes that one of the major cornerstones of meaningful existence is service to humanity. By making educational and research opportunities available to students where they live and through various recreational and cultural events open to the community, Lincoln Memorial University seeks to advance life in the Cumberland Gap area and throughout the region through its teaching, research, and service mission.

2. DSOL History

DSOL is the result of University strategic planning. In the 1990s, LMU planned for and began expansion beyond its undergraduate liberal arts mission to include both on-campus and remote delivery of professional and post-baccalaureate education in several fields, most notably the 2007 opening of the DeBusk College of Osteopathic Medicine. Then in July of 2007, as part of a LMU annual strategic planning retreat, the faculty and administration discussed the potential of implementing a new academic program to offer a J.D. degree. Subsequently, in November of 2007, the University formed a preliminary steering committee to formally explore the resources and information needed for conceptual development of a proposed school of law. Thereafter, in January of 2008, the University notified the Tennessee Board of Law Examiners (TBLE) of its intent to explore approval of a new law school to be located in Knoxville, Tennessee.

In March of 2008, the University Steering Committee hired a consultant, Dean Richard Gershon, who is Dean of Mississippi School of Law, was the former Dean of Texas Wesleyan University School of Law, and the founding Dean of the Charleston School of Law.

In April of 2008, the University notified its regional accrediting body, the Southern Association of Colleges and Schools–Commission on Colleges (SACS-COC), of its intent to offer a J.D. degree.

On April 18, 2008, University administrative officials, Steering Committee members, and the Consultant traveled to Nashville to meet with TBLE board members and to discuss a submitted proposal that addressed Section 7 of the Rules of the Tennessee Supreme Court regarding accreditation and approval of law schools.

In May of 2008, the University Board of Trustees approved the development and implementation of the proposed school of law.

In June of 2008, the University administration designed an organizational structure, position profiles, and an initial budget pro forma for the proposed school of law.

On February 24, 2009, the University was officially notified that the TBLE had granted approval for graduates of the proposed law school to take the Tennessee Bar Exam.

On April 27, 2009, the University received approval from SACS-COC to offer a J.D. degree.

On August 15, 2009, DSOL conducted orientation for its inaugural class and on August 17, 2009, classes began for fall 2009 semester. The first class was a part-time only class.

On March 2-4, 2010, a Substantive Change Committee site team for the SACS-COC visited the DSOL to evaluate the LMU's and DSOL's continued compliance with SACS-COC accreditation standards following introduction of the J.D. program. Thereafter, in June 2010, the SACS-COC notified the University that it was continuing the University's accreditation with no recommendations for DSOL.

On August 7, 2010, DSOL conducted orientation for its second class, including both part-time and full-time students, and on August 16, 2010 classes began for fall 2010 semester.

The mission of DSOL states that the law school builds upon a foundation that upholds the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God. Through teaching, research and service, the Lincoln Memorial University-Duncan School of Law will prepare graduates:

- who are committed to the premise that the cornerstone of meaningful existence is service to humanity;

- who understand their professional responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice under the law; and
- who have an understanding of the fundamental principles of public and private law, an understanding of the nature, basis and role of the law and its institutions, and the skills of legal analysis and writing, issue recognition, reasoning, problem solving, organization, and oral and written communication necessary to participate effectively in the legal profession.

The Lincoln Memorial University-Duncan School of Law will:

- graduate Doctors of Jurisprudence;
- provide a values-based learning community as the context for teaching, research, and service, that supports student achievement;
- provide an educational program that prepares graduates for admission to the bar, and for effective and responsible participation in the legal profession; and
- enhance access to quality legal counsel for the underserved rural communities of Appalachia.

II. SELF STUDY AND STRATEGIC PLANNING

A. Description of the Self Study and Strategic Planning Processes

Less than three years ago in May 2008, the Board of Trustees of Lincoln Memorial University committed to creating the Duncan School of Law. The DSOL self-study process and its strategic planning process have been merged during most of this start-up time and are only now diverging. Undergirding both processes has been LMU's strategic planning process.

1. LMU Strategic Planning Process

LMU's strategic planning process uses comprehensive outcomes assessment to assure institutional effectiveness. In May of each year, LMU's component academic units, including DSOL, complete three outcomes assessment questionnaires: the Program Assessment Information Form, the Program Assessment Summary Form, and the Use of Prior Year Assessment Form. (DSOL will complete this third questionnaire for the first time in May 2011, because in May 2010 it did not yet have assessment results to guide its 2009-2010 activities.) To complete these forms effectively, a school must have been gathering assessment information about how it is seeking to achieve its goals regularly during the previous year. After receipt and acceptance of these outcomes assessment reports from its programmatic units, the University's strategic planning process draws its constituents' work together at the July Strategic Planning Retreat. That extended meeting of the President, Vice Presidents, and others as invited by the President, amalgamates and contextualizes programmatic plans and budgets and prepares them for presentation to LMU's Board of Trustees. (As a vice president, the DSOL Dean participates in the LMU July Strategic Planning Retreat.) Thus, at LMU, planning is a regular and ongoing assessment-driven process.

2. DSOL Self Study and Strategic Planning Processes

Internally, DSOL's self-study process and strategic planning process have occurred simultaneously. Very recently, however, in February 2011, as is described below at the end of this section, the processes have begun to diverge. As they evolved together, however, they involved the same administrators and all of the faculty members, including any new faculty members who have been hired as the process evolved. The Associate Dean for Assessment, Jonathan A. Marcantel, has initiated all assessment, compiled assessment materials, and served as coordinator of strategic planning and Chair of the Self-Study Committee. Also serving on the committee are the Associate Dean and Director of the Law Library, Gordon R. Russell, and an associate professor of law, Sandra C. Ruffin, all appointed by the Dean.

The first cycle of strategic planning was designed to produce the Self-Study and began in January 2010 with a call to all faculty members to assess DSOL's strengths and weaknesses, identify areas for potential improvement, and set goals and strategies to achieve them. The responses formed the agenda for a series of twelve mini-retreats of the full faculty, seven during the balance of the 2009-2010 academic year, and five during the first half of the 2010-2011 academic year. At those mini-retreats, the full faculty considered issues and drafts of the Self-Study and approved the Self-Study on December 17, 2010.

Faculty responses about strengths, weaknesses, goals and strategies were not the only information that fed into the self-study process. In May 2010, as the strategic planning and drafting of the Self-Study continued, DSOL completed two of the three LMU-directed assessment questionnaires; and this information fed into the strategic planning/self-study-production effort. Throughout the year student opinions were gathered informally and as well, by classroom evaluations and out-of-class surveys; all were factored into the self-study drafts and the planning process.

Although the self-study was completed at the end of 2010, strategic planning is an ongoing process. In January 2011, extensive faculty input was solicited to establish the agenda for a two-day, thirteen-hour weekend retreat in mid February 2011. At that retreat, the faculty heard and discussed reports on financial aid; student services; admissions; career services; faculty scholarship and mentoring; the library; academic programs; assessment; academic standards; mock trial and moot court; faculty development; and community outreach. The faculty discussed and voted on a wide variety of issues under the rubric "Responses to the Self-Study." And these responses to the self study will be used to revise a "Strategic Plan (2011-2016)," as it rolls forward for its next iteration in 2011-2012.

So now that the Self-Study is complete, DSOL's continuous assessment/strategic planning process has diverged from the self-study process. The continuous strategic planning follows from LMU's comprehensive outcomes assessment process used to assure institutional effectiveness and required of all programs, schools, and colleges. As a constituent LMU unit, DSOL regularly identifies specific goals for improving itself, identifies the means to achieve these goals, assesses the success in realizing these goals by assessing its activities daily, weekly, monthly, and annually, and uses this information to re-examine and revise its means and goals.

DSOL will in the future participate in multi-year university assessment. In addition to regular annual assessment, LMU requires its departments, schools, and colleges to undergo academic program review every three to five years. Annual assessment exercises then serve to guide planning for a multi-year horizon. As a new school, DSOL has not yet been scheduled for such a multi-year review, but it is preparing for it. DSOL's "Strategic Plan (2011-2016)" will be revised according to the results of the February 2011 strategic planning retreat, and it will form one basis for readiness for fuller academic program review.

B. Analysis of the Self Study

The present Self-Study (281 pages), January 10, 2011, is accompanied by a Site Evaluation Questionnaire (166 pages not including on-line responses) and 175 exhibits and two volumes of additional materials (dated February 24 and March 9, 2011, respectively) in eight volumes overall. The Self-Study is a candid and rigorous self-assessment. It describes the mission, goals, and objectives of DSOL. Site visitors heard (apparently spontaneous) affirmations of the mission to a rural Appalachian demographic-- from faculty, students, and staff, in a manner that appeared to demonstrate its centrality to the culture of the law school and the University.

The Self-Study describes the program of legal education most fully through the second-year curriculum where courses and associated out-of-classroom activities have already been taught or offered; it outlines plans for prospective courses and activities for the third year of legal education. The Self-Study evaluates the strengths and weaknesses of the program, sets specific goals for improvement, and identifies many of the means to accomplish the goals.

DSOL's reliance on an extensive feasibility study and ongoing assessment materials suggests that the faculty is willing to be flexible in adapting the means to accomplish its goals. Through its regular retreats and planning processes, DSOL is continuously assessing and adjusting the processes and policies by which to deliver the program of legal education as articulated in earlier feasibility documents. Flexibility is evident by the use of unanticipated changes (for example personnel opportunities) to re-evaluate, re-assess, and re-adjust its means to fulfill its mission. DSOL's Self-Study reveals that it is a mission- and assessment-driven institution.

C. Feasibility Study; Plan for Full Compliance; Projections for Students, Financing and the Relationship Between the Two

1. Feasibility Studies and Plan for Full Compliance

Since 2000, LMU has opened new sites and initiated graduate and professional programs in nursing, education, osteopathic medicine, and nurse-practitioner education. In July 2007 the LMU Strategic Planning Committee adopted a goal of opening a law school in Knoxville with an initial start-up budget of \$5,000,000. A preliminary steering committee was formed in November 2007, Board of Trustees approval granted in May 2008, and the first feasibility study (29 pages) completed by November 15, 2008.

Together with a *pro forma* Site Evaluation Questionnaire (123 pages) and various exhibits, this feasibility study formed a key part of the one-volume “Report for the Tennessee Board of Law Examiners,” transmitted on November 21, 2008. The feasibility study scans the environment for legal education in the state of Tennessee and argues *inter alia*, from a comparison of numbers of LSAT takers with Tennessee law matriculants, for the need in eastern Tennessee for more legal education, (particularly of persons likely to remain in Tennessee after graduating from law school), desirous of part-time legal education, or unlikely to be served by a highly selective full-time legal education program. By implication such persons are also of the rural Appalachian demographic at the heart of LMU’s mission.

Beginning with this first feasibility study for TBLE, DSOL was from the start seeking to come into full compliance with ABA standards. This is evidenced by the organization of the feasibility study itself, which uses the ABA site evaluation questionnaire as the basis for its self-description. Indeed DSOL followed the topics and organization in the ABA questionnaire even though TBLE does not require ABA accreditation to sit for the bar exam. In fact one of Tennessee’s five law schools—the number includes DSOL now—has not sought ABA accreditation during its hundred-year history of legal education in Nashville. DSOL enrolled its first students only after receiving TBLE approval on February 24, 2009. From its earliest public articulation, then, DSOL has sought to create a reliable plan for coming into full compliance with the ABA standards.

The next two iterations of the feasibility study were prepared to achieve another third-party sanction for DSOL. They are:

“Doctor of Jurisprudence (J.D.) Substantive Change Prospectus For the Commission on Colleges of the Southern Association of Colleges and Schools.” March 12, 2009. 135 pages + 48 appendices in two volumes.

“Documentation for Substantive Change Committee To Institute the Duncan School of Law. For the Commission on Colleges of the Southern Association of Colleges and Schools.” January 22, 2010. 193 pages + 130 exhibits in four volumes.

Following a site visit, the Southern Association approved LMU/DSOL’s offering the J.D. without comment or request for LMU/DSOL to incorporate changes or report actions.

In addition to the feasibility studies evidencing intent to come into full compliance with the ABA standards, the Self-Study more specifically serves as a plan to do so. The Self-Study is organized using the ABA standards for accreditation as a starting point in each section. It describes the condition of the law school with respect to each relevant standard; presents an assessment; and then a plan for improvement where necessary, together with a timetable to execute the plan. While this kind of organization is a bit cumbersome to read and digest, it is integral to DSOL’s plan for coming into full compliance.

2. Projections for Financing and Number of Students

Underlying these first three plans for the DSOL is a pro-forma budget, 2008-2009 to 2013-2014, showing LMU's plans for financing the law school's operation, dated August 26, 2008. This document also appears as Exhibit 5 in Volume 3 of the January 10, 2011, Self-Study. It shows a positive cash flow being achieved in 2011-2012 and a cumulative operating cash flow turning positive in 2012-2013, never having exceeded a negative cumulative operating cash flow of \$4.5 million. However, whereas the pro forma budget depended upon there being 100 new full-time students and 60 new part-time students in 2010-2011, there were 55 new full-time and 36 new part-time students in 2010-2011 (Site Evaluation Questionnaire, p. 83), which changes the revenue projections.

For 2011-2012, DSOL now projects a full-time entering class of 55 and a part-time entering class of 20. Total full-time enrollment would be 102; part-time enrollment would be 117. The total student body would consist of 219 students (180 FTE).

For 2012-2013, DSOL projects a full-time entering class of 80 and a part-time entering class of 25. Total full-time enrollment would be 170; part-time enrollment would be 134. The total student body would consist of 304 students (259 FTE).

Failure to meet the enrollment projections made five years earlier has less consequence because of LMU's enhanced financial capacity to support DSOL and to permit a longer time to reach a balanced budget.

III. PROGRAM OF LEGAL EDUCATION

A. Requirements for the J.D. Degree

1. Academic Year: Calendar, Minutes in Residence, and Other J.D. Requirements

The Associate Dean for Academics monitors all matters relating to the Academic requirements. Currently, each of DSOL's fall and spring classes are three (3) credit-hour classes and are scheduled for ninety (90) instructional minute sessions. When Constitutional Law is offered for the first time during the Spring 2012 semester, it will be four (4) credit hours. When Professional Responsibility is offered for the first time during the Spring 2012 semester, it will be two (2) credit hours. During the sixteen (16) week semester, there are generally 27 classes (some have 26 due to semester break), exclusive of time scheduled for examinations. Classes are scheduled five days per week during the 16 week semester, making 80 instructional days available each semester. The full calendar year thus exceeds 130 days on which classes are regularly scheduled.

Regarding total minutes, each of fall and spring classes currently offered at DSOL require completion of 2,430 (27 classes times 90 minutes) instructional minutes, or 810 instructional minutes per credit hour (2,430 divided by 3). The total number of instructional minutes in the academic program are thus 71,280 (88 times 810). However, depending on holidays observed during a respective academic semester or summer term in which classes do not meet, at the low

end, a student at DSOL would have completed a total of 68,640 instructional minutes toward graduation and on the high end, a student would have completed 71,280 instructional minutes. At most, only 3,120 of the total amount of instructional minutes, or the equivalent of four (4) credit hours, may be completed in course work that does not have regularly scheduled classes (such as time a student will spend in a field placement as part of DSOL's Externship Clinic I and II). (Taking the lowest possible number of total instructional minutes as explained above, 68,640, minus 3,120 = 65,520 minutes in regularly scheduled class sessions). Beginning 2011, DSOL will have a summer term in which upper-level electives will be offered for the first time. The 2011 summer term begins on May 28, 2011 and ends on July 26, 2011 (with final exams scheduled July 29 and August 1, 2011).

Each student must earn a minimum of 88 academic hours in order to graduate. Of those 69 credits hours are required classes. (See section III. B. below on First Year and Core Curriculum for full listing of the required courses.) The remaining nineteen (19) credit hours needed to achieve the required eighty-eight (88) credit hours necessary for graduation are reserved for electives.

No more than 29 credit hours are permitted to be transferred from another law school. A transfer student must successfully complete at least fifty-nine (59) credit hours in residence at DSOL. Likewise students who are matriculated at DSOL may not seek to transfer more than 29 hours from another institution and must first file a petition with the Academic Standards Committee and receive pre-approval of any course sought to be taken at another institution. Students must also file, within 6 months of completing a course at another institution, also with the Academic Standards Committee, a petition for credit. Credit will be given only for courses in which a student receives a C or better. However, the grade is not included in calculation of GPA or rank. Each of these requirements is stated within DSOL's Student Handbook and Catalog and is noted on the DSOL website.

Other requirements for graduation include maintaining a minimum cumulative GPA of at least 2.0 (see section III. K., Evaluation of Scholastic Achievement); completing the upper-level writing requirement (see section III. D., Legal Writing); completing thirty (30) hours of pro bono service (see section III. G., Pro Bono Opportunities); and participating in debt counseling.

2. Quantity and Period of Instruction; Attendance; Maximum Semester Hours; Employment Limit

The 88 hours required for graduation must be completed in no less than twenty four (24) months and no more than eighty four (84) months from the moment of matriculation (in the case of a transfer student matriculation from the student's institution of origin).

Students are required to attend at least eighty (80) percent of the scheduled class meetings for each course. To facilitate students' compliance with this rule, DSOL requires each professor to take attendance in each class. Faculty members are then required to submit their completed attendance sheets each week to the Associate Dean for Academics. While DSOL does not guarantee that any student will receive a warning when he/she nears the twenty (20) percent threshold, the Associate Dean for Academics, has to date, alerted each of its students when

he/she approaches violation of the attendance policy. Students who fail to comply with the DSOL attendance requirements are administratively withdrawn from their classes.

DSOL follows a semester system and beginning 2011 will offer upper-level courses during its summer term. DSOL has an absolute prohibition against any student enrolling in more than seventeen (17) credit hours during any academic semester, and the School's enrollment software prohibits this. Seventeen (17) credit hours is less than twenty (20) percent of the total eighty-eight (88) hours of coursework required for graduation. DSOL does not permit this requirement to be waived for any student for any reason.

DSOL has both a full-time and part-time program. In the full-time program, DSOL prohibits first-year students from working. In that vein, each student is required to sign a document indicating he/she understands this rule. After the first-year, full-time students are permitted to work no more than twenty (20) hours per week. As to the part-time students, no part-time student may enroll in more than twelve (12) credit hours. Accordingly, DSOL does not prohibit part-time students from working more than twenty (20) hours per week. In addition to the document signed by students, DSOL alerts students to this rule in its Student Handbook.

B. First Year and Core Curriculum

In order to graduate, DSOL requires that each student have completed coursework in the following doctrinal subject areas: Civil Procedure I & II; Contracts I & II, Property I & II; Torts I & II; Criminal Law; Professional Responsibility; Business Organizations; Constitutional Law; Evidence; Wills, Trusts & Estates; Domestic Relations; Commercial Transactions; Secured Transactions; Conflicts of Law; and Criminal Procedure. Further, DSOL requires each student to have completed: Lawyering Skills I; Lawyering Skills II; Lawyering Skills III; and Lawyering Skills IV. Each of these classes is a three (3) credit hour course, with the exception of Professional Responsibility, which is a two (2) credit hour course, and Constitutional Law, which is a four (4) credit hour course. All students also must complete Academic Success Program I (ASP I) during their first semester of enrollment, which is a three (3) hour non-credit course.

At DSOL, part-time students' first-year allocation is nine (9) credit hours in the fall semester and nine (9) credit hours in the spring semester. All part-time first-year students enroll in Civil Procedure I (3 hours); Torts I (3 hours); and Lawyering Skills I (3 hours). They also must enroll in Academic Success Program (ASP) I for no credit. In the spring semester, students enroll in Civil Procedure II (3 hours); Torts II (3 hours); and Lawyering Skills II (3 hours). For part-time students, the remaining traditional first-year courses – Contracts I and II; and Property I and II – are taken in the second year.

Full-time students' first-year credit allocation is fifteen (15) credit hours in the fall semester and fifteen (15) credit hours in the spring semester. In the fall, all first-year full-time students enroll in Civil Procedure I (3 hours); Torts I (3 hours); Contracts I (3 hours); Property I (3 hours) and Lawyering Skills I (3 hours). They also must enroll in ASP I for no credit. In the spring semester, full-time students continue with Civil Procedure II (3 hours); Torts II (3 hours); Contracts II (3 hours); Property II (3 hours) and Lawyering Skills II (3 hours).

Students in both the part-time and full-time programs who have a cumulative GPA of 2.35 or below after the fall semester also must enroll in ASP II during the spring semester for no credit.

DSOL's first-year core curriculum is standard, with the addition of a required ASP course, which is required in the first semester (and in the spring semester if the student is required to take it). During the site team's meeting with the students, they commented on the ASP program, generally viewing it as a big time commitment, but finding the program necessary and beneficial to their academic success in law school.

Finally, DSOL does not have small sections in any of its first-year doctrinal classes. However, both Lawyering Skills and ASP have small sections. DSOL policy provides that LS I will have no more than 25 students and LS II, III, and IV no more than 20. With the exception of the Lawyering Skills courses and ASP, and absent extraordinary circumstances, all first-year courses are taught by members of the full-time faculty and are not taught by adjuncts. (See below section IV. L., Adjunct Faculty – the one adjunct faculty member who has taught Civil Procedure has been hired for 2011-12 as a full-time tenure track member of the faculty.)

C. Upper Division Curriculum

The full-time faculty members teach the major portion of the upper-division curriculum as well as the first-year curriculum (see first-year explanation above). DSOL's upper-level required courses, which are taught by full-time faculty, include Criminal Law; Business Organizations; Wills, Trusts & Estates; Domestic Relations; Evidence; Criminal Procedure; Commercial Transactions; Constitutional Law; Professional Responsibility; Conflicts of Law; Secured Transactions; and Lawyering Skills III and IV.

Full-time second-year students will enroll in Criminal Law; Business Organizations; Wills, Trusts & Estates; Domestic Relations, and Lawyering Skills III in the fall semester. There is no elective choice. In the spring semester, second-year students will enroll in Evidence; Criminal Procedure; Commercial Transactions; Constitutional Law; and Professional Responsibility. Any student who is on academic probation in either or both semesters also must enroll in an appropriate ASP course for no credit.

Full-time third-year students will enroll in Conflicts of Law and Lawyering Skills IV during the fall semester. They also can choose two elective courses. In the spring semester, full-time third year students will enroll in Secured Transactions for three (3) credit hours. The remaining credits can be fulfilled with elective courses. The upper-division writing requirement can be fulfilled after students have completed Lawyering Skills III. In the third year, the students must enroll in the Bar Examination Course during the spring semester, and if on academic probation, the student must enroll in an appropriate ASP course for no credit.

After the first year, part-time students will enroll in Contracts I and Property I during the fall of their second year. They will also take Criminal Law and Lawyering Skills III. In the spring semester of the second year, students will take Contracts II and Property II, as well as Evidence and Criminal Procedure. Any student who is on academic probation in either or both semesters also must enroll in an appropriate ASP course for no credit.

In year three, a part-time student must enroll in Domestic Relations; Wills, Trusts & Estates; Business Organizations, and a three (3) credit hour elective of his/her choice. During the spring semester, a student will take Constitutional Law; Professional Responsibility; Commercial Transactions; and a three (3) hour elective of his/her choice. In year four, the part-time student will enroll in Conflicts of Law and Lawyering Skills IV, and two three (3) hour electives of his/her choice. In the spring, a part-time student will enroll in Secured Transactions, the Bar Examination Skills course, and two electives of his/her choice. In either the third or fourth year, part-time students may satisfy the upper-division writing requirement (see below, section D., Legal Writing), after successful completion of Lawyering Skills III. Again, any part-time student who is on academic probation also must enroll in an appropriate ASP course for no credit.

As previously mentioned, after completion of the full second year or (4 semesters), a student at DSOL may enroll in upper level electives, which are generally small in size. Each student has up to nineteen (19) hours available for electives of his/her choice, including seminars, which DSOL defines as upper level electives that are very niche specific and are capped at no more than 20 students, for example, Juvenile Law and Technology and the Law.

Starting this summer, the first DSOL entering class will be eligible to enroll in upper-level electives. Courses such as Federal Taxation; Trial Advocacy; Interviewing, Negotiation and Counseling; Employment Law; Criminal Law; Products Liability; and Technology and the Law will be offered during the summer session. Prerequisites for all electives can be found in the Student Handbook and Catalog.

Finally, beginning summer 2011 certain upper-level electives may be taken toward seeking a concentration area of Domestic Relations. Prior to summer 2011, no students were eligible to do so because they were all completing their first year and core courses. Upon satisfying all other graduation requirements, students who successfully complete a minimum of fifteen (15) credit hours from a menu of courses relating to Domestic Relations, will receive a Certificate of Concentration issued by the Dean. The courses from which to choose include Juvenile Law; Trial Advocacy; Interviewing, Negotiation, and Counseling; Domestic Violence Law, Advanced Legal Writing: Domestic Relations Drafting; and Advanced Domestic Relations. During summer 2011 Trial Advocacy; and Interviewing, Negotiation, and Counseling will be offered. In fall 2011 Juvenile Law will be offered. All these courses have been appropriately listed on DSOL's website, including information about when they will be offered. Since DSOL is just beginning to offer its upper level electives there is no track record yet to discern whether DSOL regularly offers all the upper division courses listed on its website.

Both directed study and independent study are also available as upper level electives. Directed study is a regular course offering taught to a student on an individual basis. It must be approved by the faculty member and the Associate Dean for Academics (or the Dean). It is only offered if the course is not available the semester during which the student desires to take it. Directed study is available in a limited number of subject areas and may be taken for 1-3 credit hours. Independent Study is taken by a student who wishes to study a particular area of the law that is

not covered in the school's regular course offerings. It is supervised by a faculty member, with prior approval given by the Curriculum Committee. It may be taken for up to 2 hours of credit.

D. Legal Writing

At DSOL, there are four (4) semesters (or twelve (12) credit hours) of legal research and writing incorporated with other relevant practical skills in its Lawyering Skills Program. Specifically, DSOL requires all students to have completed Lawyering Skills I, II, III, & IV. All Lawyering Skills courses are taught in a small-group format with a maximum of twenty-five (25) students in each section of Lawyering Skills I and twenty (20) students in each section of Lawyering Skills II, III and IV. Sufficient course sections are offered both day and night to allow both full- and part-time students to take these courses. All written and oral assignments are assessed and graded by the professors who teach within the program. As of the date of the site inspection, the Lawyering Skills Program was directed by a faculty member who is also the Director of DSOL's Academic Success Program. She will be leaving at the end of spring 2011 semester and will be replaced by David Walker, Information Services librarian, who will take over both positions and will become a tenure-track member of the faculty (see also section IV. B., Faculty, Recruitment/Retention).

Lawyering Skills I is taught by the DSOL library staff. The course is designed to provide an introduction to basic legal research and the resources available in the DSOL Library. Additionally, the course introduces students to the Bluebook and legal citation. Students do not complete a legal writing assignment in this first-semester required course.

Lawyering Skills II introduces students to predictive legal writing and requires students to both apply law to a particular set of hypothetical facts and communicate their answers clearly and concisely in writing. Furthermore, Lawyering Skills II reinforces the research skills acquired in Lawyering Skills I by requiring students to conduct various, independent legal research projects. Those research and writing projects culminate in one memorandum assignment that requires complex analysis and two (2) memorandum assignments, requiring both legal research and complex analysis.

Lawyering Skills III provides the students an introduction to persuasive legal writing at both the trial and appellate levels. Furthermore, Lawyering Skills III introduces students to oral advocacy at both the trial and appellate levels. Finally, Lawyering Skills III continues to reinforce the research and writing skills acquired in Lawyering Skills I and II by requiring two extensive, independent research projects.

Lawyering Skills IV introduces students to drafting basic legal documents, such as pleadings and discovery. Additionally, the course introduces students to basic motions practice and requires students to both draft and orally argue basic pre-trial motions. Finally, this course introduces students to basic modes of alternative dispute resolution and requires students to engage in at least one (1) alternative dispute resolution project.

In addition to the above, DSOL has adopted a policy of writing across the curriculum. Specifically, DSOL requires each professor to introduce at least one (1) writing assignment in

each doctrinal class. Professors are given great latitude in determining the type(s) of writing assignment(s), but written portions of mid-term or final exams do not meet this requirement. Furthermore, the assignment(s) must include or enhance some aspect of the following: analytical skills, general problem-solving skills, or synthesizing skills.

In satisfaction of the upper-level writing requirement, DSOL requires each student to complete an extensive writing assignment after Lawyering Skills III. Specifically, each graduate must complete at least one (1) of the following: a seminar or an independent study paper. Regardless of which mechanism students use to complete the requirement, each mechanism requires the student to: produce at least 5,000 words of expository or argumentative writing and complete at least one (1) draft that is reviewed by a professor. All coursework satisfying this latter upper-level writing requirement must be of at least “B” quality. The totality of these courses in legal writing ensures that each student has at least one rigorous writing experience in the first year and at least one after the first year.

E. Professional Skills Instruction

DSOL requires each graduate to complete coursework devoted to trial and appellate advocacy, drafting, and alternative dispute resolution. Lawyering Skills III covers aspects of both trial and appellate advocacy. Lawyering Skills IV covers aspects of drafting and alternative dispute resolution. Both are described more fully in section D. above.

In addition to the practical skills taught in Lawyering Skills III and IV, students will have the opportunity to take separate skills courses in: Appellate Advocacy; Alternative Dispute Resolution; Drafting Transactional Documents; Externship Clinic I and II (externship program to begin spring 2012; see section I., Study Outside the Classroom below); Interviewing, Negotiation & Counseling (summer 2011); Pleading & Practice; Moot Court; Mock Trial; and Trial Advocacy (summer 2011). It is anticipated that some of these courses may be taught by adjuncts, who are experienced practitioners. These courses will be implemented as the students are eligible to take them.

Lastly, DSOL requires skills across the curriculum—each professor is required to introduce at least one (1) skills assignment in each class. Professors are given great latitude in determining the type of skills-based assignment(s), but the assignment(s) must, either directly or indirectly, focus on some aspect of practicing law. Specific areas for focus include but are not limited to: drafting skills, oral advocacy skills, research skills, and dispute resolution skills. For each of these assignments, each student is engaged in a skills performance that is assessed by the instructor.

F. Professional Responsibility Instruction

DSOL requires each student to complete Professional Responsibility, a two (2) credit hour class, which will be offered for the first time during the spring 2012 semester. Additionally, DSOL provides students the opportunity to attend a variety of professional development lectures throughout their law school career. As to the former, the Professional Responsibility class provides a study of legal ethics and values. Additionally, it provides a study of the rules and

responsibilities of the legal profession. As to the latter, the Dean of Students has developed a Professionalism Lecture Series to regularly provide information to students regarding the history, goals, and structure of the legal profession, as well as the emerging aspects of it. Each segment of the series directly or indirectly relates to the ethical requirements of law students/practicing lawyers, the general professional expectations of law students/practicing lawyers, a respect for diversity, a respect for the rule of law, or the character and fitness requirements of the Tennessee Board of Law Examiners.

G. Pro Bono Opportunities

DSOL requires each student to engage in at least thirty (30) hours of pro bono work prior to graduation. Acceptable community service is limited to service for which the student receives no remuneration and which is approved, in advance, by the Dean of Students. At least ten (10) hours of the student's completed community service must involve the rendering of meaningful law-related service to persons of limited means or to organizations serving such persons.

Students are not eligible to begin working on their pro bono requirement until they are the equivalent of an upper-level student. Full-time students must have completed their first full year of law school. Part-time students who matriculated fall 2009 will be eligible to begin working on the pro bono requirement starting summer 2011. The Dean of Students reported that there are approximately 50 opportunities for students already arranged, for example, being a volunteer with the Knox County Court Special Advocate Program, (CASA), the Anderson County Court Appointed Special Advocate Program, (CASA), the Legal Aid Society of the Cumberland (Oak Ridge), or Legal Aid of East Tennessee (Knoxville), to name a few.

Once eligible, students must either (a) choose from the list of pre-approved pro bono opportunities, or (b) select a community service site and meet with the Dean of Students to seek approval. Upon completion of community service hours at an approved site, the student must submit confirmation of the performance to the Dean of Students. If the service is found to satisfy the pro bono requirements, the Dean of Students shall provide written approval of the same to the Associate Dean for Academics.

In addition to its organized Pro Bono requirement, DSOL student organizations also offer the entire student body opportunities to serve the community. To date, a clothing drive has been sponsored by the Student Bar Association, a canned food drive to benefit the Second Harvest Food Bank has been sponsored by the Black Law Students Association, and an Angel Tree that distributed Christmas presents to foster children has been sponsored by the Student Bar Association. DSOL contemplates establishing a relationship with a local homeless ministry, Knoxville Area Rescue Mission (KARM). To that end, Dean Beckman has visited KARM to establish the personal ties and to discern the possible role that DSOL and its students might play in the future.

As example of strong leadership in this regard, the DSOL faculty passed a resolution obligating themselves to complete ten (10) pro bono hours annually beginning fall 2011.

H. Additional Curricular Content

The Curriculum Committee furthers a number of different programmatic projects, seeking to help DSOL plan its program to prepare graduates for effective and responsible participation in the legal profession. For example, DSOL has begun a course mapping project establishing learning outcome linkages between courses at DSOL and its programmatic learning outcomes. The Committee expects that the ultimate result of this process will be a more intentional academic program that serves those programmatic outcomes and designs a clear progressive movement from students' first-year courses to students' expected outcomes at graduation. In addition to programmatic efforts, the Curriculum Committee is currently exploring the University 3-3 program, which would permit prospective undergraduate students at LMU to complete an undergraduate and J.D. in a minimum of six (6) years.

Besides the Curriculum Committee's review of the School's program of legal education, the faculty, as a whole, engages in a comprehensive, annual curriculum review during the Strategic Planning Retreat which occurs each February. Prior to each Strategic Planning Retreat, the Associate Dean for Assessment asks the faculty to review the DSOL program of legal education, including its curriculum, and send him/her the strengths/weaknesses of the program, among other things. The Administration then reviews those responses and schedules a series of mini-retreats for the faculty to discuss the topics raised in the responses. Ultimately, the faculty votes on any alterations or concerns raised during those retreats, in addition to voting on plans for remediation and timelines for remediation.

In addition, during the self-study process for the ABA provisional accreditation visit, programmatic surveys were disseminated to students concerning aspects of DSOL's curriculum. The surveys were used to assist the faculty in programmatic assessment of its curriculum and to facilitate discussions during the faculty's strategic planning and self-study process. All these processes are integral in helping DSOL oversee and provide instruction as necessary for its graduates to effectively participate in the profession.

Small classes, seminars, directed study, and Independent Study are described more fully above in section C., Upper Division Curriculum.

I. Study Outside the Classroom

The Externship Clinic will be launched in spring 2012 contemporaneously with the Professional Responsibility course. DSOL has already established comprehensive rules and regulations for its externship clinic, and as of the date of the site inspection, was actively advertising to fill the position of Externship Director whose position will begin July 2011. (As of the date of this report, the Recruitment Committee has received applications, ranked the candidates from whom it has received applications, and will conduct on campus interviews during June . The Committee still plans on extending an offer no later than July 1, 2011). Currently, the Career Services Director has assumed responsibility for building externship placements. He reported that since he began working on this project, he has been able to establish approximately ten (10) volunteer field placements for students, which can be affiliated with the Externship Clinic once it is operational. Of important note, a Tennessee Associate Justice hired two (2) DSOL students to

serve as unpaid interns in his chambers. It is anticipated that these unpaid internships will translate into externship field placements. Additionally, two new unpaid internship opportunities have been created with a circuit judge of the 8th Judicial District of Tennessee.

The Externship Program is a credit-bearing, field-placement program, which provides students the opportunity to assist in resolving real legal problems under the supervision of both a full-time faculty member and a member of the legal community. Each field placement has three (3) parts: the placement component, the classroom component, and the faculty supervision component. The field-placement component requires students to work at a selected field-placement site under the direct supervision of a judge or licensed, practicing attorney, who shall have been selected, trained, and evaluated pursuant to DSOL's Externship Plan. The field placement supervisor and the faculty supervisor shall communicate regarding the student's participation in the Externship Program in accordance with DSOL's Externship Plan. The second component—the classroom component—consists of classroom instruction and requires the students to meet with the Director of the Externship Program at regularly scheduled classroom sessions over the semester for a minimum of four (4) hours. The scheduled classes provide instruction on issues associated with the practice of law as a profession. The third component—the faculty supervision component—is a reflective component where students meet regularly over the semester with a faculty sponsor—a full-time member of the DSOL faculty—who ensures the externship policies are being followed, ensures that the Externship Course requirements are being met, and provides one-on-one sessions for reflection on issues that arise with respect to clients and the work environment. The faculty sponsors also review their externs' time logs, journals, and writings.

A student cannot exceed the maximum six (6) credit hours allowed in the Externship Clinic. A student may enroll in Externship I for three (3) credit hours, then have another opportunity to enroll in Externship II for three (3) credit hours. Both full-time and part-time students will have equal eligibility and opportunity to participate in the Externship Clinic, though part-time students expressed concern that due to their existing work and home obligations, it would be difficult for them to work in field placements that would require their attendance during the normal weekday business hours of 8-5.

DSOL does not have in house clinics, nor does it plan to establish any in the near future.

Co-curricular activities at the DSOL include Law Review, Moot Court and Mock Trial. Both Law Review and Moot Court Board were launched spring 2011 with the intra school Moot Court Competition being held during the fall 2010 semester. DSOL initially offered credit for Law Review, Moot Court, and Mock Trial. Accordingly, five (5) students selected for Law Review are eligible for one (1) hour of academic credit for service on Law Review for the 2010-2011 academic term. Effective November 5, 2010, however, the faculty withdrew credit from Law Review, Moot Court, and Mock Trial. The rationale for this was twofold. First because most of the upper level classes are required, the students have a limited number of electives, and this would obviously take up some of those hours. Second, it was almost impossible for the part-time students to participate. The administration looked into how other schools with part-time programs deal with this problem and decided that they could not themselves come up with a feasible plan to continue offering credit. Therefore, with the exception of the five (5) students of

the Law Review for whom credit may vest at the end of the spring 2011 term, no student is eligible to receive credit for participation in any of these programs.

The DSOL Law Review, a student run board, will begin to publish an electronic scholarly journal biannually. Students serving on the Law Review are required to participate in board meetings, edit scholarly works, conduct research, review submissions from scholars, and conduct other work required for operation of a scholarly journal. Students selected for the Moot Court Board will prepare appellate briefs and present oral arguments in intra school, regional, and national moot court competitions. A cumulative GPA of 2.5 is required for selection, participation, and continuation on Law Review, Moot Court Board, Mock Trial, or any other selective DSOL student board or group.

J. Distance Education

At this time, DSOL does not offer distance education courses nor does have a plan to do so in the near future.

K. Evaluation of Scholastic Achievements

1. Exams and Assessment of Student Performance

With certain exceptions, (Lawyering Skills, ASP, seminars, for example), each professor teaching a required course at DSOL is required to administer both a midterm and final exam. The midterm and the final exam are required to have both multiple-choice and essay portions. All exams must be assessed and graded by the professor teaching the course. Unless previously approved by the Associate Dean for Assessment or the Associate Dean for Academics, all exams must be graded in accordance with a grading rubric. The faculty member has autonomy in crafting the rubric. It is recommended that a rubric be developed that effectively illustrates the manner in which points are awarded. Additionally, all exams and the professor's grading rubric must be submitted each year to the Dean as one part of a professor's Annual Evaluation. Furthermore, all syllabi are reviewed by the Associate Dean for Academics and/or the Dean before the beginning of each academic term.

In terms of length and complexity, both the midterm and the final examination are required to be congruent with the credit-hour allocation of the class. Thus, for example, a three-hour course must have a one-and-one-half hour (1.5) mid-term exam and a three-hour (3 hour) final examination. And professors who have not taught for more than three (3) years must have their midterms and final examinations reviewed by a professor who has taught for more than three (3) years (the Senior Professor) prior to administering the exam.

In skills classes where exams may not be held, professors are required to assign skills projects—whether oral or written—that are congruent with the credit-hour allocation of the class and assessed and graded by the professor for the course. Grades are based on the professor's observations of student performance on tasks assigned during the semester. Additionally, faculty members may factor students' class participation into the final grade calculation.

All faculty members are required to use Turning Point software, a state-of-the-art interactive computer program, in all the classrooms. The program allows professors to ask questions to the class, during any class session, to which all the students respond electronically. The class is then informed what percentage of the group chose each answer, enabling each student to engage in his/her own formative assessment as well as allowing the instructor to see the progress of the class as a whole. Common questions are collaboratively drafted by professors who teach in the same subject area, including skills courses. Comprehensive data is collected and provided to the faculty concerning the students' knowledge of a subject area in preparation for or after the course material has been covered in class by the professor. The Dean of Assessment stated that although it is too early to determine what the data means long term, the collection of data is ongoing, and soon DSOL will need to determine how to use the data. While the use of Turning Point is useful for immediate formative assessment by the professor and students, the team noted that in some instances, use of common required questions during class time precludes the individual professor from flexibility in tailoring his/her questions specifically to his/her immediate needs and may result in loss of instructional time. (For a more detailed discussion of the collaborative effort between faculty members see below, section IV. E., Faculty Teaching.)

The site team reviewed a substantial number of exams, as well as assignments and Turning Point questions. The exams ranged from traditional essay exams to multiple choice, short answer, and true/false. The exams appeared adequately and competently to cover the material in each of the courses and appeared to require both depth and breadth of analysis and reasoning. The Turning Point Questions covered a broad range as well, indeed assisting the students in formative assessment throughout the semester. Some required merely knowledge of black letter law that was being studied at the time; others required the kind of reasoning and thought processes that exam questions would require but on a smaller scale so that the students could respond immediately in the classroom; yet other questions provided a stimulus to evoke opinion and to show trends (see also section IV. E., Faculty Teaching).

2. Grading Curve

DSOL has a mandatory grading curve. It applies to all classes with 20 or more students and to Lawyering Skills classes, irrespective of enrollment. For level 1000 courses grades of A and A- shall be awarded to no more than 20% of the class. The total grades of A, A-, B+, B, and B- shall be awarded to no more than 55% of the class. For each class, the cumulative average grade shall fall between 2.30 and 2.70, inclusive. For level 2000 Courses grades of A and A- shall be awarded to no more than 20% of the class. The total grades of A, A-, B+, B, and B- shall be awarded to no more than 55% of the class. There is no predetermined percentage of C, D, or F grades that must be awarded. For each class, the cumulative average grade shall fall between 2.60 and 3.00, inclusive.

Grading curve assessment and reports are prepared at the end of each academic term. The Academic Standards Committee continuously reviews DSOL's curriculum and grading, and the Dean of Academic affairs conducts grade audits.

The DSOL faculty members are heavily involved in making decisions concerning these areas. After the most recent review of the Grading Distribution Report, the faculty decided not to alter

the mandatory mean or curve for the 2011-2012 academic year. Rather, the faculty voted to consult with an expert, a statistician who is an employee of LMU, who has substantial knowledge and experience in statistics and mathematics, regarding the prudence of the mean and curve and its facilitation of the faculty's goals. As of the date of this report, the Dean and the Associate Dean for Academics have met with the expert. DSOL plans on arranging a meeting with the faculty and the expert during fall 2011.

3. Good Standing

DSOL adheres to clearly defined academic standards for good standing. To be in academic good standing, DSOL requires students to maintain a cumulative 2.0 GPA. DSOL identifies two different points at which a student's performance requires formal, mandatory intervention. The first point of mandatory intervention is when a student's cumulative GPA falls below a 1.25. In this event, the student is academically dismissed and can only reenroll in DSOL by successfully petitioning the Academic Standards Committee. The second point of mandatory intervention is when a student's cumulative GPA falls below a 2.0. In this event, the student will be placed on academic probation. Thereafter, the student will be provided academic support by the Director of Academic Success who is the primary contact for probationary students. In addition, the student will be mandatorily enrolled in the appropriate Academic Success Class. If the student fails to achieve a cumulative GPA of 2.0 at the termination of his/her probationary semester, the student is academically dismissed and can only reenroll in the academic program by successfully petitioning the Academic Standards Committee.

In the event a student petitions the Academic Standards Committee for readmission following an involuntary academic withdrawal, the Academic Standards Committee must affirmatively find all of the following prior to granting a petition:

1. Extraordinary circumstances contributed to the student's inability to meet the academic requirements of the law school;
2. The student's failure to meet the standards for continuing his or her studies does not indicate a lack of capacity to complete the program of study and, in fact, the student possesses that capacity; and
3. The circumstances resulting in the student's academic disqualification have been remedied or no longer exist.

If a student is readmitted pursuant to this provision, the student is readmitted on probation. Furthermore, under no circumstances can a student apply for readmission under this provision on more than one (1) occasion during his or her academic studies at DSOL. Moreover, a student that successfully completes a probationary semester is not eligible for another probationary semester, absent academic dismissal followed by a readmission by the Academic Standards Committee.

L. Academic Support and Academic Advising

To assist students in successfully completing its academic program, DSOL has created a formal Academic Success Program, which is administered by the Director of Lawyering Skills and

Academic Success and Assistant Professor of Law. The Academic Success Program has five (5) main components—Bridge Week, non-credit bearing coursework, the Bar Review Course, individual tutoring, and skills workshops. In addition, the faculty members are required to serve as advisors for the students, (see below section IV. D., Faculty Responsibilities), thus making academic advising, including support and counseling, available for all students.

- 1. Bridge Week:** Bridge Week is a mandatory, non-credit bearing program that is designed to introduce all entering students to critical lawyering skills that are required during their law school career, including: reading statutes and cases; synthesizing rules; analyzing problems; and writing essay answers. Bridge Week is held prior to the first week of classes, is offered free for all first-year students, and is taught by the Director of Academic Success, in conjunction with full-time faculty members.
- 2. Coursework:** DSOL offers four (4) non-credit bearing courses that are free to all students. The first of these, ASP I, is required for all first-year students. This course is designed to enhance skills that are necessary to succeed in law school. The course is taught in a workshop format and focuses on the ability to create and understand class outlines; read, analyze, and brief cases; apply the law through essay exam writing; provide insight into multiple-choice exam questions; improve student study techniques; and manage student stress and time. The second course—ASP II—is required for all second-semester students with a cumulative GPA of 2.35 or lower and open to all students, subject to space availability. The third course—ASP III—is required for all third-semester probationary students and elective for all other students. Finally, ASP IV is required for all probationary students who have completed three (3) or more semesters of law school and elective for all other students. All of these last three (3) classes are intended to enhance and reinforce the skills discussed in ASP I, and all of the classes are taught using a mixture of full-time faculty and adjuncts.
- 3. Bar Examination Skills:** Beginning in the spring of 2013, and every spring thereafter, DSOL will offer a credit-bearing Bar Examination Skills class. The course is designed to improve legal analysis, writing, and study skills in preparation for taking the Bar Examination. It will also provide a familiarity with the methodology of the exam. Multiple essays will be completed and critiqued during the course. The critiques will involve peer assessment, other forms of collaborative learning, and professor assessment. Multiple-choice strategies and practice exams will be covered. This course is skills-based, not substance-based, and is not intended to replace substantive course study review and/or commercial Bar Examination preparation courses. This course is mandatory for any student who failed to achieve at least a cumulative GPA above a 2.5 by his/her final semester of law school and optional for all other students.
- 4. Tutoring:** Individual tutoring is provided by both a writing specialist and the ASP Director.
- 5. Skills workshops:** The Director of Academic Success hosts both faculty and student workshops as a part of the ASP. For faculty, these include a variety of topics, ranging from sessions designed specifically for those who teach the academic success and lawyering skills courses, to workshops for all faculty on topics such as different learning styles, how to recognize them and address them in the classroom; how to incorporate synthesis into the classroom; and how to get student knowledge and skills to transfer to future courses and/or assignments, to name a few. Student workshops are also hosted by

the Director of Academic Success throughout the academic year. Topics for students include outlining; writing essay exams; mock midterms; and the bar exam, to name a few.

- 6. Academic Advising:** DSOL offers academic advising to all students. Each student at DSOL is assigned a faculty member as an advisor, and advisors are encouraged to contact their advisees at least once a semester to offer support. Of course, advisors are required to be available to their advisees, by appointment, at any time during any academic semester. Support services under this program include career counseling and academic counseling (see also section IV. D., Faculty, Teaching).

Formal assessment of the effectiveness of the Academic Support Program is ongoing. As part of LMU's ongoing assessment efforts, ASP prepares standard assessment reports that evince the existence of departmental-level outcomes; the link between those departmental-level outcomes and the DSOL's programmatic-level outcomes; the existence of objectives that serve the departmental-level outcomes, including objective benchmarks to assess ASP's effectiveness in achieving those departmental-level outcomes; the existence of an evaluation of the results of the assessment of those departmental-level outcomes; and a plan for remediation, if appropriate.

In addition, DSOL assesses the ASP using indirect measures such as attrition and course completion rates. Finally, specific component assessment is also planned or ongoing. Assessment of Bridge Week will begin fall 2011, since the program was just implemented in the second year of DSOL operation. The Bar Exam Skills course will first be offered in spring of 2013, and its specific assessment will be scheduled thereafter. Likewise assessment of the individual tutoring component will begin fall 2011. Specific assessment of the workshops is made by using student surveys. Student opinion about ASP was that it takes time away from preparing for doctrinal courses, but is nevertheless helpful in acclimating to law school. Further, students are grateful that the professors teaching the ASP course make an effort to incorporate the doctrinal subjects into the ASP course.

M. Part-Time Programs and Scheduling Options

DSOL's part-time program was started in fall 2009, one year before the full-time program was started, in fall 2010. The part-time program allows a student to complete the J.D. program within forty-eight (48) months. All required courses are scheduled both during the day and during the evening, giving both the part-time and full-time cohorts an even opportunity to take the courses.

In terms of upper-level electives, the Associate Dean for Academics monitors the enrollment for all classes on a continuous basis and maintains records of which cohorts of students are enrolled in those classes. The Associate Dean for Academics will use those records to ensure that electives are evenly offered, and utilized by the students, on a year-to-year basis.

In terms of equal access to opportunities for skills instruction, all Lawyering Skills and other skills courses are available during the day and evening. Because the Externship Program will not begin until spring 2012, obviously no enrollment data is available to indicate the number of part-time students who will be able to take advantage of the externship opportunities.

Both the full-time and part-time cohorts have equal access to faculty and student interaction. In terms of faculty interaction, all faculty members provide instruction in both the full- and part-time programs. In that vein, potential faculty members are informed upon their initial interview with DSOL that they will be obligated to teach in both programs. Additionally, faculty members and deans are required to have at least five (5) office hours per week and to schedule those office hours in a manner congruent with the cohorts to which the faculty member is teaching. The team notes that these mechanisms have resulted in a positive perception of faculty availability by the student body.

In terms of interaction between students, DSOL has been careful to schedule all student social functions during periods of time that permit both the full-time and part-time cohorts to attend simultaneously. Thus, for instance, events such as holiday meals, Student Bar Association functions, and student competitions are generally held at or about 5:00 p.m. to allow the majority of full- and part-time students to participate together. In the alternative, functions are held on weekends, when possible, to enhance student interaction between the full-time and part-time cohorts. When it is not possible to schedule events during periods when both cohorts can attend, DSOL has duplicated offerings at times convenient for both the full and part-time students. For instance, the inaugural DSOL Moot Court Competition was held over the course of a weekend. While only the part-time students were eligible to compete for a position on the Team—only the part-time cohort had taken Lawyering Skills III—full-time students were invited to act as bailiffs during the proceedings. Furthermore, DSOL has attempted to schedule all professionalism series functions during periods of time that permit both the full-time and part-time cohorts to attend simultaneously. Finally, all students may communicate electronically through on-line message boards provided by DSOL on the TheWest Education Network (TWEN) or the University email that is easily discerned for all students as it incorporates their name (first.last@lmunet.edu).

All students, regardless of their enrollment option, are eligible to participate in the Student Bar Association, Law Review, Moot Court, Mock Trial, and other student organizations. Neither cohort is provided, or subjected to, any bias in organizing a club, applying for a position in a club or activity, or hosting an event. Rather, DSOL has attempted, successfully, to schedule events during periods of time when all students are available to participate.

N. Studies in Foreign Countries

Currently, DSOL does not have any foreign study, semester abroad, or foreign summer programs. DSOL allows its students to participate in these programs and earn academic credit toward graduation as long as the program is offered and or/sponsored by an ABA-accredited law school and so long as the student complies with the rules concerning seeking approval for taking courses at another institution (see section A. above).

O. Degrees in Addition to the J.D.

DSOL does not offer any degree programs other than the Doctor of Jurisprudence degree.

IV. FACULTY

A. Qualifications and Size of the Faculty

1. Size and Composition

DSOL initially reported in its Self-Study that it currently had eleven (11) full-time faculty members—which includes a Dean, three (3) Associate Deans, and a Visiting Assistant Professor of Law. In addition, the DSOL employs three (3) law librarians who have teaching duties. Furthermore, the DSOL employed four (4) adjunct professors for the fall 2010 semester. However a review of the roster provided during the visit indicates that there are fourteen (14) full-time faculty members currently in place. (one (1) of the fourteen (14) being a visitor). DSOL indicates that two faculty members will not be returning for the next academic year. Heather Zuber, Director of Lawyering Skills and Academic Success, and an Assistant Professor, has notified the school that she will not be returning for family reasons. In addition to her administrative duties she taught Academic Success I and Lawyering Skills II. In addition, an Associate Professor will not have his contract renewed due to a determination by the school that he has underperformed his duties. This professor taught constitutional law, criminal law, criminal procedure, jurisprudence, torts, and health care law. Professor and Associate Dean J. Marcantel also will be leaving at the end of the summer. He is leaving to join his family, which has been living elsewhere. Associate Dean and Director of the Law Library Gordon Russell will assume the position of Associate Dean for Assessment, as well as Director of the Law Library, after Dean Marcantel leaves.

DSOL has hired five (5) new faculty members for the fall and a visiting professor. Laura Hash, currently a Dean for Students, will be converted from an Adjunct Professor to an Assistant Professor. She teaches Lawyering Skills III. David Walker will begin in July as a Director of Lawyering Skills and Academic Success and Assistant Professor. He is currently a Faculty Services Librarian and teaches Lawyering Skills I. Professor Walker was admitted to practice in New Jersey in 2005. He served as a law clerk to the New Jersey Superior Court, engaging in extensive legal research and writing. He taught Legal Research and Writing at Charleston School of Law (2007-2009) and has taught Lawyering Skills at DSOL since 2009.

Matthew Lyon will begin as an Assistant Professor in the fall, teaching responsibilities to be determined. Assistant Professor Amikka Bryant will begin in July 2012. Assistant Professor Akram Faizer will also start this fall. Charles MacLean continues as a visiting professor teaching Criminal Law, Trial Advocacy, Civil Procedure, Legal Research/Writing, Constitutional Law, Mass Media Law, and Appellate Advocacy.

A review of the resumes of both current faculty members and new hires indicate educational qualifications consistent with normal expectations for a law faculty. All faculty members have a J.D. degree. Current faculty members earned their J.D. degrees at a variety of institutions including Baylor, Ohio Northern, Texas Tech, Mississippi, University of Pennsylvania, Northwestern, William Mitchell, South Carolina, Samford, Notre Dame, Harvard, New Mexico and California Western. Teaching experience ranges from two (2) to twenty four (24) years. More than one half of the faculty members have teaching experience in excess of five (5) years.

Similarly there is significant practice experience on the faculty. The faculty members bring three (3) to twenty six (26) years of practice experience to the classroom. At least ten (10) of the fourteen (14) faculty members have practice experience in excess of five (5) years.

With the exception of one newly hired faculty member who has 4.5 years of practice experience, all newly hired faculty members for Fall 2011 have more than 10 years of practice experience. One has more than 30 years of practice experience.

2. Student-Faculty Ratio

In its Self-Study, the DSOL reports a student/faculty ratio below 15:1. Its calculation appears consistent with the methodology outlined by the ABA and applicable at the time of its submission to the ABA. Although the most recent listing of tenured and tenure track faculty, provided by the school at the time of the site visit, differs slightly from that reported in the Annual Questionnaire, a newly calculated student faculty ratio would actually be better, since it would be based on the addition of recent hires.

Assuming the fall 2011 entering class size is 55 full-time students and 20 part-time students, as indicated in DSOL's projected budget, the anticipated student faculty ratio will be 14.69 to 1. This is based on an adjusted total faculty of 12 (8 tenure track; 2 visitors; 2 full-time faculty with administrative assignments; 0.7 full-time LR&W instructors; .4 adjuncts, generating a preliminary subtotal of 3.1), as calculated below:

Faculty/Student Ratio Calculation			
Teaching Resources	Total #	Value	Total Value
Primary			
Tenure Track Faculty:	8	1.00	8
Visiting Professors:	2	1.00	2
<i>Subtotal:</i>			10
Secondary			
Full-time Faculty with Teaching & Administrative Duties:	4	0.50	2
Full-time LR&W Instructors:	1	0.70	0.7
Adjuncts:	2	0.20	0.4
<i>Preliminary Subtotal:</i>			3.1
<i>Maximum Secondary Resources: (20% of total)</i>			2
<i>Preliminary Resources Subtotal Subject to Max.:</i>			2
<i>Adjusted Total Faculty # per ABA Standards:</i>			12
<i># of Full-time Equivalent Students:</i>			176
Faculty / Student Ratio:			14.69 to 1

All of the full-time faculty members devote substantially all of their working time to teaching, legal scholarship, service, and governance. Faculty members at LMU are not permitted to maintain outside employment without the express permission of the President and the Vice President and Dean of DSOL. The Dean of DSOL requires each new faculty member to sign a statement of external employment maintaining that he/she does not engage in outside employment for more than 1- percent of his/her working time.

Currently, a significantly high percentage of the faculty members who teach also have substantial administrative duties at DSOL. Seven (7) of the tenured or tenure-track faculty in the current academic year hold senior administrative titles ranging from Librarian to Dean.

The chart below shows rank, administrative assignment, number of courses taught 2010-2011, and number of committee assignments – including number of committees chaired.

<i>Faculty</i>	<i>Rank</i>	<i>Admin. Assign.</i>	<i>Courses 10-11</i>	<i>No. of Comm.</i>
Beckman S.	Professor	Dean		2
Beverly, B.	Asst. Prof.		3	8 (1 chair)
George, S.	Assoc. Prof.		3	7 (1 chair)
Hash, L.	Asst. Prof.	Dean of Students	3	
Lugosi, C.	Assoc. Prof.		4	4
Lyon, M.	Asst. Prof.		2	
MacLean, C.	Visit. Prof.		3	
Marcantel, J.	Asst. Prof.	Assoc. Dean	4	3 (2 chair)
Meldrum, A.	Asst. Prof.	Director Law. Skills	4	5 (1 chair)
Reid, M.	Asst. Prof.		3	7 (1 chair)
Ruffin, S.	Assoc. Prof.		4	7 (1 chair)
Russell, G.	Professor	Assoc. Dean/Lib. Dir.	2	10 (5 chair)
Walker, D.	Asst. Prof.	Information Serv./Library	2	1
Zuber, H.	Asst. Prof.	Dir. Law Skills	4	2

Only Deans Beckman, Marcantel, and Russell serve on University Committees. These appointments are included in the numbers above.

The Dean has indicated that the school is aware of the significant teaching burden placed on some untenured faculty members, who also have substantial administrative assignments. The school is also aware of the heavy committee responsibilities placed on the faculty as well, although many of the committees do not meet frequently. The Dean indicated that the large number of faculty committees were created in part based on the faculty's desire to be involved in many aspects of law school governance, especially during the formative years. He believes that the number as well as the responsibilities of committees will decrease as the school matures and grows. Likewise the workload issues are being more directly addressed through growth, i.e., increase in faculty size. As indicated above, DSOL will substantially increase its faculty size for the 2011-2012 term, by the hiring of 5 new full-time, tenure track faculty.

In addition to the teaching and committee assignment responsibilities, the faculty is engaged in both scholarship and service. The faculty has devoted reasonable percentages of their time to these activities, given the early stages of DSOL's development, (see below section F., Research and Publications; and G., Service Activities), although the increase in faculty size should increase both scholarship productivity and community outreach.

Instruction throughout the entire curriculum is provided substantially by the full-time tenure track faculty. To date the school actually uses only 4 adjunct faculty (See section K., Adjunct Faculty, below, for more details). Although additional persons are listed as having the title of adjunct, they are members of the library staff who would teach library specific courses. Three additional adjuncts are anticipated for 2011-2012 including 2 adjuncts to teach Trial Advocacy.

B. Recruitment/Retention

The DSOL has actively engaged in faculty recruitment through its Faculty Recruitment Committee (see below, section H., Governance, for details concerning the recruitment process).

In terms of anticipated faculty changes, as noted above, the DSOL has been notified that one (1) faculty member will not seek renewal (this for personal reasons unrelated to the School) and has notified another faculty member that the DSOL will not extend an offer of renewal.

The DSOL has hired the following candidates as tenure-track faculty members for the 2011-2012 academic year: Laura Hash, David Walker, Matthew Lyon, Armikka Bryant, and Mohamed Akram Faizer. In addition, DSOL has rehired Charles MacLean as a Visiting Professor of Law for the 2011-2012 academic year.

The following four exhibits summarize all the interviews for the three years preceding the 2011-12 academic year (2008-09; 2009-10; AND 2010-11), including interviews for both entry level and lateral hires, the number of women and minorities interviewed, the number of offers, and the number of acceptances. The first exhibit combines each of the three years in one chart and also distinguishes the number of potential lateral hires from entry level ones; the second, third and fourth charts present the interviews, call backs, and hires separately by year. The numbers reflect all interviews conducted through the spring 2011 semester.

FACULTY RECRUITMENT: ENTRY – LEVEL HIRES (E) AND LATERAL HIRES (L)*																								
	2007 – 2008						2008 – 2009 ¹						2009 – 2010						2010 – 2011					
	Total		Women		Minority ²		Total		Women		Minority		Total		Women		Minority		Total		Women		Minority	
	E	L	E	L	E	L	E	L	E	L	E	L	E	L	E	L	E	L	E	L	E	L	E	L
AALS Interviews	0	0	0	0	0	0	24	5	15	2	12	3	27	7	20	6	8	2	26	4	7	1	15	3
Campus Interviews	0	0	0	0	0	0	3	2	0	1	1	1	1	3	0	2	0	2	7	0	4	0	2	0
Total Initial Interviews	0	0	0	0	0	0	27	7	15	3	13	4	28	10	20	8	8	4	33	4	11	1	17	3
Call Back Interviews	0	0	0	0	0	0	4	3	0	2	2	1	7	5	4	3	1	3	18	2	6	1	9	2
Offers	0	0	0	0	0	0	3	1	0	1	1	1	2	4	1	2	0	2	9	0	4	0	4	0
Acceptances	0	0	0	0	0	0	2	1	0	1	0	1	1	3	1	2	0	1	6 ³	0	2	0	3	0

E = Entry Level hires
L = Lateral hires

*Candidates with experience only as adjuncts, visitors, or lecturers were calculated as entry-level hires. Additionally, candidates with administrative experience but no faculty experience were calculated as entry-level hires. Finally, candidates with teaching experience other than law school teaching experience were calculated as entry-level hires.

¹ Dean Sydney A. Beckman and Dean Gordon R. Russell were recruited and hired prior to the 2008-2009 hiring cycle and are not included in the numbers herein.

² Refers to racial and ethnic categories of American Indian or Alaska Native, Asian, Black or African American, Hispanic of any race, Native Hawaiian or other Pacific Islander, or two or more races.

³ Armikka R. Bryant is included in this number. Professor Bryant's contract will commence in July 2012.

**FULL-TIME FACULTY RECRUITMENT 2008–2009
(RECRUITMENT FOR 2009-2010 HIRING CLASS)**

Total Initial Interviews	Total Call-Back Interviews	Total Offers Extended	Total Completed Hires
34	7	4 ¹	5 ²

Total Initial Interviews with Minority Candidates	Total Call-Back Interviews with Minority Candidates	Total Offers Extended to Minority Candidates	Total Minority Hires
17	3	2	1

Total Initial Interviews for Male Candidates	Total Call-Back Interviews for Male Candidates	Total Offers Extended to Male Candidates	Total Male Hires
16 ³	5 ⁴	3 ⁵	4 ⁶

Total Initial Interviews for Female Candidates	Total Call-Back Interviews for Female Candidates	Total Offers Extended to Female Candidates	Total Female Hires
18	2	1	1

Minorities Represented in the DSOL Faculty 2008–2009 Hiring Cycle:

African-Americans	Middle Eastern	Asian	Hispanic
1	0	0	0

* Dean Beckman was hired August 2008.

Dean Russell was hired as a consultant in August 2008, consulted one week a month through February 2009 and started full-time on March 1, 2009.

¹ Dean Sydney A. Beckman and Dean Gordon R. Russell are not included in this number.

² Dean Sydney A. Beckman and Dean Gordon R. Russell are included in this number.

³ Dean Sydney A. Beckman and Dean Gordon R. Russell are not included in this number.

⁴ Dean Sydney A. Beckman and Dean Gordon R. Russell are not included in this number.

⁵ Dean Sydney A. Beckman and Dean Gordon R. Russell are not included in this number.

⁶ Dean Sydney A. Beckman and Dean Gordon R. Russell are included in this number.

**FULL-TIME FACULTY RECRUITMENT 2009–2010
(RECRUITMENT FOR 2010-2011 HIRING CLASS)**

Total Initial Interviews	Total Call-Back Interviews	Total Offers Extended	Total Completed Hires
38	12	6	4

Total Initial Interviews with Minority Candidates	Total Call-Back Interviews with Minority Candidates	Total Offers Extended to Minority Candidates	Total Minority Hires
12	4	2	1

Total Initial Interviews for Male Candidates	Total Call-Back Interviews for Male Candidates	Total Offers Extended to Male Candidates	Total Male Hires
10	5	3	1

Total Initial Interviews for Female Candidates	Total Call-Back Interviews for Female Candidates	Total Offers Extended to Female Candidates	Total Female Hires
28	7	3	3

Minorities Represented in the DSOL Faculty 2009–2010 Hiring Cycle:

African-Americans	Middle Eastern	Asian	Hispanic
1	0	0	0

**FULL-TIME FACULTY RECRUITMENT 2010-2011
(RECRUITMENT FOR 2011-2012 HIRING CLASS)**

Total Initial Interviews	Total Call-Back Interviews	Total Offers Extended	Total Completed Hires
37	20	9	6 ¹⁰

Total Initial Interviews with Minority Candidates	Total Call-Back Interviews with Minority Candidates	Total Offers Extended to Minority Candidates	Total Minority Hires
20	11	4	3 ¹¹

Total Initial Interviews for Male Candidates	Total Call-Back Interviews for Male Candidates	Total Offers Extended to Male Candidates	Total Male Hires
25	13	5	4 ¹²

Total Initial Interviews for Female Candidates	Total Call-Back Interviews for Female Candidates	Total Offers Extended to Female Candidates	Total Female Hires
12	7	4	2

Minorities Represented in the DSOL Faculty 2010–2011 Hiring Cycle:

African-Americans	Middle Eastern	Asian	Hispanic
2 ¹³	0	1	0

¹⁰ Armikka R. Bryant is included in this number. Professor Bryant’s contract will commence in July 2012.

¹¹ Armikka R. Bryant is included in this number. Professor Bryant’s contract will commence in July 2012.

¹² Armikka R. Bryant is included in this number. Professor Bryant’s contract will commence in July 2012.

¹³ Armikka R. Bryant is included in this number. Professor Bryant’s contract will commence in July 2012.

C. Nondiscrimination, Equal Opportunity and Diversity

Both DSOL and LMU maintain a nondiscrimination policy. Specifically, DSOL does not make any employment decision based upon race, color, religion, national origin, gender, sexual orientation, age, or disability. Rather, decisions premised upon any of these factors are prohibited by both DSOL and Lincoln Memorial University. DSOL supports and furthers the goals of diversity. The Duncan School of Law is committed to diversity in its faculty and staff as well. Specifically, DSOL affirmatively seeks applications from faculty and staff applicants who diversify its campus.

In pertinent part, the specific language of DSOL's policy, as it appears in the faculty/staff policy manual and is reproduced on the website, is as follows:

Equal Opportunity, Affirmative Action, and Nondiscrimination Compliance Statement and Plan

(Approved by the Board of Trustees – May 5, 2006)

In support of the Mission Statement and the principles on which it is based, Lincoln Memorial University is committed to equal opportunity for all students, staff, and faculty and to nondiscrimination in the recruitment, admission, and retention of students and the recruitment, hiring, promotion, and retention of faculty and staff.

Lincoln Memorial University reaffirms its commitment to personnel and educational policies that comply with the requirement applicable to equal opportunity/affirmative action laws, directives, executive orders, and regulations to the effect that no person at Lincoln Memorial University shall, on the basis of age, color, creed, disability, ethnic/national origin, gender, military status, pregnancy, race, religion, sexual orientation, or any other class protected by applicable law, be excluded from participating in, or be denied benefits of, any employment or educational opportunity....

DSOL has prioritized minority hiring of tenure tracked faculty through the efforts of its faculty hiring committee and through individual referrals and contacts both within and outside of Knoxville. In furtherance of diversity goals, DSOL has made significant hires. Currently DSOL reports 5 women and 2 minority tenure track faculty. Of the 5 new tenure tracked hires for academic year 2011-2012, the school will convert one female adjunct to full-time status and will add an additional two racial minorities. The diversity of the adjunct faculty is reflected in the fact that 3 of the 8 adjuncts employed 2010-2011 are women and one is a minority.

In addition, as of May 23, 2011, a new Director of Admissions started working at DSOL. He is an African American male who holds a J.D. and has been the Assistant Dean for Admissions and Recruitment at Texas Tech University School of Law. He will not be a member of the faculty, but because he holds a J.D., the Dean has requested that he be given the title of Associate Dean for Admissions and that decision is awaiting Board approval.

DSOL has ten filled (non-library) staff positions, two of which are filled by minorities. There are four librarians (not including the Director), none of whom are minorities.

DSOL reports that it has attempted to recruit and hire qualified minority staff members. To that end, DSOL facilitated interviews with two non-local minority candidates for the Dean of Students and Dean of Admissions positions by arranging and paying for their travel and hotel expenses to attend interviews. In 2009, minority candidates were interviewed for Faculty Assistant positions, but demographic information for those applicants was not collected at the time.

DSOL modified the University's employment application to make the reporting of the applicants' race or ethnicity voluntary rather than mandatory. It engaged the community by announcing job opportunities to a predominantly minority-populated organization, and it advertised all DSOL staff positions on the LMU website, on Yahoo Jobs, and in the Knoxville News Sentinel. DSOL also will post job opportunities with a Hispanic newspaper (Mondotimes), the Hispanic Chamber of Commerce of East Tennessee, and the Tennessee Alliance for Black Lawyers.

D. Faculty Responsibilities

The DSOL Faculty Handbook provides policies with respect to a full-time faculty member's responsibilities. It describes the workload of each faculty member as consisting of a combination of teaching, advising, research/scholarship and institutional and/or public service. Teaching can be up to 3 classes in a semester; specific standards are presented as to teaching responsibilities, including some detail as to how classes are taught (see below, section E., Teaching). Each faculty member is also assigned advisees each year and has responsibilities as set forth in an Academic Advising Handbook. Regarding pro bono public service, the faculty adopted a requirement that every faculty member must engage in at least 10 hours of pro bono work each year, effective with the 2011-12 academic year. Regarding institutional service, each faculty member must serve on appointed committees, advise student organizations as appropriate, and serve on University committees from time to time. Scholarship expectations are also set forth in detail in the Faculty Handbook, stating that faculty should publish on a regular basis and describing the scholarship necessary for an award of tenure. (see below section I., Professional Environment).

Each faculty member is evaluated annually. The evaluation includes an annual assessment portfolio that each faculty member is required to prepare. The annual assessment portfolio includes an updated CV; a compilation of teaching and student evaluations and any responses to the evaluations; and the faculty member's own Annual Report, Self –Assessment and Development Plan. The portfolio is to be submitted to the chair of the Promotion and Retention Committee no later than January 15 of each year. The Committee reviews each portfolio and other materials including article drafts, grading rubrics, and personal observations. It prepares comments and recommendations that are forwarded, with the portfolio, to the Dean by February 15th. The Dean reviews the portfolio and may adopt the Promotion and Retention Committee's comments and recommendations in whole or in part. The Dean then will review the evaluation with the faculty member, and the faculty member is given reasonable time to respond to the

Dean's comments, orally or in writing, before they are placed in the portfolio. The Dean may revise his comments based on the responses. Ultimately the report is placed in the portfolio.

The site team's interviews with faculty indicated a general acceptance and willingness to comply with all these standards, and there appeared to be wide support from the faculty for these policies. As noted earlier the committee load is "heavy" but faculty members understand that this burden will ease as additional faculty members are added.

E. Teaching

Pursuant to unanimous faculty vote in fall 2009, faculty members who teach the same course during the same academic term are required to collaborate in their teaching. The faculty committed to collaboration for two academic years, after which they will revisit the policy. The collaboration requires the faculty to select the same textbook or teaching materials; to collaborate in creating their syllabus so that the material covered is substantially the same between classes; to collaborate in creating the midterm (midterms are required) such that each class administers an identical examination; and to collaborate in creating the final exam as well. In addition during each class the professor must present at least three interactive questions, using a software system Turning Point. Professors who teach the same course in the same term collaborate in writing these questions. (15 per semester must be the same.) The software provides for a system of electronic responses. These responses give the students an opportunity for formative assessment of their own work as well as the teacher an opportunity to assess the progress of the class as a whole as they move through the material throughout the semester. Each course must also include at least one writing assignment and one skills-based assignment. Each course must also use grading rubrics. All this is set forth in the faculty handbook.

Observations of teaching noted substantial compliance with these requirements. The quality of the teaching as observed by the site visit team was well within the range of good to excellent, familiar to site team members. Classes were largely stimulating and required both interaction and analytical thinking. Professors asked follow-up questions after weak responses and classes were rigorous.

The team reviewed a very large sampling of exams, teaching evaluations, and also discussed instruction methodology with individual faculty members. As noted above in section III., Program of Legal Education, examinations included a wide range of testing methods, including essay, short answer, and multiple choice. The exams adequately covered the material in the courses and were noted to require the kind of analytical reasoning and thought processes necessary for law school evaluation. An array of syllabi and other teaching materials also indicated that faculty members are taking the time to define for the students the learning objectives and goals in each class, incorporating both formative and summative assessment in all courses.

The team also reviewed student evaluations. Student opinions of teaching were very consistent with what members of the team would expect at most law schools, ranging from excellent to competent. There were no seriously negative evaluations of teaching. With respect to accessibility and other factors, there was only one notably negative evaluation for one particular

faculty member, who is no longer teaching at DSOL. Otherwise overall the student body appears to be extremely happy with the teaching, accessibility, friendliness, helpfulness, and overall assistance that all faculty members provide. Similar positive comments were also made during the meeting the team had with the students.

DSOL maintains a faculty development program, which assists individual faculty members in improving their teaching through peer insight and formal teaching seminars. As mentioned above each faculty member is reviewed by both the Promotion and Retention committee and also evaluated by the students. Finally DSOL has a peer review process by which each professor must anonymously review the classroom teaching of at least three colleagues, identify areas of strengths and weaknesses, and provide recommendations for improvement in teaching. The Associate Dean for Assessment assigns the peer review observations, and no one other than he knows who is reviewing whom. Peer reviewers use the MediaSite system (through which classes are videorecorded) to observe teaching. Peer reviews forms are given to the person reviewed without any names on them. Finally, teaching seminars/workshops are held and designed to help faculty improve instruction and to explore new ideas and concepts.

New faculty members enjoy specially designed programs for them, including sending them to the AALS new teacher's conference, within 18 months of their start date. A mentoring program has also been designed for junior faculty members.

F. Research and Publications

The Faculty Handbook provides the following concerning publication: Faculty members are expected to publish on a regular basis. At a minimum, for an award of tenure, faculty members are expected to publish at least two substantial scholarly works and have substantially completed at least one additional work. Faculty should also demonstrate evidence of internal motivation and capacity for the continued production of scholarship. For lateral hires, credit for scholarship produced while not employed at DSOL may be granted at the discretion of the Dean. Any such credit must be reflected in the employment contract.

A review of publications from the faculty for the last two years indicates both good quantity and quality. Four books authored or co-authored by faculty were published during this period, although three were by the Dean. Six articles are reported as published during this period as well. Placement for the articles includes DePaul J. Health Care, Texas Wesleyan Law Review, St. Mary's Law Review on Minority Issues, Journal of Catholic Legal Studies, Issues of Law and Medicine, and Fordham Journal of Corporate and Financial Law.

Each year the LMU Board of Trustees must approve the budget for the Duncan School of Law. Currently, summer research stipends have been approved for the fiscal year 2010-2011. It is anticipated that summer stipends will be available each summer. These awards are based upon law school evaluated applications for specific research support.

Other support for faculty research includes access to a pool of research assistants that are supervised by a librarian. In addition each faculty member is assigned a library liaison to assist

with research needs. The Dean has also appointed a Faculty Development Committee that organizes workshops on the production of scholarship.

G. Service Activities

The Faculty Handbook sets forth an expectation of service that is expressed primarily as service to the law school community. In that regard it is expressed as threefold: service on committees, advising student organizations, and service on university committees – although to date only administrators have been asked to serve on university committees. Service to the public is also expected; again, beginning fall 2011, faculty members are required to perform 10 hours of pro bono service per academic year.

The primary vehicle of service to the law school is through law school committees. That burden is substantial. A number of faculty members commented on this heavy load but noted that it is necessary now for a law school just starting. This heavy burden may, however, account for the relatively small amount of collective faculty time devoted to external service to the profession such as bar committees, although there are a number of individual faculty members who do engage in local, regional, or national service to the legal community. One faculty member is active in the Pipeline Program, a program that encourages access to law school for minority students. Others participate with the Tennessee Alliance for Legal Services and the Family Justice Center in Knoxville. Another serves on the Minnesota County Attorneys Association Criminal Law Committee and has served as the Winona County Criminal Justice Coordinator. There is a good level of participation by the library faculty regarding national (e.g. with AALL), and regional law library activities. There is also good cooperation with the University of Tennessee School of Law regarding community centered activities.

DSOL also enjoys a good relationship with the judiciary and members of local bar associations. The team met with several of these representatives and noted the huge amount of support for DSOL and its mission. These relationships could certainly help members of the faculty become even more active in service to the local legal community

H. Governance

There is a strong sense of faculty governance that is evidenced by the high level of committee participation and the faculty 's decision to create a large number of committees that would be significantly involved in governance. There are 15 committees: Library Committee, Accreditation, Academic Standards, Admission, Strategic Planning, Curriculum, Externship/Clinic, Promotion and Retention, Academic Integrity, Diversity, Faculty Recruitment, Faculty Development, Scholarship, Facilities, and Website.

In addition to participation in governance through the committees, the site team 's interviews with the faculty suggest that issues, policies, and decisions regarding the school are well vetted in faculty meetings. There appears to be a strong sense that such participation is welcomed and encouraged for all faculty members.

Faculty members actively participate in faculty selection through the Faculty Recruitment Committee. The hiring of a full-time faculty member requires approval of the DSOL Faculty, the DSOL Dean, the Vice President for Academic Affairs, and the President of the University. All full-time faculty hires originate with the Recruitment Committee, a body solely composed of DSOL faculty members. The Committee is charged with reviewing applications, conducting preliminary interviews, and making a recommendation to the Faculty. Each candidate must receive a positive recommendation by at least fifty-one (51) percent of the Committee to have his/her Application presented to the Faculty. Candidates who proceed past review by the Committee are then reviewed by the Faculty. The Faculty may, but is not required to, conduct additional interviews, require presentations, or request any additional materials it desires before reaching a vote. A successful candidate must receive at least a two-thirds (2/3) positive vote of the Faculty. Assuming the candidate receives the required vote from the Faculty, the Chair of the Committee then forwards that recommendation to the Dean.

All recommendations for promotion or retention originate with the Promotion and Retention Committee. Because only Dean Beckman and Associate Dean Russell have the rank of full professor, they are currently the only members of the Promotion and Retention Committee. As noted above, annually, each member of the Faculty is required to submit an Annual Assessment Form, with accompanying documentation, to the Promotion and Retention Committee. As the faculty grows and more become tenured, DSOL will distribute responsibility for this culture of review more widely among faculty members.

Prior to this academic year there was no tenure within the university. The university has now agreed to a tenure process for DSOL and tenure status for Dean Beckman and Associate Dean Russell. The process for tenure thereafter will involve six years in rank prior to application for tenure in the seventh year. Time in rank will be measured from the original hire date.

Each faculty member seeking tenure will prepare a tenure portfolio in accordance with the process set forth in the faculty handbook and submit it to the Tenure Committee no later than January 15 of the academic year in which tenure is sought. The Tenure Committee will be responsible for making the tenure evaluation, based on the designated criteria, and make recommendations to the Dean, who then reviews it and ultimately sends the recommendation to the President who then sends it on to the Board.

I. Professional Environment

Regarding selection of faculty, while respecting the processes for faculty recruitment and selection specific to the DSOL, the University's Office of Human Resources assists the DSOL by: advertising open positions; processing the paperwork necessary for employment, payroll, and benefit participation purposes; providing orientation information to new employees; and training all new faculty members.

With respect to the criteria for promotion and tenure, there is currently no indication of the specific weight to be given to each of the three categories for promotion and tenure – teaching, scholarship and service. Further refinement of the new tenure process is anticipated.

DSOL has an established Academic Freedom Policy which is published in appropriate institutional documents, including the DSOL Faculty/Staff Policy Manual/Handbook. The handbook details both rights and responsibilities as they pertain to academic freedom. In providing for academic freedom, the handbook draws no distinction between tenured and untenured faculty nor is one likely given the fact that tenure is a new concept within the law school. It provides, *inter alia*, that faculty members are provided academic freedom in research and publication, in the classroom, and are to be free from institutional censorship or discipline. It imposes a concomitant obligation, however, reminding every faculty member that as a member of an educational institution, he/she has an obligation to remember that the public may judge the profession and the institution based on his/her utterances and that he/she should be accurate and show respect for the opinions of others and be clear that the faculty member's opinions are not those of the institution.

J. Status of Professional Skills Faculty

DSOL does not currently employ any clinical professors. Trials skills training is anticipated at this juncture through simulation-based trial advocacy courses to be taught by adjunct faculty starting in the 2011-2012 academic year. An externship program will also offer skills training and will be overseen by an externship director, who will be a tenure-track member of the faculty and who is in the process of being hired (see above section III., Program of Legal Education).

K. Status of Legal Writing Faculty

As to full-time legal writing professors, the Director of Lawyering Skills and Academic Success Program is a tenure track member of the faculty. In addition, the DSOL faculty has decided that in the future all full-time legal writing professors will be on the tenure track and will be afforded the same security of position and other rights and privileges as are available to other full-time tenure track faculty members.

L. Adjunct Faculty

To date, the DSOL has used four (4) adjunct professors to teach in its Lawyering Skills department: George Underwood, Bailey Perry, George Waters, and Dean Laura Hash. Mr. Underwood, Mr. Waters, and Dean Hash were all employed as full-time practicing attorneys at the time of their employment as adjunct faculty. Ms. Perry was, while employed by the DSOL, an Administrative Law Judge for the Tennessee Department of Human Services.

In addition to the above, the DSOL has also used two (2) adjunct faculty members to teach doctrinal courses—Civil Procedure and Criminal Law. Matthew Lyon, a law clerk with the Tennessee Supreme Court, teaches Civil Procedure to first-year law students. Mr. Lyon has accepted a position as a full-time faculty member with the DSOL that will begin July 1, 2011. Richard Gaines, a criminal law practitioner, taught second-year students Criminal Law in the summer of 2010.

The Associate Dean for Academics coordinates all hiring processes for adjunct faculty. She reviews each candidate's credentials and interviews them prior to making a recommendation to

the Dean for hiring. Depending upon her knowledge regarding the expertise and experience of the applicant, a “job talk” with the entire faculty may be scheduled. When there is a job talk, the faculty’s only responsibility is to provide feedback on the candidate’s expertise. The Associate Dean for Academics is the only one who makes recommendations to the Dean for the hiring of adjuncts. The Dean of the DSOL approves or rejects all recommendations for hire made by the Associate Dean for Academics, with final approval by the University President.

Because the faculty at DSOL has adopted a policy of collaboration for those who teach the same course during the same term, adjunct faculty members receive continuous support from a full-time faculty member who provides guidance, training, and monitoring. An adjunct professor manual is also provided for all adjunct faculty members for their use and review. Two required training sessions (on Turning Point; and Grading and WebAdvisor) and four optional (on library, PowerPoint, Westlaw/Lexis, and Leadership) are also provided. In addition, adjunct faculty members who teach in the writing program receive monthly training sessions regarding the writing curriculum.

The Associate Dean for Academics oversees the adjuncts, reviews their syllabi, and observes their teaching. The Associate Dean for Academics has the authority to see to it that an adjunct professor who fails to perform satisfactorily will not be rehired.

V. STUDENTS

A. Admissions

1. Admissions, Qualifications, and Evaluation of Recent Classes

DSOL’s Admission and First Year Class Profiles for its first two entering classes are set forth below, as originally provided in the SEQ and supplemented by letter from Dean Beckman dated March 9, 2011 (Vol. 7, Ex. 25):

ADMISSIONS AND FIRST YEAR CLASS PROFILES			
	2008	2009	2010
Completed Applications	N/A	243	239
Offers of Admission		125	169
Acceptance Rate (Percent)		51%	71%
Number of Matriculants		81	90
Yield (Percent of Offers)		64.8%	53.3%
LSAT 75 th Percentile		152	151

	50 th Percentile		149	147
	25 th Percentile		146	144
UGPA	75 th Percentile		3.5	3.38
	50 th Percentile		3.05	2.97
	25 th Percentile		2.8	2.7
Women	Number		36	45
	Percent		44.4%	50%
Minorities	Number		7	8
	Percent		8.6%	8.8%

DSOL reports that it has not admitted J.D. students who do not have bachelor's degrees from accredited institutions. It also reports that all of its first year students have taken the LSAT. Admissions files were "spot-checked" to confirm that all students were required to take the LSAT.

As a new law school seeking provisional accreditation, it is apparent that the qualitative aspects of the admission profiles for its first two entering classes are somewhat low. This might be due, in part, to the fact that DSOL's Mission Statement contemplates that DSOL focus its recruitment efforts on the geographic area of eastern Tennessee and the surrounding southern Appalachian region, and particularly on applicants who have a desire to stay in the region and serve underserved populations and areas.

Indeed, several of the comments made to the team by members of the bar and judiciary, brought to a breakfast meeting at the team's hotel, were that outside of the major city of Knoxville, the Appalachian region suffered from a shortage of attorneys willing to practice in that region.

It appears that DSOL uses the LSAT results consistently with the LSAC Cautionary Policies, inasmuch as DSOL indicates that it uses a "holistic" approach to the admission of its students. Thus, it takes into account not only the LSAT score but also the rigor of the applicant's undergraduate program, as well as experience especially as it related to the legal profession.

DSOL asserts in the SEQ that it only admits students who can successfully complete the educational program. In support of this assertion, the SEQ compares the quantitative/objective aspects of its class profiles to those of a number of so-called peer institutions currently accredited by the ABA.

The SEQ acknowledges that there is concern “that the 2010-2011 data indicates the median admission LSAT scores for the academic program declined from the 2009-2010 academic year” and that “the Administration believes its recruitment efforts need to be more proactive.” In fact LSAT scores not only declined at the median but at the 75th (152 to 151) and 25th (146 to 144) quartiles as well. UGPAs also declined at each quartile. Accordingly, the progress, or lack thereof, in these efforts needs to be monitored in order to ensure that DSOL is only admitting students who can complete the educational program and be admitted to the bar.

2. Admission Policies and Law School Strategic Objectives and Resources

As noted above, DSOL’s admission policies and practices appear to be consistent with its mission of recruiting students who have a desire to serve underserved populations primarily in the Appalachian region.

3. Admission Process and Responsibility

The Director of Admissions had been removed about 60 days prior to the team’s visit due to alleged serious underperformance. The Director’s administrative functions were temporarily fulfilled by the Director’s former administrative assistant. As noted above in section IV. C., a new Director of Admissions was hired after the site visit. He began working at DSOL on May 23, 2011.

The admission program and policies have been formulated by the Dean and faculty. The administration of the admission process requires that after the admission file is preliminarily assessed as “complete” by the admissions staff, having met the basic requirements, the file is then forwarded to the Faculty Admissions Committee consisting of one Chair and two associate faculty members.

If both associate members agree on whether to deny, admit or wait-list, that decision becomes final, only subject to the Dean’s approval. The Admissions Committee Chair only votes if there is a “split” in the associate members’ votes.

B. Readmission of Students

Since its inception, DSOL reports that it has admitted only one student from another law school—but the student did not actually enroll at DSOL—and has not readmitted any of its own students who have been previously disqualified for academic reasons. There appear to be adequate policies and procedures in place to determine whether such students possess the ability to successfully complete law school studies.

C. Transfer of Students and Advanced Standing

DSOL reports that it has not admitted students from other law schools with advanced standing. DSOL’s requirements for admission with advanced standing are described in section III. A., above. DSOL’s transfer policy is posted on its website. DSOL permits its students to visit another ABA-approved law school for up to 29 credit hours, provided that prior approval is

obtained from the faculty committee. This also would include foreign summer courses offered by ABA-approved law schools.

As for students transferring out of DSOL, the team was advised that no such transfers have occurred.

There are no post J.D. programs, and, accordingly, there is no advance standing credit available for such programs.

D. Character and Fitness

DSOL advises each applicant prior to matriculation that there are character and other qualifications for admission to the bar and encourages each such applicant to secure information concerning such requirements from the jurisdictions where the applicant intends to practice. This information is found on the admissions page of the School's web site as well as in its actual application form.

DSOL reports that it does consider issues regarding the character and fitness of applicants for admission. The Faculty Admissions Committee's policies preclude rejection of an otherwise qualified applicant on the basis of the applicant's political, social, religious, or economic views.

E. Student Services

Despite being a young institution, DSOL appears to be providing to its students adequate services regarding student records, academic and financial aid advising, and career services.

Student records were reviewed and they appear to be complete and in order. The facility for storing and securing student records is a vault-like space that was inspected and found to be in excellent order. Student records are maintained by the Registrar. Admissions records are maintained in the same place by the Administrative Assistant in the Admissions Office.

A new Director of Career Services recently has been hired. The new Director has embarked on a campaign to increase the visibility of DSOL by attending the functions of various groups of lawyers; obtaining student internships (including externships with two Justices of the Tennessee Supreme Court); conducting programs to improve students' interviewing and application skills; posting employment opportunities; and maintaining an open-door policy with students.

The offices are open during day and evening hours. When specifically asked by the team at the meeting with students, no students expressed concerns about access or availability.

Academic advising is discussed in section III. L., Program of Legal Education, above.

The large contingent of students that attended the scheduled team meeting with the students was uniformly positive in its assessment of the adequacy of such student services.

F. Financial Aid

A full-time Financial Aid Coordinator is in place at the DSOL campus in Knoxville. In addition, the University's Financial Aid Director regularly consults and visits with the DSOL Coordinator. The DSOL Financial Aid Coordinator is an experienced individual who is very familiar with the Federal and State financial aid regulations.

DSOL reports that none of its current or part-time students has defaulted on their student loans. The DSOL Financial Aid Coordinator, with the assistance of the University's Financial Aid Office, requires that students participate in financial aid entrance counseling. Additionally, once every semester, the Coordinator holds financial aid workshops. Finally, DSOL requires every student who has financial debt to attend exit counseling prior to graduation, although such exit counseling has not yet been held, since no students have graduated from DSOL.

DSOL's budget for awarding scholarships is divided between two faculty committees. One is the Scholarship Committee dealing with already matriculated students. The other committee handling scholarships is the Admissions Committee. DSOL reports that for academic year 2010-11, it awarded one student scholarship in the amount of \$1,000. For academic year 2011-12, it awarded four scholarships, each in the amount of \$1,000.

Effective 2011-2012, the University's Board of Trustees authorized DSOL to offer tuition discounts of 15% to newly enrolled students up to a total of \$236,846. As of early June 2011, \$100,000 in tuition discounts have been offered; 32% have been accepted; 42% declined; and 26% pending.

G. Evaluation of Outputs

Not applicable because no DSOL student has yet graduated or taken a bar exam.

H. Non-Discrimination, Equality of Opportunity, and Diversity

It is the stated mission of the University and DSOL "to serve the underserved and underrepresented populations within the southern Appalachian region."

The initiatives, efforts programs and other concrete actions taken by DSOL to provide full opportunities for the study of law by racial and ethnic minorities include (a) aggressive recruiting efforts centered on historically black and Hispanic educational institutions, as well as (b) developing relationships with over 20 different pre-law advisors at such institutions, (c) providing admissions information to minority organizations, (d) advertising in minority-oriented media, (e) out-reach efforts directed to pre-college level educational institutions, as well as (f) community, professional and social groups. Racial and ethnic minorities made up 8.6 percent of the inaugural class and 8.8 percent of the class entering in 2010. It does not appear that scholarships are being used specifically to attract racial or ethnic minorities.

The DSOL policy concerning nondiscrimination in admissions is found in the Faculty Manual (Ex. 79), Section XVII. App-C. It states: "Furthermore, the Committee may not deny admission to any applicant on the basis of the applicant's race, color, religion, national origin, gender, sexual orientation, age, or disability."

The University applies the same nondiscrimination policy to students that it applies to faculty and staff. This policy is described in section IV. C., Faculty, above.

I. Individuals with Disabilities

The University's ADA Policy is also found in Exhibit 77, as follows: "All personnel and educational activities conducted by Lincoln Memorial University are subject to the equal opportunity, affirmative action, and nondiscrimination provisions of the ... Americans With Disabilities Act of 1990..."

Accommodations pursuant to the Americans with Disabilities Act ("the ADA") are administered at both the University and programmatic level. At the University level, the University employs an ADA Coordinator who is responsible for receiving requests for accommodations, receiving medical information relevant thereto, if any, and making discretionary decisions on whether to extend accommodations.

Once a student has requested and received accommodations at the University level, those accommodations are then administered at the programmatic level. At DSOL, programmatic accommodations are administered by the Associate Dean for Assessment and his assistant. DSOL provide both reasonable study accommodations and reasonable examination accommodations.

Since its inception, DSOL has only enrolled two (2) students who received reasonable study accommodations. Accommodations included special computers and monitors along with electronic copies of all course materials.

DSOL provides a range of examination accommodations for a number of students, with each accommodation tailored for each student's specific needs. The vast majority of students receiving accommodations at the DSOL are receiving them for Attention Deficit Disorder, and thus, the majority of examination accommodations provided are time-and-a-half accommodations coupled with separate room accommodations.

Accommodations for students, faculty, and staff with physical disabilities are discussed in section IX. A., Facilities, below.

J. Review of Basic Consumer Information

DSOL appears to provide the necessary consumer information with regard to (a) admission data; (b) tuition, fees, living costs, financial aid, refunds; (c) enrollment date—graduation rates not yet applicable; (d) composition and number of faculty and administrators; (e) curricular offerings (except as noted below); (f) library resources; (g) physical facilities; (h) placement rates—bar passage data not yet available; and (i) accreditation status. A review of the consumer information indicated that it had been reported accurately.

During the site visit, DSOL revised its website to specify when the courses for the Certificate Program in Domestic Relations would be offered. This was done because those courses had not yet been offered at the time of the site evaluation. All other information on the website about curricular offerings appeared to be up-to-date and accurate.

VI. LAW SCHOOL ADMINISTRATION

A. Place of the Law School in the University Structure

DSOL is one of three academic divisions of Lincoln Memorial University. The other two are Health Sciences (encompassing the DeBusk College of Osteopathic Medicine, nursing, and allied health) and Academic Affairs (undergraduate and graduate programs in the arts, sciences, education, and business). Each of these three academic units is headed by a vice president: the Vice President and Dean of DSOL; the Vice President and Dean of Health Sciences; and the Vice President for Academic Affairs. These three vice presidents report directly to the President. The other members of the President's Cabinet are the Vice President for Finance, the Vice President for Enrollment Management and Student Services, and the Vice President for University Advancement. The Vice President and Dean of DSOL is authorized to direct all academic and administrative functions of DSOL, to administer its budget, and to recommend, supervise, and evaluate all its personnel.

B. Institutional Context

LMU conceived DSOL about four years ago. No one among the original School of Law Steering Committee had participated theretofore in legal education, so they hired an experienced law school dean who had helped create the Charleston School of Law to consult in their effort. Later, when he was not available to become the founding dean, LMU hired his associate dean from Charleston as DSOL's founding dean.

LMU has had a strong relationship with DSOL since its inception, and that relationship enhances the law school's program in two ways. First, the LMU mission-- commitment to serving a rural Appalachian demographic in all of its programs-- has likewise defined and supported the DSOL mission to educate members of the same demographic and provide direct services.

Second, as explained in detail in section II. of this report (Self Study and Strategic Planning), institutional assessment is an important and integral part of LMU's administrative culture. LMU regularly uses outcomes assessment to assure institutional effectiveness in all its activities. It is that culture of an intentional, assessment-driven university that has enhanced DSOL's program of legal education, which likewise has been intentionally designed to include assessment at multiple levels. DSOL has designed its program of legal education to incorporate frequent points of institutional assessment, as evidenced by its strategic planning process, which then serve as integral parts of the University assessment process (see section II., Self Study and Strategic Planning). But DSOL has also incorporated and regularized assessment in its administration, curriculum, and teaching. For example, the faculty, overseen by an Associate Dean specifically charged with Assessment oversight, is required to integrate assessment, both formative and summative, in the courses they teach. Through the use of Turning Point questions (described

above), formative assessment is required on a daily basis. Moreover, DSOL also assesses its academic program and faculty members using assessment tools. Thus, the assessment-driven university serves an important role in encouraging, supporting, and enhancing assessment efforts at DSOL.

LMU has adopted a policy of granting tenure which applies only to DSOL faculty. Faculty members in other LMU divisions are employed on one-, three-, and five-year contracts instead of a tenure system. LMU abandoned an earlier tenure system in March 1976. In creating DSOL, LMU became convinced that a policy of granting tenure would facilitate recruiting and retaining law faculty.

DSOL's campus is one of twelve physical locations operated by LMU. The main LMU historic campus is located in Harrogate, Tennessee, fifty-five miles north-northeastward of Knoxville; Knoxville is the site of three LMU operations, including DSOL. Six others are located elsewhere in Tennessee and two in Kentucky.

LMU has extensive experience in providing support services at the locations remote from Harrogate, so that DSOL's students enjoy the benefits of a university connection without the necessity of traveling far from home or work. LMU maintains a suite of offices at the DSOL campus for the President and other officers. Indeed members of the University administration, including the President, work at the law school in these offices frequently enough to be noticed by students. At the student session during this site visit, some students commented that they were aware of and impressed by the presence of the University administrators at DSOL. They also commented that whenever there is a problem with matters controlled by the University, the University is quick to respond and solve the problem. For example, law students seeking to establish a right to accommodation for disability have been able to do so successfully with the LMU-designated officer at Harrogate entirely by telephone, email, and document delivery without traveling to the main campus. The students who spoke to this matter said they do not feel the distance from the University affects them in any negative way.

LMU enjoys having DSOL as its physical and communications hub in eastern Tennessee's largest metropolitan area. DSOL serves to facilitate videoconferencing among all LMU sites. One member of the law school faculty who serves on an LMU academic planning committee meets exclusively by videoconference from a location one floor away from his office. .

C. Law School Administrative Structure

DSOL is organized around six administrative departments reporting to the Dean: Assessment, Academic Affairs, the Library, Student Affairs, Financial Aid, and Career Services. The Dean is Professor of Law, tenured beginning 2011-2012, and is the administrative head of DSOL, responsible for the growth and development of DSOL programs, leadership of its faculty, and effective operation of all its aspects. As Vice President of LMU, the Dean promotes the mission of LMU—especially but not only of DSOL—to all faculty members, staff, students, and to the community at large.

The Dean is assisted by the Associate Dean and Director of the Law Library; the Associate Dean for Academics; the Associate Dean for Assessment; the Dean of Students, who also directs the work of the Director of Admissions; the Coordinator of Financial Aid; and the Director of Career Services. The Director of Lawyering Skills and Academic Success also reports to the Dean. With these officers, the Dean and the faculty formulate and administer all aspects of DSOL's educational program. The Dean reports to the President and through the President to the LMU Board of Trustees. DSOL faculty report to the DSOL Dean; faculty are evaluated by the Dean, who is advised by a Tenure Committee and a Promotion and Retention Committee of faculty peers (see section IV., Faculty).

The present Vice President and Dean of DSOL was hired by the President and the Board of Trustees of LMU without the involvement of the DSOL faculty, because there was no DSOL faculty at the time of the Dean's hiring. DSOL's trustee-approved Faculty Manual describes a process involving consultation of faculty for any future appointment of a DSOL dean. The Dean of DSOL must hold an earned J.D. degree and have "at least 7 years' experience in the teaching or practice of law" and "a distinguished professional record and intellectual leadership" including "successful experience in higher education administration," among other qualifications.

DSOL has an advisory board that has no governing authority. Governing authority vests solely in the LMU Board of Trustees.

D. Adequacy of Administrative Services and Support

DSOL is organized and administered so as to use its available resources efficiently and effectively toward the goal of providing a sound program of legal education consonant with its mission to eastern Tennessee and to the underserved and underrepresented demographic of rural Appalachia. Human resources shared between LMU and its law school supplement those gathered and organized under the authority of the Dean. Officers whose work stations are on the main campus in Harrogate spend time at DSOL regularly or make themselves otherwise available, including the President, the Vice President for Academic Affairs, the Vice President for Enrollment Management and Student Services, the Vice President for University Advancement, the Vice President for Finance, the Chief Information Officer, the Dean of Students, the Registrar, the Director of Academic Computing Support and Telecommunications, and the Director of Counseling and ADA Coordinator. As DSOL matures, some of these officers will spend less time at DSOL or coordinating its interests; for instance, with the hiring of DSOL's own Dean of Students, the LMU Dean of Students no longer keeps office hours on the DSOL campus.

DSOL maintains all appropriate records necessary for the efficient operation of its administrative and educational programs; official student records are maintained by the LMU Registrar, while DSOL keeps advising records sufficient to permit the Dean to testify about fitness and his colleagues to counsel students through their academic programs. LMU's Vice President for Finance coordinates with the Dean to maintain financial records.

There are no inappropriate external pressures impacting the governance or operation of DSOL. LMU plans to reallocate various of its administrative costs to the DSOL budget some time in the future, and until DSOL sees the extent of those chargebacks and builds its expenditure budget around them as continuing obligations, DSOL will remain uncertain about its real expenditures. However, from what the site team was able to discern, it appears likely that there will be considerable good faith and give-and-take in the process of developing this next stage of DSOL's financial responsibilities. LMU's commitment to DSOL and its success, as it has likewise had in developing its other professional schools, promises continued support and cooperation to assure DSOL's financial sufficiency and its future success.

VII. LIBRARY AND INFORMATION RESOURCES

A. Relation of the Law Library to the Educational Programs of the School

DSOL's librarians actively participate in many aspects of the educational program. They teach research skills in the Lawyering Skills Program. They provide specialized research training sessions, and they create Web-based research guides for faculty members and for individual courses. They offer a robust interactive virtual reference service. They interact with faculty in selecting resources for the library's collection. Librarians' offices are located near student study areas and faculty offices, facilitating access and fostering collegial relationships.

B. Law Library Collection and Access to Information

DSOL has established a substantial collection of information resources, primarily in digital/electronic format, to support the demands of the law school curriculum, to facilitate the education of students, and to support the teaching, research and service interests of the faculty.

1. Collection Development Policy

The library maintains a written plan for the development of the collection, called its "Information Assets Policy" (IAP). Although the IAP does not rely exclusively on digital resources, it calls primarily for the acquisition of digital resources. Print resources are acquired when a requested resource is not available in digital format or when a library user indicates that a digital format is not acceptable for a particular purpose.

Another significant aspect of the IAP is its emphasis on "just in time," or "on demand," acquisitions rather than the more traditional "just in case" approach to collection development. With the traditional model, libraries collect an array of resources on site in anticipation of predicted demand. The "just in time/on demand" approach is manifested both by acquiring resources in digital format that are printed on demand, and by purchasing or borrowing specific resources as they are requested. DSOL's policy assumes that as a result of the policy, more financial resources will be devoted to acquiring materials that users actually need rather than to investing substantial sums for print resources that might never be used. The emphasis on digital resources also is intended to support the creation of a true "library without walls" through which the library's collection and services are accessible wherever a library user has access to the Internet.

2. The Collection History

In building its collection, the library first built its historical collection by purchasing large aggregated digital collections from vendors such as LexisNexis, West, Gale, LLMC and Hein. The library then purchased or licensed access to aggregated collections of digital resources from services such as eBrary and MyiLibrary, as well as digital resources from individual publishers such as BNA (BNA Online Core Collection), Wolters Kluwer (LoisLaw treatises), Cambridge and Oxford university presses, and CQ Press.

3. Core Collection

Print Materials

According to the Site Evaluation Questionnaire and the Self-Study, the library maintains the following resources in print:

- South Western Reporter and advance sheets
- West's Tennessee Decisions
- United States Code Annotated (current) and updates
- Tennessee Annotated Code
- Code of Federal Regulations (current)
- Tennessee Digest
- South Western Digest
- Corpus Juris Secundum
- AmJur2d
- Restatements of the Law
- Uniform Laws Annotated
- Student treatises, Nutshells, and study aids

All other resources are acquired in digital format unless a requested resource is not available in digital format or the requestor indicates that a digital format would not be acceptable.

Except as noted above, the DSOL library provides access to the core collection of essential materials specified in Interpretation 606-5 through the resources available in Westlaw (including West's NRS PDF via Westlaw), LexisNexis, Fastcase, HeinOnline, ProQuest, Cassidy Digital Library, H.W. Wilson Web, and other digital sources. A complete listing of resources by type of resource and jurisdiction is included in the Site Evaluation Questionnaire (pp. 113-18).

Congressional Materials

The library has acquired the following major digital collections of U.S Congressional materials:

Annals of Congress	1789-1824, HeinOnline
Register of Debates in Congress	1825-1837, HeinOnline
Congressional Globe	1833-1873, HeinOnline

Congressional Record	1873-2005, HeinOnline 1873-1997, ProQuest Congressional
Congressional Record Daily	1873-2010, HeinOnline
Committee Prints	1830- present, ProQuest Congressional
Committee Hearings	1824- present, ProQuest Congressional
House and Senate Reports	1817- present, ProQuest Congressional
Compiled Legislative Histories	1969- present, ProQuest Congressional
Serial Set	1789- present, ProQuest Congressional

Significant Secondary Works

The library utilizes Westlaw, LexisNexis, HeinOnline, and Web publications to access scholarly journals. The library currently maintains no subscriptions to scholarly journals in print. Interlibrary Loan services are used to provide access to journals not included in the online services.

The library has acquired the following large digital collections of secondary works:

HeinOnline	Hein
LLMC Online	Law Libr. Microfm Cons.
Making of Modern Law: Legal Treatises 1800-1926	Gail Digital
Making of Modern Law: Trials 1600-1925	Gail Digital
Eighteenth Century Collection Online	Gail Digital
Making of the Modern World	Gail Digital
U.S. Supreme Court Records and Briefs: 1832-1978	Gail Digital
West's Rise of American Law: 1840-1970 Legal Texts	PDF via Westlaw
Matthew Bender Online	LexisNexis
BNA Core Collection	BNA
Treatises	Westlaw, LexisNexis, Loislaw
Digital book collections	ABC-CLIO, eBook Library, eBrary, MyiLibrary, SpringerLink, etc.
Legal Websites	Cassidy Digital Collection

The library does not acquire monographs in print (except for student treatises and study aids) unless the print format is specifically requested and Interlibrary Loan would not adequately meet the needs of the requestor. Absent such a request, the library does not acquire monographs that are available only in print.

4. Access

The library provides two major sources for identifying resources in its collection: the LMU Piper online public access catalog and Aquabrowser, a federated search engine that includes records for all resources that the library owns or to which the library subscribes. DSOL creates records for print resources for the university's online catalog and for Aquabrowser, but does not

do so for digital resources. The library utilizes outside services to create records for digital resources for inclusion in Aquabrowser. Although there remain some refinements that need to be made to Aquabrowser (relating to multiple records and record display order), the platform provides a useful and flexible tool for identifying the library's information resources.

Users of the DSOL library have full access to the databases, collections, and services of the university library in Harrogate, and all LMU students have access to DSOL library resources. The working relationship among LMU libraries is very good.

The DSOL library and the university library use ILLIAD for Interlibrary Loan through OCLC. The library is a member of the Appalachian Consortium of Libraries. Although the DSOL library has no formal relationship with the law library of the University of Tennessee, that library is a local resource upon which DSOL can draw for materials not in its collection. Interlibrary Loan is the responsibility of the Faculty Services Librarian.

The library acquires multiple copies of resources to the extent that they are needed to meet demand. However, in an environment that is primarily digital, the need for multiple copies of resources is limited because most digital resources provide for multiple simultaneous users. Access to digital resources is available throughout the building, and in most cases wherever the user has access to the Internet. All students are provided with laptop computers. Two public workstations also are available.

Library shelving and space needs for the collection are discussed in section IX. G., below.

Librarians consult with faculty members regarding all aspects of collection development. The librarians have developed profiles of each faculty member, and each faculty member receives electronic Greenslips for new resources that are available for purchase in various subject areas.

Students and faculty express high levels of satisfaction with the library's collection at this stage of development. They consider the increased accessibility of digital resources to be extremely advantageous.

C. Law Library Services

The library offers a full range of services in support of the learning and research activities of the students and faculty. Because the library is integrated into the building, the library is available whenever the building is open. Currently, the building is open 89 hours each week: Monday through Thursday, 8 a.m. to 12 a.m.; Friday, 8 a.m. to 8 p.m.; Saturday, 10 a.m. to 6 p.m.; and Sunday, 12 p.m. to 12 a.m. During its regular schedule, professional librarians are on duty 69 hours per week.

Librarians' offices are located throughout the building, adjacent to student reading areas and faculty offices, making the librarians accessible to students and faculty. All librarians are available to students and faculty in person, by telephone, and by email whenever they are in the building.

Members of the library staff are scheduled to provide reference service 62 hours each week. Monday through Thursday, librarians are scheduled for reference service from 12 p.m. to 10 p.m.; from 12 p.m. to 6 p.m. on Friday; and from 2 p.m. to 10 p.m. on Sunday.

On Saturday, reference service is provided by student research assistants, and a professional librarian is available if needed.

The librarian scheduled to provide reference service is required to log in to Windows Live Messenger to provide in-person and virtual reference support via a pc, laptop or iPad. Students and faculty commented that they appreciate the flexibility and effectiveness of the library's virtual reference services.

The library's liaison program, supervised by the Information Services Librarian, assigns a librarian to each DSOL faculty member to provide research, current awareness, and teaching support. The librarians interact regularly with faculty members and maintain profiles of each faculty member's research needs and preferences.

The library has created a Research Assistant Pool, consisting of three student research assistants, for the purpose of providing research support to faculty as it is needed. The research assistants are hired, trained, and supervised by the Faculty Services Librarian. To qualify as a research assistant, a student must receive at least a "B" in the Lawyering Skills I course and maintain an overall GPA of at least 3.0.

Because the DSOL collection is primarily digital, most resources are available both on-site and remotely. Records for the library's digital and print resources are included in Aquabrowser, a federated search utility. Records for DSOL's print resources are included in the LMU catalog. Most print resources arrive shelf-ready from the vendor. An outside service (Serials Solutions) is used to manage records of the digital books, journals, serials, documents, and large collections to which the library provides access. Another service (Cassidy Cataloguing Services) is used to process and provide records for materials that do not come shelf-ready from the vendor and for law-related websites.

For materials not available in the DSOL collection, the library offers interlibrary loan services, unmediated document delivery services using ILLIAD and OCLC, and mediated "on demand" electronic acquisitions.

The library also has an active program of instructional services for both students and faculty. The library offers a series of programs taught by librarians or by vendor representatives to provide training in the use of the library's digital collections, as well as the learning technologies that are available. Student training in legal research and the use of the library is focused on the Lawyering Skills I program, and other student-focused programs are offered during the second semester.

For each member of the faculty, the librarians create a LibGuide, a personal portal, which aggregates links to the research sources most relevant to that faculty member's research and teaching. For students, the librarians create a LibGuide for each first-year course that aggregates

the links to research sources and study aids relevant to that course. TWEN is used as the platform for all courses as well as a general forum. The library also provides access to AspenLaw Study Desk (which allows students to organize notes, create outlines, and access Aspen books), CALI lessons, and AudioCaseFiles.

Library materials are circulated through an electronic self-service process. The check-out unit is located in the main lobby of DSOL, across from a reception desk.

D. Law Library Administration and Autonomy

The library is an administrative unit of DSOL, and the Director of the Law Library reports directly to the Dean. Library policy is developed by the Director in consultation with the Library Committee (which is chaired by the Director and comprised of faculty and students) and approved by the faculty and the Dean. The Director of the Law Library, under the direction of the Dean, is responsible for the selection and retention of personnel, the provision of services, and collection development. Final approval for all hiring decisions is by the President of the university.

The law library budget is determined as part of DSOL's budget. It is separate from other university library budgets. The library budget is administered in the same manner as DSOL budgets.

E. Director and other Library Personnel

1. The Library Director

Gordon Russell is a Professor of Law, an Associate Dean, and the Director of the Law Library. He has both M.L.S and J.D. degrees and has extensive experience as a law Library Director, having served as the director of three other law school libraries before coming to DSOL. Dean Russell has published many articles on aspects of library technology and administration. As an acknowledged leader in his profession, he is a frequent speaker at professional conferences.

Dean Russell's primary responsibility is the management of the library. In his administrative capacity, Dean Russell reports directly to the Dean of DSOL. He was hired by the Dean as one of DSOL's original faculty members, and he is a tenured member of the faculty. He meets regularly with the Dean and other members of the senior administrative staff. Dean Russell will take over as Associate Dean for Assessment when Associate Dean Jon Marcantel leaves that position at DSOL at the end of the current academic year. At that time, Dean Russell will serve as both Director of the Law Library and Associate Dean for Assessment.

Dean Russell teaches Lawyer Skills I, Interviewing, Negotiating, and Counseling, and the Academic Success Program. He is an active participant in law school activities. In addition to administering the library and teaching, Dean Russell chairs the Recruitment Committee, the Curriculum Committee, and the Library Committee. He is a member of the Admissions Committee, the Accreditation Committee, the Promotion and Retention Committee, and the Strategic Planning Committee.

2. Professional Staff

In addition to the Director, the library staff consists of the following four professional positions: The Technical Services/Circulation Librarian reports to the Director and is responsible for initial development and planning of the library's technical services, including acquisitions, cataloging, processing, payments, and circulation.

The Information Services Librarian reports to the Director and provides reference assistance, research instruction, collection development support, and administrative and planning support. He teaches in the Lawyering Skills Program.

The Emerging Technologies Librarian reports to the Director and is responsible for Web applications, including exploring and managing virtual reference technologies, enhancing the digital library collections, exploring, implementing, and overseeing teaching technologies, and managing the library's website.

The Faculty Services Librarian reports to the Information Services Librarian and is responsible for managing faculty research support and document delivery services, including hiring, training, and supervising research assistants. She provides reference assistance and research instruction, and she participates in digital collection development.

The professional staff is experienced, well-trained, and competent. The Director, the Information Services Librarian, the Emerging Technologies Librarian, and the Faculty Services Librarian have both law and graduate library degrees. The Technical Services Librarian has extensive experience as a professional librarian, and she currently is a law student. DSOL's staffing goal was to recruit librarians who are interested in, and capable of, participating in a range of law school activities, and it has been successful in meeting that goal. The librarians are treated as colleagues by the faculty, and their strong service orientation is noted, and greatly appreciated, by the faculty and students.

3. Support Staff

The library employs one student worker in the technical services department and three student research assistants in the information services department, but the library has no other support staff. Although the library's practice of outsourcing many technical and support functions has greatly reduced the amount of support and clerical functions that must be performed, it has not eliminated them. For example, the interlibrary loan function generates substantial amounts of clerical work that is currently covered by the Emerging Technologies Librarian. As interlibrary loan activity increases, which it undoubtedly will, clerical support will claim a larger portion of that librarian's time. Another example is heavy workload of the technical services department. With one librarian and one student worker, it is noticeably understaffed.

4. Plan for Staffing

The Director indicates that DSOL plans to hire both a Student Services Librarian and a Technical Services Assistant (support staff) by July 1, 2012. The additional staffing will be needed as the

number of students and faculty, the curriculum, and the research interests of the faculty expand. At present, there are no plans to add staff after 2012.

F. Financial Support for the Law Library

DSOL's most recent Annual Questionnaire (2010, covering 2009-10) indicates library operating expenditures (including information resources) of \$483,210 and library salary expenditures of \$285,243, for a total of \$768,453. Total library expenditures were less than the amount budgeted. The following information was supplied by the Director of the Law Library:

For the current fiscal year (FY 11) DSOL has budgeted \$745,000 for library operating expenses (including information resources) and \$411,200 for library salaries.

For FY 12, DSOL projects a library budget of \$800,000 for operating expenses and \$455,000 for salaries.

For FY 13, DSOL projects a library budget of \$998,000 for operating expenses and \$530,000 for salaries.

For FY 14, DSOL projects a library budget of \$998,000 for operating expenses and \$545,499 for salaries.

The large increases planned for FY 13 and FY 14 are intended to support the larger student body and the upper level writing and seminar courses that will be in place.

DSOL has invested substantial amounts in developing its library. It should be noted that the library's collection development policy, which strongly emphasizes digital resources, has enabled DSOL to spend less to develop its initial collection than would be typical at a new law school. The library's practice of outsourcing many technical services has enabled it to reduce, or at least postpone, some expenses for support staff.

The President of the university, the Dean, and other university administrators indicate that sufficient financial resources will continue to be made available for the library.

G. Computer Technology and Information Delivery

Library-related computer technology and information delivery are discussed in the next section of this report (VIII. A., Adequacy of Computer Technology and Information Delivery in the Law Library).

VIII. TECHNOLOGY RESOURCES

Overview

Technology is an integral part of all aspects DSOL's program, and its applications are pervasive and advanced. Student, faculty, and staff feedback on the availability and support of technology was uniformly complimentary.

Computing and information technology (Information Services/IS) at DSOL are administered, staffed, and supplied by the LMU central administration. Technology is budgeted through LMU's annual budgeting process, and allocations for salaries, hardware, software, and service contracts are made for all of the university's learning sites and classrooms. To date, technology costs have been absorbed by LMU without charge-backs to DSOL.

All students are provided with laptop pcs, which are supported by the IS staff. Each faculty member and administrator has an office that is fully equipped with appropriate technology. Wireless access is provided throughout the building.

LMU's Chief Information Officer and its Director of Academic Computing spend considerable time at DSOL and directly oversee IS operations. LMU also provides two full-time staff members to support technology at DSOL. Support staff coverage is provided Monday through Friday morning, afternoon, and evening. Students and faculty also can seek assistance from LMU's Help-Desk. LMU has been proactive in providing technology training for students, staff, and faculty.

A. Adequacy of Computer Technology and Information Resources in the Law Library

The law library is a sophisticated user of technology, and technology is integrated into all library operations. Collection development focuses primarily on digital resources, and the library has a large collection of digital information sources. The library provides access to all of the major computer-assisted legal research services. To support access to its collection, the library uses the LMU online public catalog for its print collect and is developing Aquabrowser, a federated search tool, for access to bibliographic records for all of its resources, both digital and print. Outside suppliers are used to acquire, create records for, and process most resources. The library's virtual reference service is heavily used by students and faculty. Using LibGuides, personal portals are created for all faculty, and course pages are created for students for first-year courses. TWEN is used as the basic course management platform as well as a discussion forum. The TWEN pages include links to LibGuides. The librarians are well-versed in technology and they work aggressively to facilitate access to applications and resources. Resources and services are very accessible through the library's website.

B. Adequacy of Computer Technology and Information Resources for the Administration of the School and Its Programs

All administrative and financial accounting systems and support are provided by LMU's central administration. The support for administrative technology appears to be consistent with the high levels of support provided for technology in other areas of DSOL's program.

C. Adequacy of Computer Technology and Information Resources for the School's Current and Anticipated Curricular and Research Programs

As described above, faculty and students are provided with high levels of technological support for research in terms access to digital sources of information as well as hardware, software, and instruction.

All classrooms are well-equipped with technology. Although the specific equipment, capabilities, and configuration of each room differ, rooms generally have multimedia connectivity supporting a wide range of applications, including smart podiums, audio, video, video conferencing, video recording, streaming, document cameras, tablet pcs (using SMART Notebook software in place of whiteboards or blackboards) and networking. In larger classrooms, multiple microphones amplify student voices and LCD screens are dispersed throughout the room to enable students to view the instructor's presentation. DSOL uses the MediaSite class-capture software to record classes and make them available to students. It also uses a software provided by Turning Technologies to support real-time interactive classroom activity. The DSOL courtroom incorporates some of the most recent advances in classroom and courtroom technology, including multiple microphones, multiple monitors, and a podium and bench that can be adjusted to accommodate both appellate and trial proceedings.

The administration continuously monitors DSOL's curricular and research needs to determine what changes in technology might be advantageous or necessary. Changes are implemented as necessary to enhance the experience of the students and faculty through the use of technology.

IX. FACILITIES

The Duncan School of Law occupies an historic building that was completed in 1851. Three other buildings on the site were completed in the 1870s, and all of the buildings were eventually merged into one building. The building has been remodeled and reconfigured over the years by various tenants. DSOL, which holds a long-term lease for a nominal amount, began to completely renovate and update the building in 2008 to accommodate DSOL.

A. Adequacy of Facilities

At this stage of DSOL's development, there are substantial amounts of vacant space available for offices, classrooms, clinics, and study. It is difficult to predict future deficiencies. The building, which now has been beautifully renovated, consists of approximately 70,000 square feet of space.

Additionally, DSOL anticipates occupying another building that is adjacent to it. Control of the building will transfer to DSOL in 2012 after the current tenant's lease expires. Specific uses of the building have not yet been determined.

With the exception of one group-study room, all rooms in the building are handicap-accessible.

The one non handicap-accessible room is constructed in such a way that it would be cost prohibitive to change it. Thus, it was made into a group study room, since there are several other group study rooms, all of which are handicap-accessible, in the building. There is a designated handicap accessible entrance that is adjacent to reserved parking spaces.

B. Classroom and Seminar Space

There are two large classrooms. Room 101 seats 78 students, and Room 201 seats 90 students. Both rooms are well-equipped with technology (see general descriptions in section VIII. C., above). The large rooms, in which acoustics might be a problem, are equipped with microphones and speakers to capture and amplify the voices of both faculty and students. Although some of the students have difficulty seeing other students, all students can see the teacher. There are multiple screens to enable all students to see the teacher's presentation on the board.

There are three medium-sized classrooms, each seating 30 students, and four small class/seminar rooms (one of which is a jury room), seating from 10 to 18 students. All rooms are attractively furnished, and equipped with relevant technology.

DSOL's large attractive courtroom provides 117 seats for students to watch or participate in the proceedings. The courtroom offers a technologically-advanced laboratory for students to learn litigation and advocacy skills. The room also can serve as a large classroom.

C. Professional Skills Program Space

When hired, the Director of Externship Programs will have dedicated office space similar to that provided to full-time faculty (see section III. I., Program of Legal Education).

The mock trial and moot court teams have dedicated office space in the suite shared by other student organizations and the Dean of Students. The courtroom is available for meetings, practice and competitions.

D. Faculty and Part-Time Faculty Space

Each full-time faculty member has a private office with ample space for research and for meeting with students. Offices are similarly equipped with furniture (desk, credenza, bookcase, desk chair, student chairs) and technology (network workstation, wireless access, and telephone). Faculty offices are readily accessible to classrooms and student study areas. DSOL has designated some of its vacant space specifically as office space for the additional faculty members it expects to hire during this, and the next two years.

DSOL provides one office that is shared by part-time faculty. The office is equipped similarly to the offices of full-time faculty with furniture and technology.

E. Co-Curricular Activity Space

Both the Law Review and the Student Bar Association have dedicated office space.

F. Administrative Services Space

All administrators and administrative assistants have individual offices that are fully equipped with furniture and technology. There is ample space for work and storage. There is a secure, climate controlled area for storing student records.

G. Law Library Facilities

The DSOL library is a “library without walls” in that it is dispersed throughout the DSOL building. With the exception of two areas (on the first and third floors that house the library’s print collection) where shelving is located, there is no specific space that would be designated as the library. Librarians’ offices “embedded” among faculty offices and student study areas, fully integrating them into the activities of the school. All librarians have an individual office similar to faculty offices.

On the first floor, there are 3,755 linear feet of compact shelving. On the third floor, there are 270 linear feet of shelving that accommodate the Tennessee legal research collection. According to the most recent Annual Questionnaire, 1,222 linear feet of shelving are in use (approximately 30%). The library’s strong emphasis on digital resources has enabled it to minimize its need for space for library shelving. Should the library’s collection develop policy change to encompass more print resources, it will create corresponding demands for appropriate storage space.

H. Research and Study Space

The area near the compact shelving on the first floor provides seating for 26 students; the area on third floor provides seating for 60 students. There are 12 furnished study rooms that can accommodate up to 102 students. Three of the rooms have flat screens, video connectivity, and network access to enable collaboration. Additionally, the lounge area provides space for 43 students.

At present, the study space available appears to exceed the demand. There will likely be a need for additional study space as DSOL expands its student body and programming. In total, there are 231 seats for student study.

All current study space is well-lit, climate controlled, attractive, and comfortable.

I. Control and Use of Law School Facilities

With the exception of 2,200 square feet, the building is completely under the control of DSOL and is dedicated to its use. The space that is not under the control of DSOL is occupied by pre-existing lessee; it will be available to DSOL when that lease expires. This use of the building is not noticeable and does not interfere with DSOL's use or programming.

X. LAW SCHOOL FINANCES AND UNIVERSITY SUPPORT

A. University Budget

The University's operating income and expenditures for its past two fiscal years and the budgeted amounts for the current year were reported as follows:

	<u>Lincoln Memorial University</u>				
	<u>Operating Income and Expenditures (000 omitted)</u>				
	<u>Years Ending</u>				
	6/30/09	6/30/10	6/30/11	6/30/12	6/30/13
	(Actual)	(Actual)	(Budget)	(Budget)	(Budget)
Operating Income					
Tuition and Fees	\$37,790	\$58,534	\$78,703	88,922	96,580
Less Student Aid	(8,122)	(10,555)	(10,136)	(11,556)	(12,134)
Non-Operating Revenues and Support	<u>7,028</u>	<u>9,586</u>	<u>3,632</u>	<u>3,768</u>	<u>3,554</u>
Total Revenues	<u>\$36,696</u>	<u>\$57,565</u>	<u>\$71,569</u>	<u>\$73,598</u>	<u>\$80,892</u>
Total Operating Expenses	\$37,140	\$53,296	\$58,474	\$61,847	\$66,888
Non-Operating Expenses	<u>6,171</u>	<u>2,263</u>	<u>4,195</u>	<u>3,669</u>	<u>5,013</u>
Total Expenses	<u>\$43,311.00</u>	<u>\$55,559.00</u>	<u>\$62,669.00</u>	\$65,516.00	\$71,901.00
Excess of Revenues Over Expenses	<u>\$ (6,615)</u>	<u>\$ 2,006</u>	<u>\$ 8,900</u>	\$8,082	\$8,991

B. Institutional Financial Commitment to the Law School

All of the financial resources generated by DSOL are made available to DSOL and are utilized for its legal education programs. Additionally, LMU supplements DSOL's budgets from general University resources. Law students receive the benefit of financial aid from the University.

Currently, DSOL does not financially support any non-law school activities of LMU. Similarly, DSOL does not currently support central university services.

As to the future, LMU President Dawson indicated to the site team that LMU is fully committed to supporting the educational programs of DSOL. For example, he noted that DSOL is not expected to pay for its own occupancy or share of central university expenses until such time as DSOL is financially able to do so—which is anticipated to be FY 2012. President Dawson also noted the financial strength of LMU, including a \$24 million escrow reserve currently in place for its Osteopathic School due to be released mid-year of 2011. He also noted that LMU had recently consolidated its bonded indebtedness at a lower interest rate and for a longer maturity.

Moreover, President Dawson indicated that in addition to the \$24 million escrow reserve described above, other sources of funding are available to support DSOL. These include a strategic contingency fund of approximately \$7 million (to be increased to approximately \$10 million by the end of the next fiscal year) and more than \$11 million in an LMU unstructured endowment. Although the strategic contingency fund is not specifically committed to DSOL, President Dawson indicated that as much of that account as necessary would be devoted to assuring that DSOL's financial needs are met.

President Dawson also noted the generous support of the LMU Board of Trustees, particularly its Chair (a successful Knoxville business person named Peter DeBusk), in making substantial financial contributions to DSOL.

It appears, therefore, that DSOL derives substantial benefit in the manner in which University resources are allocated to the law school. Based on this financial information, and given the excellent relationship between the University and DSOL's administration, it appears that the University will be willing and able to support DSOL's educational program over a period of years.

C. Budget Process

After obtaining necessary financial information from DSOL's associate deans, Library Director, and other department heads, Dean Beckman proposes a budget to the LMU administration (Kim Bontrager, V.P. of Finance). The V.P.F. will accept the proposed budget as submitted; accept the proposed budget with modifications; or ask that the budget be revised. After a proposed budget is accepted, it is included with other LMU budgets to comprise a University budget and submitted to the President for approval. If the President approves the budget, it is submitted to the Board of Trustees for approval. It appears that DSOL has a legitimate opportunity to present its recommendations on budgeting matters to the University.

D. Law School Budget

Based on the information provided by DSOL, there were no revenues for fiscal year 2008-09. This resulted in a deficit of close to \$1,850,000.

For fiscal year 2009-10, the first year of its educational programs, there was a deficit of about \$2,600,000.

For the fiscal year 2010-11, the projected deficit has been reduced to about \$105,000. The 2010-11 budget is enrollment-derived, with other supplemental resources provided by LMU. Currently, other than the University-provided supplements, there are no non-tuition revenue sources available to DSOL. Obviously, changing the size of the student body would impact both DSOL and LMU.

Projections for student enrollment are discussed above in section II. C. 2.

Law School Revenues / Expenses: 2008-09 – 2013-14

REVENUES	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Tuition	0	1,215,000	5,247,480	9,079,260	12,091,996	12,098,460
Technology Fees	0	37,500	113,000	179,000	218,500	203,000
Application Fees	0	15,000	20,000	25,000	25,000	25,000
TOTAL REVENUES	0	1,267,500	5,380,480	9,283,260	12,335,469	12,326,460
EXPENSES						
Personnel	588,938	2,195,930	3,424,294	4,444,588	5,400,942	6,273,692
Postage	500	2,700	6,860	9,053	9,116	9,683
Telephone	500	2,000	2,000	2,000	2,000	2,000
Memberships	0	1,000	2,050	2,153	2,282	2,419
Advertising	25,000	25,000	20,000	20,000	20,000	20,000
Books	0	0	500	525	557	590
Library Resources	500,000	500,000	750,000	800,000	1,000,000	1,000,000
Printing	2,000	21,000	54,400	103,830	109,900	116,214
Travel	15,000	24,500	31,475	86,299	90,577	95,111
Recruiting	105,000	92,500	96,200	100,048	104,050	108,212

Faculty Searches	24,850	25,814	26,817	27,109	28,194	29,321
Faculty Relocation	32,000	32,000	48,000	40,000	40,000	40,000
Entertainment	0	15,000	30,350	41,668	44,168	53,818
Faculty Development	7,500	7,800	8,190	8,600	9,115	9,662
Computer Software	0	0	10,000	10,500	11,130	11,798
Accreditation	5,000	5,000	35,000	35,000	25,000	25,000
Contract Services	96,000	98,880	101,846	104,902	108,049	111,290
Facility Insurance	10,000	10,300	10,609	10,927	11,255	11,593
Electricity	60,000	61,800	63,654	65,564	67,531	69,556
Water	36,000	37,080	38,192	39,338	40,518	41,743
Service Costs	15,000	15,450	15,914	16,391	16,883	17,389
Property Taxes	5,000	5,150	5,305	5,464	5,628	5,796
Supplies	4,000	12,500	22,825	37,066	49,850	62,681
HVAC Maintenance/Repair	10,000	10,300	10,609	10,927	11,255	11,593
Elevator Service/Inspection	10,000	10,300	10,609	10,927	11,255	11,593
Honors & Awards	0	0	200	410	435	961
Student Activities	0	7,250	7,613	7,993	8,473	8,981
Dean's Service Fund	15,000	15,000	15,000	15,000	15,000	15,000
Other	15,000	15,500	15,675	17,359	17,500	18,150
Debt Service	259,096	621,830	621,830	621,830	621,830	621,820
TOTAL EXPENSES	1,841,383	3,871,584	5,486,016	6,695,470	7,882,491	8,805,667
NET REVENUE / (EXPENSE)	(1,841,383)	(2,604,084)	(105,536)	2,587,790	4,453,005	3,520,793
CUMULATIVE REVENUE / (EXPENSE)	(1,841,383)	(4,445,468)	(4,551,004)	(1,963,213)	2,489,792	6,010,585

E. Adequacy of Current and Anticipated Law School Resources

As previously noted, provided that the University continues its support of DSOL, and there is no indication that it will not continue to do so, DSOL will continue to enjoy a welcomed position in its “start up” phase. Assuming the University’s continued support, it would appear that DSOL should have sufficient resources available to it to sustain a sound program of legal education and accomplish its mission.

XI. SUMMARY

LMU is an institution familiar with the ongoing commitment, resources, and energy it takes to build a professional school, which is evidenced by the success of its other professional programs, e.g., medical, nursing and education. Its mission and assessment driven culture has been integral to achieving success. LMU is steadfast to its mission, having found a very important niche to serve the demands of Appalachia for professional school education. LMU is also committed to strategic planning and assessment, engaging in continuous evaluation and reexamination of its goals, its strategies to attain them, and requiring each of its academic units to do the same.

The mission and assessment driven culture has also guided LMU as it planned for, created, and implemented a program of legal education at DSOL, focused on attaining provisional ABA accreditation. From the beginning LMU thoroughly studied the feasibility of opening a law school and hired professionals such as Dean Beckman and others to fashion a plan focused on attaining ABA provisional accreditation. To that end, LMU has provided DSOL substantial support -- not just financial and administrative -- but personal attention, interest, and involvement by individuals such as the President, Vice President for Academic Affairs, and others, who maintain offices at DSOL and often spend considerable time there doing their work in support of DSOL.

The culture at DSOL is driven by these same key elements – commitment of time, energy and resources, as well as being mission and assessment driven. From its inception DSOL has been driven by its goal to attain provisional ABA approval. The candid and rigorous Self-Study appears to be driven by that goal; its organization is formatted using the ABA standards themselves. Moreover, the culture of assessment at every level – institutional, programmatic, curricular, teaching, student --(indeed every aspect of the law school operation)—appears to place DSOL, in its very short lifetime, at the forefront of outcomes-based and assessment-driven legal education, using methods of evaluation that in the near future will likely become an integral part of ABA accreditation standards. This culture of assessment and its consequent ongoing reexamination of goals and strategies to achieve them undergirds DSOL’s strategic planning process.

DSOL has planned and created a program of legal education, designed to produce graduates who will be effective and responsible members of the bar. It has recruited and continues to recruit and develop an accomplished faculty, who are committed to quality teaching and willing to incorporate assessment into their classes on a daily basis. The faculty is also committed to scholarship and service to the law school, university, and community. Efforts are in place to

increase pro bono service, and additional efforts should be made to increase service to the local, regional and national legal communities as well. The good relationship DSOL has with bench and bar leaders will facilitate this kind of additional service activity. DSOL recognizes that some of the faculty who also hold administrative appointments may be overburdened when it comes to fulfilling all the requirements of teaching, scholarship, and service in addition to the demands of an administrative post. A heavy load of committee assignments is also recognized and being considered by the faculty and administration.

The students appear to be content with their education at DSOL. They are committed, driven, well prepared, and indeed complimentary of the educational program, the faculty, and the administrative personnel who oversee it all. The admissions qualifications and standards need to be scrupulously considered to make certain the students admitted are likely able to achieve success in their studies. Moreover, recruitment of a more diverse student body is a goal that also should be carefully considered as the institution grows and matures.

The administration at DSOL is efficiently organized and administered. Changes in administrative structure and function may be necessary as the school matures and grows; and more immediately with the departure of and hiring of key administrative personnel. (Associate Dean for Assessment Jon Marcantel is being replaced by Associate Dean and Director of the Law Library Gordon Russell; ASP/Lawyering Skills Director Heather Zuber is being replaced by David Walker, Information Services Librarian; plans exist for an Externship Director to be hired in July, whose job function is currently maintained by the Director of Career Services; and a new Director of Admissions began May 23, 2011.).

The library has built a large collection of digital resources relevant to the mission of the law school, as well as a modest print collection of basic legal reference materials. Print resources are acquired only when a requested resource is not available in digital format or the requestor indicates that a digital resource is not acceptable for a particular purpose. Thus, because its collection is primarily digital, the DSOL library is not a separate physical space as traditional law school libraries have been structured. Rather it is a “library without walls” that is dispersed throughout the building: Librarians’ offices are “embedded” among faculty offices and student study areas (both individual and group). Library resources and services are easily accessible through the network and the Internet. Fewer support staff are necessary because many technical services have been outsourced. DSOL has invested substantial amounts in developing its library, and the university indicates that its commitment to the library will continue.

Technology is an integral part of DSOL’s program, not just in the library; its applications are pervasive and advanced. To date, technology costs have been absorbed by LMU without charge-backs to DSOL. Administrative and financial accounting systems are provided by LMU and are well-supported. All classrooms are equipped with a range of technological features to aid presentations, to support the classroom learning experience, and to make presentations accessible remotely. The courtroom is a technologically-advanced laboratory for students to learn litigation and advocacy skills.

Facilities are more than adequate with substantial amounts of vacant space available for classrooms, offices, clinics, and study. DSOL’s facility consists of three buildings that were

merged into one and completely renovated and updated. DSOL also anticipates acquiring another building adjacent to it.

Financially, LMU is committed to the goal of maintaining the financial stability of DSOL, and LMU has put in place financing alternatives to make sure that goal is realized. LMU understands the need for a parent institution to nurture its professional schools. This understanding is evidenced by LMU's prior commitment to its other professional schools, most recently its medical school, which this year is graduating its first class. Chargebacks to DSOL by LMU have not yet been determined, and until LMU determines what those chargebacks will be, real expenditures and their affects on the budgeting process, will be uncertain. The willingness of LMU thus far to delay the chargebacks, however, is further evidence of its willingness to commit resources to support the success of DSOL. DSOL has made significant strides in establishing itself as an important and integral player in fulfilling LMU's mission generally and its own mission more specifically, to enhance access to quality legal counsel for the underserved rural community of Appalachia.

July 14, 2011

Dr. B. James Dawson
Office of the President
Lincoln Memorial University
6965 Cumberland Gap Parkway
Harrogate, TN 37752

Dean Sydney A. Beckman
Lincoln Memorial University
Duncan School of Law
601 W. Summit Hill Drive
Knoxville, TN 37902

Dear Dr. Dawson and Dean Beckman:

I am sending each of you a copy of the report submitted as a result of the visit to your law school on March 13-16, 2011.

You are invited to respond to and comment on this report. You may also note any inadvertent errors of fact that it contains. Your response, together with the site report and the ABA Site Evaluation Questionnaire that was submitted as part of this process, will provide the basis for determining whether your program of legal education is operating in compliance with the ABA STANDARDS FOR THE APPROVAL OF LAW SCHOOLS.

In accordance with Rules 2, 3 and 4 of the ABA Rules of Procedure for Approval of Law Schools, a law school has 30 days from the date of this letter to submit its response to the site evaluation report. In order for the Accreditation Committee to consider the site evaluation report and the School's application for provisional ABA approval at its September 29-30, 2011 meeting, however, we ask that you consider waiving this 30-day time period and submit your response to us as soon as possible, but no later than August 8, 2011.

Dr. B. James Dawson
Dean Sydney A. Beckman
July 14, 2011
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In addition, in responding to the site evaluation report, please provide information with respect to the following matters:

- 1) Please provide an update on the entering class (full and part-time) for Fall 2011.
- 2) Please provide an update regarding faculty and staff hiring for 2011/12.
- 3) Please provide information regarding how the School provides substantial instruction in “the history, goals, structure, values, rules and responsibilities of the legal profession and its members” [Standard 302(a)(5)].
- 4) Please provide information regarding the number of students academically attritted, the number of these (if any) readmitted, and the number of students in each class on probation.
- 5) Please provide information regarding the number of part-time students on law review and moot court.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Hulett H. Askew
Consultant on Legal Education

HHA/mbf

cc: Professor Susan L. Brody (Chair)
Professor Mark Auburn
Professor Steven M. Barkan
Mr. Isidoro Berkman
Dean LeRoy Pernell
Professor Suzanne Valdez