

# **Lincoln Memorial University**

**Doctor of Jurisprudence (J.D.)**

*Substantive Change Prospectus*

**For the Commission on  
Colleges of the Southern  
Association of Colleges and Schools**

*March 12, 2009*

*Address questions to:*

**Dr. Clayton Hess**

**Director of Institutional Research and Accreditation**

**[clayton.hess@lmunet.edu](mailto:clayton.hess@lmunet.edu)**

**423.869.6377**

**Volume 2  
Appendices**

**Doctor of Jurisprudence (J.D.)  
Substantive Change Prospectus**

**Submitted to the  
Commission on Colleges  
of the  
Southern Association of Colleges and Schools**

**Lincoln Memorial University  
Cumberland Gap Parkway  
Harrogate, TN 37752**

**March 12, 2009**

**President of the University  
Vice President for Academic Affairs  
Dean of the School of Law  
Director of Institutional Research  
and Accreditation**

**Dr. Nancy Moody  
Dr. Sherilyn Emberton  
Sydney Beckman  
Dr. Clayton Hess**

**Substantive Change Coordinating Committee:**

**Sydney Beckman, Dean of the School of Law  
Dr. Sherilyn Emberton, Vice President for Academic Affairs  
Dr. Clayton Hess, Director of Institutional Research and  
Accreditation  
Gordon Russell, Associate Dean and Director of the Law Library**

## TABLE OF APPENDICES

1. School of Law Feasibility Study
2. Lincoln Memorial University's Institutional Goals
3. Letter from Tennessee Higher Education Commission
4. Lincoln Memorial University Charter
5. Correspondence between LMU and SACS-COC
6. Board of Trustees Minutes – May 2008
7. Tennessee Supreme Court Rules – Section 7
8. Tennessee Supreme Court Rules – Section 2.03
9. Letter of Approval from the Tennessee Board of Law Examiners
10. LMU Planning, Budgeting and Assessment Schedule
11. Use of Prior Year Assessments for Improvement Form
12. Outcomes Assessment Summary Report Form
13. Institutional Effectiveness Committee
14. President's Cabinet
15. Report of the Substantive Change Committee – Page 4
16. Report of the Substantive Change Committee – Page 15
17. Report of the Off-Site Reaffirmation Committee – Page 26
18. LMU School of Law Advisory Board
19. Minutes from Academic Council and Institutional Effectiveness Committee
20. Academic Council's Formal Endorsement of the J.D. Program
21. University Faculty Meeting Minutes
22. Minutes of the Board of Trustees Meeting – Spring 2008 Meeting
23. Interpretation 301-6 of the ABA Standards
24. Section 304 of the ABA Standards
25. Course Descriptions for Anticipated Courses (Requirements and Electives)
26. First-year Course Syllabi
27. Institutions Targeted for School of Law Recruitment Efforts
28. Lincoln Memorial University's Bylaws
29. Organizational Structure of LMU Incorporating the School of Law
30. Position Profile for the Dean of the School of Law
31. Curriculum Vitae for President, Cabinet, and Dean of the School of Law (and Dean's Transcripts)
32. Curriculum Vitae for School of Law Faculty (and Transcripts)
33. School of Law Hiring Plan
34. Chart - Professional Development Activities of Librarians and Staff
35. School of Law Facilities – Floor Plans
36. Audited Financial Statements (FY2005, 2006, 2007, and 2008)
37. Management Letters
38. Restatement of Net Assets Without Plant and Plant-Related Debt
39. Board of Trustees Minutes Demonstrating Budget Approval
40. LMU Annual Budgets for 2007-08 and 2008-09
41. Office of Management and Budget Circular A-133
42. SACS-COC Financial Profiles 2007 and 2008
43. LMU 5-Year Pro Forma
44. School of Law 5-Year Pro Forma Summary
45. School of Law Pro Forma Assumptions
46. LMU Strategic Plan Goals
47. Program Assessment Information Form
48. LMU Guidelines and Schedule for Program Review

A-1

# Lincoln Memorial University



## School of Law Feasibility Study

## Introduction

### Why a Law School at LMU?

“Does the world *really* need any more lawyers?” This is a rhetorical question that is often raised by many – sometimes in a jovial sense and sometimes in a pejorative sense. More often than not, when this question is asked, the person asking the question actually already has an answer.

However, to ask such a question based on an empirical observation without supportive research into the matter is no more valid than to ask, “Does the world *really* need any more butchers, bakers and candlestick makers?”

Just as any successful business enterprise does market research to determine if there is both need and demand for its goods and services, any educational institution seeking to add additional programs would do well to research the issue to determine need, demand, impact on the area, and other related issues.

In the fall of 2003, the Tennessee Alliance for Legal Services sponsored a study of needs for and effective delivery of civil legal services for low-income and elderly residents of Tennessee. The study was conducted by the University of Tennessee, College of Social Work Office of Research and Public Service. The primary purpose of the study was to identify unmet needs and to find possible ways to tailor services to more efficiently meet these needs.

A telephone survey was conducted statewide. Participants had to be a resident of the state of Tennessee and have a total household income below 125% of the 2003 Health and Human Services Poverty Guidelines issued by the U.S. Department of Health and Human Services. The results of the survey gave statewide totals and also regional totals for east Tennessee, middle Tennessee, west Tennessee and the Memphis Area. The information for each region was also compared with the other regions.

Although it was estimated that some of the results of the study were underrepresented due to reluctance of some participants to release information about themselves for various reasons, the information contained in the study was striking.

Approximately one million Tennessee residents are classified as “low-income” to “extremely-low income,” and approximately 300,000 of these reside in the 26 counties in east Tennessee served by Legal Aid of East Tennessee (LAET). A significant percentage of these residents qualified for aid programs such as Social Security, TennCare/Medicaid, Medicare, Food Stamps and Families First.

According to the results of this research the “findings seem to indicate that the numbers of legal problems experienced by low-income and middle-income households has risen in the last ten years... [and] a growing incidence of legal needs and a growing incidence of

multiple legal needs per household.” (Report from the Statewide Comprehensive Legal Needs Survey for 2003, Addendum B)

The results also noted that nearly 70% of the households surveyed faced one or more civil legal problems in the previous year (with an average of 3.3 civil legal problems per household and 1.2 per person). Additionally, less than one-third of the respondents were aware of the sources of assistance available to assist with these problems.

According to the 2000 Federal Census, east Tennessee has a growing population that is becoming much more diverse and complex. Although the Hispanic/Latino population is still small compared to the overall population, this population is experiencing the greatest percentage of growth.

Related to this growth in population, the 2003 Statewide Comprehensive Legal Needs Survey found that there was a significant relationship between the size of a household and the number of civil legal problems reported; Hispanic/Latino households had the largest number civil legal problems; “working poor” households had significantly more civil legal problems than “non-working poor” households; and single-adult household with children had significantly more civil legal problems than did households with multiple-adults and children.

The researchers noted that there may be situations where a respondent may be unlikely to accurately describe certain civil legal problems due to various reasons, including (but not limited to) reluctance to reveal personal information to a stranger, domestic violence; abuse of an elderly relative, and immigration problems. Therefore, the researchers noted that the results of the survey most likely underreport numbers of civil legal problems.

The researchers also sought to determine which civil legal problems occurred most often, which of the problems were considered most problematic, and how these households resolved these problems. The most common legal problems were creditor conflicts, medical bills or health insurance, utilities, government benefits and health care. The problems that were considered most problematic were housing/utilities issues, financial/consumer issues, and healthcare issues.

Three-fourths of the survey respondents took some type of action to deal with their civil legal problems, while one-fourth did not. Of those who did not take any action, their inaction was a result of the following: they believed that the situation was not so much a problem, but as “just the way things are;” they believed that nothing could be done; they did not know where to go for help; or they did not want a “hassle.”

One might assume that many of the civil legal problems experienced by some in east Tennessee (and universally, for that matter) may be problems that are “self-induced” or “self-inflicted.” Indeed, this may be true in some instances. However, of the survey respondents who did take some type of action by seeking help from a legal aid organization or legal clinic 55% were helped.

According to Legal Aid of East Tennessee "It is estimated that more than 300,000 persons in our service area are eligible for our services, yet our limited resources only allow us to serve less than 5% of this population." (2007 Annual Report, p. 4)

Another research project was undertaken in 2003 commissioned by the Social Services Task Force of Nine Counties, One Vision — a community-based, strategic planning organization which encompasses Knoxville/Knox county and its surrounding counties. The research project was conducted again by the University of Tennessee, College of Social Work Office of Research and Public Service. The purpose of the study was to identify met and unmet needs in this region and to help social service providers and community leaders coordinate services more efficiently so as to effect greater use of limited resources.

According to the results of this survey, "free or low-cost legal aid" was listed fourth on a list of 23 services reported as unavailable in this region. Additionally, respondents listed "free and low-cost legal aid" first out of 23 services as "Don't Know" if service is available, and third out of 23 services rated as "Poor." (Nine Counties, One Vision: Household Survey Report, 2003, pp. 15-17)

Lincoln Memorial University was founded in 1897 in great measure to help provide educational opportunities in an attempt to alleviate some of the chronic poverty that exists in the Cumberland Gap and southern Appalachian region. The Debusk College of Osteopathic Medicine was established in 2007 to address the shortage of available health care in this region. It appears evident from the results of the aforementioned research projects that there is also a shortage of legal assistance in this area as well.

In February 2008, Lincoln Memorial University assumed a long-term lease on the Old City Hall in downtown Knoxville. This seven-building complex constructed between 1848 and 1870, was originally an academic facility. Knoxville is the county seat of Knox County.

All of the counties in east Tennessee, including Knox, are designated as Appalachian counties by the Appalachian Regional Commission ([www.arc.gov](http://www.arc.gov)). This commission was established by the federal government in the early 1960's to address chronic poverty and its associated problems in this region.

There are four law schools in the state of Tennessee: the University of Tennessee at Knoxville; Vanderbilt University; the Nashville School of Law; and the University of Memphis. The law school in Memphis was the last school to open in the state in 1962. Hence, it has been 46 years since a law school has opened its doors in the state of Tennessee.

It seems fitting that Lincoln Memorial University—an institution founded to help serve underserved populations—should take action at this time. There is obvious, unmet need in this area. And, as will be pointed out in the rest of this proposal, there is obvious, unmet demand for legal education in the state.



Roscoe Pound writing in the 1935 Annual Review of Legal Education observed:

[T]he American law school must be an academic institution. That is, it must each in the atmosphere and by the methods and with the aims of a university. But it must also be a professional school, training for a profession which has an authoritative technique and authoritative ideals and standards.

LMU plans to establish a law school that will:

- compliment and strengthen the University's existing programs, particularly those that relate to the DeBusk College of Osteopathic Medicine (DCOM) and graduate education programs.
- be a national leader in the training of law professors to effectively use technology and education theory to effectively teach digital native law students.
- provide a distinctive program of legal education that will develop exceptionally-educated, well-motivated, technologically savvy lawyer-leaders with practice skills to that make them ready to begin the practice of law.
- be positioned within the University as a center of excellence.
- to teach through mandatory pro bono the opportunities to serve the unmet legal needs of Eastern Tennessee and to continue to serve these needs as members of the profession.

The Lincoln Memorial University School of Law intends to educate practical, service oriented individuals that will help serve the needs of eastern Tennessee. In the information that follows, the data will bear out that in addition to an underserved population in need of legal services, there is a demand for legal education that can be, in part, filled by a law school at Lincoln Memorial University.

The combination of the need for lawyers to serve an underserved population as well as the demand for legal education from those wishing to enter the profession indicated a strong likelihood that a law school at Lincoln Memorial University will be successful.

### **LSAT Takers**

There are a number of indicators that can be examined to assess whether there is an unmet need for additional legal education. One such indicator is the number of students taking the LSAT test in relevant geographic areas. In Table 1, below, it can be observed that between 2005 and 2007 the states of Georgia, North Carolina, South Carolina, Virginia and Tennessee had an aggregate total of 33,652 LSAT takers. Of that number, 5,269 were from Tennessee Colleges alone. These numbers, although not definitive of need, are indicative of need.

---

<sup>1</sup> Annual Review of Legal Education, 1935 A.B.A. SEC.OF LEGAL ED. AND ADMISSIONS TO THE BAR REP. 4.

**Table 1: 2005, 2006 and 2007 Aggregate Number of LSAT Takers generated by Colleges and Universities in GA, NC, SC, TN, and VA**

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
GA	ABRAHAM BALDWIN AGRICULTURAL COLLEGE	*	GA	KENNESAW STATE UNIVERSITY	295
GA	AGNES SCOTT COLLEGE	85	GA	LA GRANGE COLLEGE	16
GA	ALBANY STATE UNIVERSITY	50	GA	MACON STATE COLLEGE	20
GA	AMERICAN INTERCONTINENTAL UNIVERSITY-GA	131	GA	MEDICAL COLLEGE OF GEORGIA-GA	6
GA	ARMSTRONG ATLANTIC STATE UNIVERSITY	50	GA	MERCER UNIVERSITY-ATLANTA	30
GA	ATLANTA CHRISTIAN COLLEGE	*	GA	MERCER UNIVERSITY-MACON	228
GA	ATLANTA COLLEGE OF ART	*	GA	MIDDLE GEORGIA COLLEGE	*
GA	AUGUSTA STATE UNIVERSITY	63	GA	MOREHOUSE COLLEGE	325
GA	BERRY COLLEGE	72	GA	MORRIS BROWN COLLEGE	28
GA	BEULAH HEIGHTS UNIVERSITY	*	GA	NORTH GEORGIA COLLEGE & STATE UNIVERSITY	92
GA	BRENAU UNIVERSITY	23	GA	OGLETHORPE UNIVERSITY	73
GA	BREWTON PARKER COLLEGE	*	GA	PAINE COLLEGE	7
GA	CLARK ATLANTA UNIVERSITY	225	GA	PIEDMONT COLLEGE-GA	25
GA	CLAYTON STATE UNIVERSITY	68	GA	REINHARDT COLLEGE	17
GA	COLUMBUS STATE UNIVERSITY	71	GA	SAVANNAH STATE UNIVERSITY	29
GA	COVENANT COLLEGE	37	GA	SHORTER COLLEGE-GA	29
GA	DALTON STATE COLLEGE	*	GA	SOUTH UNIVERSITY-SAVANNAH	8
GA	EMMANUEL COLLEGE-GA	9	GA	SOUTHERN POLYTECHNIC STATE UNIVERSITY	18
GA	EMORY UNIVERSITY	1,131	GA	SPELMAN COLLEGE	332
GA	FORT VALLEY STATE UNIVERSITY	43	GA	THOMAS UNIVERSITY-GEORGIA	*
GA	GAINESVILLE STATE COLLEGE	*	GA	TOCCOA FALLS COLLEGE	9
GA	GEORGIA COLLEGE & STATE UNIVERSITY	84	GA	TRUETT MCCONNELL COLLEGE	*
GA	GEORGIA INSTITUTE OF TECHNOLOGY	522	GA	UNIV OF GEORGIA-CONTINUING EDUCATION CTR	*
GA	GEORGIA SOUTHERN UNIVERSITY	264	GA	UNIVERSITY OF GEORGIA	1,981
GA	GEORGIA SOUTHWESTERN STATE UNIVERSITY	23	GA	UNIVERSITY OF WEST GEORGIA	124
GA	GEORGIA STATE UNIVERSITY	850	GA	VALDOSTA STATE UNIVERSITY	184
GA	JOHN MARSHALL UNIV SCHOOL OF LAW-ATLANTA	*	GA	WESLEYAN COLLEGE	44
GA	KENNESAW STATE UNIVERSITY	295	GA Total		7,740

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
NC	APPALACHIAN STATE UNIVERSITY	346	NC	MONTREAT COLLEGE	8
NC	BARBER-SCOTIA COLLEGE	*	NC	MOUNT OLIVE COLLEGE	41
NC	BARTON COLLEGE	17	NC	NORTH CAROLINA AGRIC & TECH STATE UNIV	192
NC	BELMONT ABBEY COLLEGE	17	NC	NORTH CAROLINA CENTRAL UNIVERSITY	200
NC	BENNETT COLLEGE	26	NC	NORTH CAROLINA SCHOOL OF THE ARTS	8
NC	BREVARD COLLEGE NC	15	NC	NORTH CAROLINA STATE UNIVERSITY-RALEIGH	803
NC	CAMPBELL UNIVERSITY	173	NC	NORTH CAROLINA WESLEYAN COLLEGE	32
NC	CATAWBA COLLEGE	25	NC	PEACE COLLEGE RALEIGH	15
NC	CHOWAN UNIVERSITY	8	NC	PFEIFFER UNIVERSITY	33
NC	DAVIDSON CO COMM COLL NC	*	NC	QUEENS UNIVERSITY OF CHARLOTTE	37
NC	DAVIDSON COLLEGE	258	NC	SAINT AUGUSTINE'S COLLEGE	23
NC	DUKE UNIVERSITY	1,170	NC	SALEM COLLEGE	23
NC	EAST CAROLINA UNIVERSITY	324	NC	SHAW UNIVERSITY	59
NC	ELIZABETH CITY STATE UNIVERSITY	26	NC	SOUTHEASTERN BAPTIST THEOLOGICAL SEMINAR	*
NC	ELON UNIVERSITY	237	NC	ST. ANDREW'S PRESBYTERIAN COLLEGE	17
NC	FAYETTEVILLE STATE UNIVERSITY	86	NC	UNIVERSITY OF NO CAROLINA-GREENSBORO	270
NC	GARDNER-WEBB UNIVERSITY	45	NC	UNIVERSITY OF NORTH CAROLINA AT PEMBROKE	62
NC	GREENSBORO COLLEGE	26	NC	UNIVERSITY OF NORTH CAROLINA-ASHEVILLE	124
NC	GUILFORD COLLEGE	89	NC	UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL	1,883
NC	HIGH POINT UNIVERSITY	77	NC	UNIVERSITY OF NORTH CAROLINA-CHARLOTTE	381
NC	JOHNSON C. SMITH UNIVERSITY	44	NC	UNIVERSITY OF NORTH CAROLINA-WILMINGTON	296
NC	LEES MCRAE COLLEGE	10	NC	WAKE FOREST UNIVERSITY	629
NC	LENOIR-RHYNE COLLEGE	32	NC	WARREN WILSON COLLEGE	20
NC	LIVINGSTONE COLLEGE	14	NC	WESTERN CAROLINA UNIVERSITY	96
NC	MARS HILL COLLEGE	11	NC	WINGATE UNIVERSITY	39
NC	MEREDITH COLLEGE	36	NC	WINSTON-SALEM STATE UNIVERSITY	54
NC	METHODIST UNIVERSITY	47	NC Total		8,511

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
SC	ANDERSON UNIVERSITY - SC	14	SC	MORRIS COLLEGE	8
SC	BENEDICT COLLEGE	24	SC	NEWBERRY COLLEGE	11
SC	BOB JONES UNIVERSITY	57	SC	NORTH GREENVILLE UNIVERSITY	12
SC	CHARLESTON SOUTHERN UNIVERSITY	32	SC	PRESBYTERIAN COLLEGE	72
SC	CLAFLIN UNIVERSITY	29	SC	SOUTH CAROLINA STATE UNIVERSITY	68
SC	CLEMSON UNIVERSITY	587	SC	SOUTH UNIVERSITY-COLUMBIA	11
SC	COASTAL CAROLINA UNIVERSITY	128	SC	SOUTHERN WESLEYAN UNIVERSITY	15
SC	COKER COLLEGE	20	SC	THE CITADEL	165
SC	COLLEGE OF CHARLESTON	555	SC	UNIV. OF SO CAROLINA-UNION	*
SC	COLUMBIA COLLEGE - SC	38	SC	UNIV. OF SOUTH CAROLINA- BEAUFORT	12
SC	COLUMBIA INTERNATIONAL UNIVERSITY	7	SC	UNIVERSITY OF SOUTH CAROLINA-AIKEN	27
SC	CONVERSE COLLEGE	17	SC	UNIVERSITY OF SOUTH CAROLINA-COLUMBIA	1,093
SC	ERSKINE COLLEGE	13	SC	UNIVERSITY OF SOUTH CAROLINA-SUMTER	*
SC	FRANCIS MARION UNIVERSITY	61	SC	UNIVERSITY OF SOUTH CAROLINA-UPSTATE	83
SC	FURMAN UNIVERSITY	337	SC	VOORHEES COLLEGE	5
SC	GREENVILLE TECHNICAL COLLEGE	*	SC	WINTHROP UNIVERSITY	98
SC	LANDER UNIVERSITY	22	SC	WOFFORD COLLEGE	139
SC	LIMESTONE COLLEGE	33	<b>SC Total</b>		<b>3,809</b>
SC	MEDICAL UNIVERSITY OF SOUTH CAROLINA	8			

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
TN	AQUINAS COLLEGE-TN	5	TN	MEMPHIS STATE LAW SCH-EVENING	*
TN	AUSTIN PEAY STATE UNIVERSITY	103	TN	MIDDLE TENNESSEE STATE UNIVERSITY	501
TN	BELMONT UNIVERSITY	146	TN	MILLIGAN COLLEGE	18
TN	BETHEL COLLEGE	17	TN	NASHVILLE SCHOOL OF LAW	*
TN	BRYAN COLLEGE	13	TN	PEABODY COLLEGE OF VANDERBILT UNIVERSITY	9
TN	CARSON NEWMAN COLLEGE	52	TN	RHODES COLLEGE	251
TN	CHRISTIAN BROTHERS UNIVERSITY	54	TN	SEWANEE: THE UNIVERSITY OF THE SOUTH	202
TN	CUMBERLAND UNIVERSITY	28	TN	SOUTH COLLEGE	*
TN	DAVID LIPSCOMB UNIVERSITY	89	TN	SOUTHERN ADVENTIST UNIVERSITY	40
TN	EAST TENNESSEE STATE UNIVERSITY	159	TN	TENNESSEE STATE UNIVERSITY	206
TN	FISK UNIVERSITY	59	TN	TENNESSEE TECHNOLOGICAL UNIVERSITY	109
TN	FREE WILL BAPTIST BIBLE COLLEGE	*	TN	TENNESSEE TEMPLE UNIVERSITY	6
TN	FREED HARDEMAN UNIVERSITY	29	TN	TENNESSEE WESLEYAN COLLEGE	10
TN	JOHNSON BIBLE COLLEGE	*	TN	THE UNIVERSITY OF MEMPHIS	397
TN	KING COLLEGE	26	TN	TREVECCA NAZARENE UNIVERSITY	33
TN	KNOXVILLE COLLEGE	*	TN	TUSCULUM COLLEGE	33
TN	LAMBUTH UNIVERSITY	28	TN	UNION UNIVERSITY	62
TN	LANE COLLEGE	20	TN	UNIV. OF TENNESSEE-MEMPHIS	21
TN	LE MOYNE OWEN COLLEGE	15	TN	UNIV. OF TENNESSEE-NASH(CLOSED)	*
TN	LEE UNIVERSITY	83	TN	UNIVERSITY OF TENNESSEE - KNOXVILLE	1,031
TN	LINCOLN MEMORIAL UNIVERSITY	7	TN	UNIVERSITY OF TENNESSEE - MARTIN	128
TN	MARTIN METHODIST COLLEGE	8	TN	UNIVERSITY OF TENNESSEE-CHATTANOOGA	199
TN	MARYVILLE COLLEGE	50	TN	VANDERBILT UNIVERSITY	1,000
TN	MEHARRY MEDICAL COLLEGE	*	TN Total		5,269
TN	MEMPHIS COLLEGE OF ART	*			

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
VA	AVERETT UNIVERSITY	22	VA	REGENT UNIVERSITY	22
VA	BLUE RIDGE COMMUNITY COLLEGE-VA	*	VA	REGENT UNIVERSITY SCHOOL OF LAW	*
VA	BLUEFIELD COLLEGE	19	VA	ROANOKE COLLEGE	86
VA	BRIDGEWATER COLLEGE	20	VA	SAINT PAUL'S COLLEGE	9
VA	CHRISTENDOM COLLEGE	23	VA	SHENANDOAH UNIVERSITY	11
VA	CHRISTOPHER NEWPORT UNIVERSITY	98	VA	SOUTHERN VIRGINIA UNIVERSITY	17
VA	COLLEGE OF WILLIAM AND MARY	863	VA	SWEET BRIAR COLLEGE	46
VA	EASTERN MENNONITE UNIVERSITY	13	VA	TIDEWATER COMM COLL VA BEACH	*
VA	EMORY AND HENRY COLLEGE	44	VA	UNIV OF RICHMOND - RICHMOND COLLEGE	50
VA	FERRUM COLLEGE	13	VA	UNIV OF RICHMOND-SCH OF CONTINUING STUDY	6
VA	GEORGE MASON UNIVERSITY	697	VA	UNIV. OF RICHMOND - WESTHAMPTON COLLEGE	59
VA	HAMPDEN-SYDNEY COLLEGE	116	VA	UNIV. OF RICHMOND SCH OF LAW	*
VA	HAMPTON UNIVERSITY	328	VA	UNIVERSITY OF MARY WASHINGTON	225
VA	HOLLINS UNIVERSITY	36	VA	UNIVERSITY OF RICHMOND	261
VA	JAMES MADISON UNIVERSITY	601	VA	UNIVERSITY OF VIRGINIA	1,811
VA	LIBERTY UNIVERSITY	190	VA	UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE	56
VA	LIBERTY UNIVERSITY SCHOOL OF LAW	*	VA	VA COMMONWEALTH UNIV ACADEMIC DIVISION	357
VA	LONGWOOD UNIVERSITY	53	VA	VA COMWLTH UNIV HEALTH SCI. DIV	7
VA	LYNCHBURG COLLEGE	39	VA	VA POLYTECHNIC INST & STATE UNIVERSITY	760
VA	MARY BALDWIN COLLEGE	42		VIRGINIA INTERMONT COLLEGE	18
VA	MARYMOUNT UNIVERSITY	55		VIRGINIA MILITARY INSTITUTE	84
VA	NORFOLK STATE UNIVERSITY	74		VIRGINIA STATE UNIVERSITY	63
VA	OLD DOMINION UNIVERSITY	287		VIRGINIA UNION UNIVERSITY	32
VA	PATRICK HENRY COLLEGE	30		VIRGINIA WESLEYAN COLLEGE	45
VA	RADFORD UNIVERSITY	152		WASHINGTON AND LEE UNIVERSITY	362
VA	RANDOLPH COLLEGE	48	VA Total		8,323
VA	RANDOLPH-MACON COLLEGE-VA	64			

## MARKET FOR A NEW LAW SCHOOL

The market for a new law school and for legal education generally, involves a complex interplay between a jurisdiction's need for lawyers and the demand for legal education. The need for lawyers<sup>2</sup> is a reflection of the need for order in our social relationships.

The demand for legal education is the measure of the motivation of prospective law students compared to the opportunities available to them to enter a law school.

### Need for Lawyers

There are a number of factors that can cause the need for lawyers to increase:

- population growth
- urbanization
- technological advances that accelerate the growth and accessibility of information and facilitate globalization
- greater regulation
- increased complexity and government, economy and lifestyle
- retirement of lawyers

All of these factors exist today.

### Population Growth and Gross Domestic Product

It is important that an institution deciding whether to start a law school have a method to predict the future need for lawyers. There are two measures that planners can and should look at. First lawyer-population ratios, and population growth have an economic impact that increases the need for lawyers.

#### Lawyer Population Tennessee

2003	2004	2005	2006	2007	2008
13,513	13,724	14,058	14,470	14,867	15,199
	1.5%	2.4%	2.9%	2.7%	2.2%

While attorney-population ratios are not helpful in predicting the overall need for lawyers, they can help us analyze the possible future demand for legal services in Tennessee by comparing the ratio in our state with that of other states:

<sup>2</sup> See Rotunda, Ronald D. Teaching Professional Responsibility and Ethics 51 ST. LOUIS U. L. Rev. 1223. "The Japanese apparently have concluded, correctly in my view, that the demand for lawyers is a function of the rate of increase in the gross national product. As the amount of economic activity increases, the number of lawyers needed to facilitate that economic activity increases proportionately. Lawyers go hand-in-hand with prosperity."

**Estimated Population: Lawyer Ratios for Each State and D.C.  
Sorted in reverse order of lawyer density**

STATE	Pop./ Lawyer Ratio	Rank by Lawyer Density	STATE	Pop./ Lawyer Ratio	Rank by Lawyer Density
South Carolina	508	51	Oregon	341	25
North Carolina	502	50	Montana	340	24
Indiana	486	49	Michigan	336	23
North Dakota	479	48	Texas	334	22
Arkansas	477	47	Vermont	329	21
Mississippi	477	46	Missouri	328	20
South Dakota	461	45	Hawaii	319	19
West Virginia	453	44	Florida	308	18
Arizona	447	43	Pennsylvania	303	17
Iowa	446	42	Oklahoma	296	16
Idaho	438	41	Washington	291	15
Utah	429	40	Alaska	280	14
Nevada	425	39	Louisiana	276	13
<b>Tennessee</b>	<b>425</b>	<b>38</b>	Maryland	275	12
Wisconsin	401	37	Georgia	271	11
Alabama	401	36	California	258	10
New Hampshire	399	35	Minnesota	254	9
Kentucky	384	34	Rhode Island	249	8
Maine	383	33	Colorado	212	7
Virginia	382	32	Connecticut	194	6
Kansas	381	31	Illinois	192	5
Delaware	379	30	New York	154	4
Wyoming	370	29	New Jersey	149	3
New Mexico	366	28	Massachusetts	145	2
Nebraska	350	27	D.C.341	14	1
Ohio	344	26	<b>National Ratio</b>	<b>268</b>	

As the above table reflects, Tennessee is 38<sup>th</sup> out of 51 states and the District of Columbia, and Tennessee's ratio of 425 persons per attorney is well below the national ratio. The nation's ratio is 268 to 1 today and was around 500 to 1 thirty years ago. Tennessee's ratio has consistently trailed that of the United States.

**Projected Population Growth Tennessee**

Current population projections indicate that Tennessee's population will increase by 32% by 2030. Population growth, urbanization, technological innovation, and the complexity produced by this mix of factors will substantially increase Tennessee's need for lawyers.



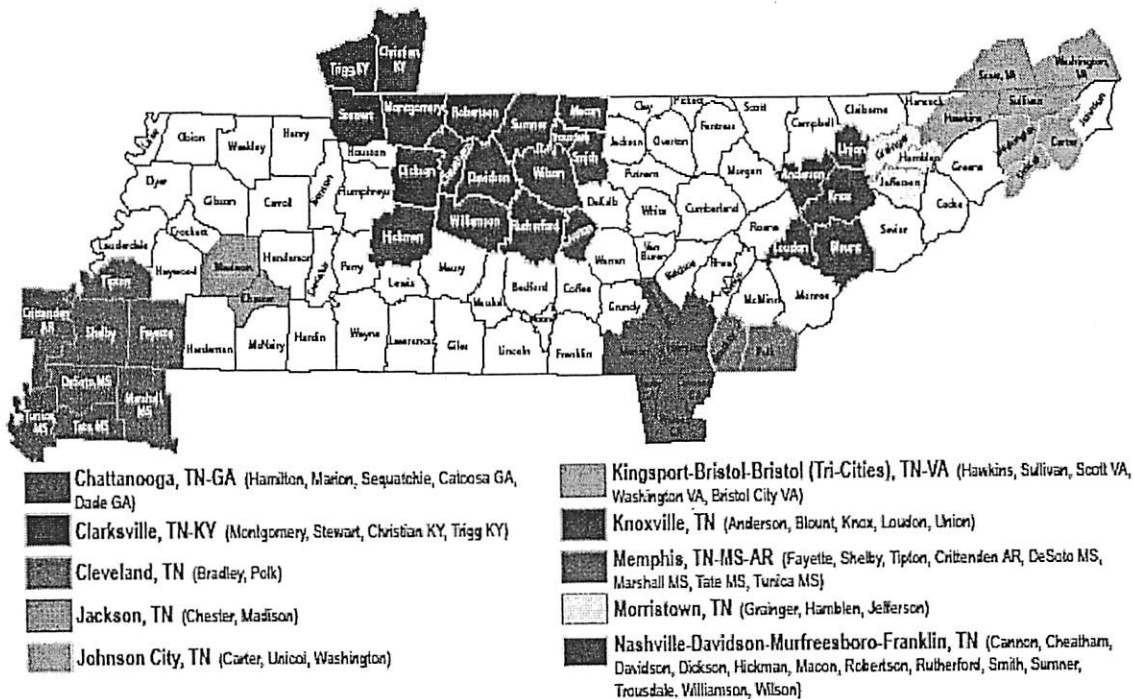
The U.S. Census Bureau projects an 8.2% growth in Tennessee's population from 2000 to 2007.

	2000	2007	Numeric Change	% Change	Ranking
Tennessee	5,689,262	6,156,719	467,457	8.2	17

The census projection for the growth of population for Tennessee thru 2030

Geographic Area	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projections 2025	Projection 2030
Tennessee	5,689,283	5,965,317	6,230,852	6,502,017	6,780,670	7,073,125	7,380,634

### Tennessee Metropolitan Statistical Areas November 2007



Source: Center for Business & Economic Research, University of Tennessee.

A metropolitan statistical area must contain a core urban area of 50,000 or more population. As of June 2000 there were 362 MSAs in the United States and 10 MSAs are in Tennessee. Six of these 10 MSAs are on the eastern side of Tennessee. These are all areas where potential evening students could attend a proposed School of Law at Lincoln Memorial University in Knoxville. These MSAs are all projected to continue to grow through 2025.

**Population growth projections in the MSA near Knoxville  
Knoxville TN MSA**

<b>County</b>	<b>Census 2000</b>	<b>Projection 2005</b>	<b>Projection 2010</b>	<b>Projection 2015</b>	<b>Projection 2020</b>	<b>Projection 2025</b>
<b>Anderson</b>	71,330	73,065	75,163	76,583	77,226	77,233
<b>Blount</b>	105,823	112,222	120,592	128,718	136,357	143,707
<b>Loudon</b>	39,086	43,334	48,362	53,574	58,729	64,291
<b>Knox</b>	382,032	398,735	427,593	455,614	481,842	507,438
<b>Union</b>	17,808	19,162	20,660	22,106	23,436	24,748

**Morristown TN MSA**

<b>County</b>	<b>Census 2000</b>	<b>Projection 2005</b>	<b>Projection 2010</b>	<b>Projection 2015</b>	<b>Projection 2020</b>	<b>Projection 2025</b>
<b>Grainger</b>	20,659	21,771	22,950	23,998	24,920	25,760
<b>Hamblen</b>	58,128	61,754	65,881	69,721	73,315	76,938
<b>Jefferson</b>	44,294	47,374	52,111	56,796	61,318	65,928

**Tri Cities TN-VA MSA**

<b>County</b>	<b>Census 2000</b>	<b>Projection 2005</b>	<b>Projection 2010</b>	<b>Projection 2015</b>	<b>Projection 2020</b>	<b>Projection 2025</b>
<b>Hawkins</b>	53,563	56,786	60,314	63,571	66,538	69,354
<b>Sullivan</b>	153,048	155,515	158,561	160,466	161,390	161,263
<b>Scott, VA</b>		22,882				
<b>Washington, VA</b>		51,984				

**Cleveland TN MSA**

<b>County</b>	<b>Census 2000</b>	<b>Projection 2005</b>	<b>Projection 2010</b>	<b>Projection 2015</b>	<b>Projection 2020</b>	<b>Projection 2025</b>
<b>Bradley</b>	87,965	94,810	103,873	112,856	121,533	130,252
<b>Polk</b>	16,050	17,446	18,999	20,545	22,086	23,733

**Chattanooga TN-GA MSA**

<b>County</b>	<b>Census 2000</b>	<b>Projection 2005</b>	<b>Projection 2010</b>	<b>Projection 2015</b>	<b>Projection 2020</b>	<b>Projection 2025</b>
<b>Hamilton</b>	307,896	314,958	324,353	335,636	344,951	352,285
<b>Marion</b>	27,776	28,459	30,519	32,253	33,845	35,616
<b>Sequatchie</b>	11,370	12,138	13,011	13,792	14,501	15,168

**Other nearby counties from which the law school would draw prospective students:**

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projections 2025
Sevier	71,170	82,423	95,196	108,709	122,526	137,345

### **Unmet Legal Needs**

Legal Aid of East Tennessee has stated:

“Despite the incredible effort of dedicated staff, the relative high success of development efforts, with all that we can muster and with tremendous programmatic efficiency, we are able to serve less than one third of the people who desperately need our help and less than 5% of the total need for assistance of our eligible community. We will continue to be "seldom seen" in many Court Houses with 22 attorneys trying to serve 300,000 people in 26 counties with litigation, administrative advocacy, negotiations, mediation and community education.” (<http://laet.charityfinders.org/Fifty-Fifty%20Plan> )

There is a tremendous unmet legal need in East Tennessee. The law school students and faculty through mandatory pro bono requirements can provide service to the community and teach students to give back to the community through lifetime pro bono service.

### **The Demand for Legal Education**

While the number of seats at ABA approved law schools has remained relatively constant since 1980, the demand has not. The demand for legal education is a reflection of the population of persons who might desire a legal education and the factors that motivate individuals within that population to seek a legal education.

People interested in law find an economic downturn a convenient time to gain a legal education. Law school applications generally increase during recessions. Applications generally decline when such downturns end. The rising cost of legal education may discourage individuals from applying to law schools, while the easy availability of student loans may encourage them, particularly during a recession. Finally, declines and increases may have a self-regulating effect: individuals may be discouraged from applying in times of great demand when they hear of well qualified applicants being rejected by schools of their choice; they may be encouraged to apply in times of low demand when they hear of individuals they consider less qualified than themselves being accepted.

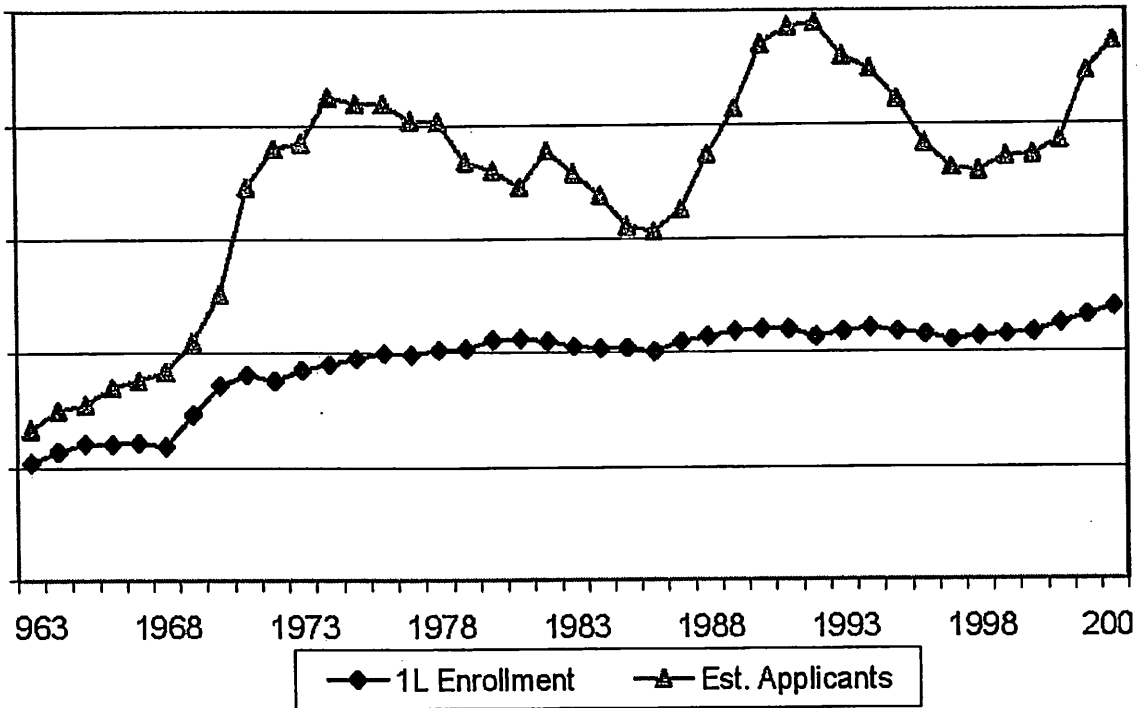
The volatile and cyclical demand for legal education is a defining trend in American legal education. Over the last 20 years the nation has produced annual pools of applicants for first year seats at ABA-approved law schools that have fluctuated by more than 50%. In times of great demand, such as the present and the early '90s, the last students admitted to first year classes are much stronger academically than they are in times of low demand, as in the mid-'80s and mid-'90s. Should today's "seller's market" for law schools

continue, even before gaining ABA approval LMU should be able to fill its classes with students whose academic credentials surpass those of many ABA-approved law schools in times of low demand.

So far this year there has been an increase in LSATs administered:

	June 2008	% increase	October 2008	% increase
LSATs administered	28,939	15.3%	50,721	1.9%

Given the economic slowdown that has taken place, it is very likely that the number of LSAT takers will go up in December 2008 and February 2009.



1963

2003

**Table: Gross State Product per Lawyer, Ranked by State**

GSP per			GSP per		
Rank	State	Lawyer	Rank	State	Lawyer
1	Delaware	\$20,397,281	27	Maine	\$11,459,302
2	Nevada	\$18,609,349	28	Ohio	\$11,405,011
3	North Carolina	\$18,086,161	29	Washington	\$11,277,188
4	Wyoming	\$15,754,630	30	Alabama	\$11,148,940
5	New Hampshire	\$15,675,415	31	Michigan	\$10,910,731
6	Indiana	\$15,523,868	32	Missouri	\$10,880,223
7	South Dakota	\$15,233,040	33	West Virginia	\$10,631,870
8	Virginia	\$15,168,870	34	Vermont	\$10,597,122
9	South Carolina	\$15,069,196	35	California	\$10,573,577
10	Arizona	\$15,041,374	36	Georgia	\$10,448,571
11	North Dakota	\$14,354,230	37	Maryland	\$10,385,971
12	Utah	\$14,175,357	38	Pennsylvania	\$10,300,484
13	Iowa	\$14,136,795	39	Minnesota	\$10,006,385
14	Tennessee	\$14,132,017	40	Florida	\$10,001,994
15	Wisconsin	\$13,560,211	41	Connecticut	\$9,821,787
16	Alaska	\$12,938,434	42	Louisiana	\$9,399,899
17	Idaho	\$12,908,360	43	Rhode Island	\$9,290,493
18	Texas	\$12,721,268	44	Colorado	\$9,070,940
19	Arkansas	\$12,694,019	45	Montana	\$8,715,826
20	Kansas	\$12,513,777	46	Oklahoma	\$8,280,106
21	Oregon	\$12,342,449	47	Illinois	\$7,534,755
22	Nebraska	\$11,967,857	48	New York	\$7,017,159
23	Hawaii	\$11,772,152	49	Massachusetts	\$6,739,936
24	New Mexico	\$11,671,089	50	New Jersey	\$6,694,417
25	Kentucky	\$11,664,985	51	DC	\$1,718,082
26	Mississippi	\$11,555,345			

Tennessee ranks 14<sup>th</sup> among all states in gross state product per lawyer.

**Tennessee Gross Domestic Product (in millions)**

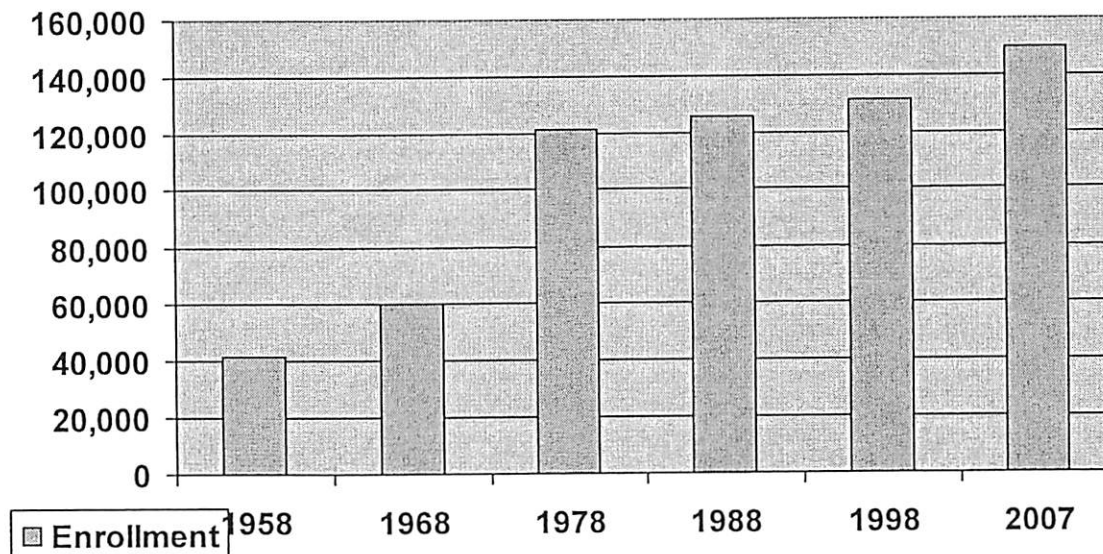
2003	2004	2005	2006	2007
200,279	214,849	224,169	235,753	243,869

The Center for Business and Economic Research's The State Outlook 2008 (<http://cber.utk.edu/erg/erg08app.pdf>) projects the following % growth in Gross Domestic Growth for Tennessee from 2009 – 2117.

2009	2008	2010	2011	2012	2013	2014	2015	2016	2017
3.32	2.92	3.51	3.40	3.28	2.95	2.74	2.64	2.58	2.43

The increasing state GDP and an assumption that from 2008 to 2020 that the number of lawyers leaving the profession or limiting their practice will equal the number of new graduates 38 years earlier all point to a shortage of lawyers in the near future similar to that in the 1960s.

### Enrollment in U.S. Law Schools: 1958 – 2007



### Impact of U.S. News & World Report Ranking

One of the factors affecting the demand for legal education at specific schools, and perhaps sparking interest in legal education in general, is the U.S. News and World Report’s annual rankings of law schools. The 2008 rankings can be found at: <http://grad-schools.usnews.rankingsandreviews.com/grad/law>. In the current rankings both Vanderbilt and University of Tennessee are in the first tier. Vanderbilt is ranked 15 and University of Tennessee is ranked 52. The University of Memphis is ranked in the fourth tier.

### U.S. News and World Report ranks of Tennessee Law Schools 2007

Rank	Name	Assessment Score Lawyers & Judges (5.0)	GPA 25 <sup>th</sup> 75 <sup>th</sup>	LSAT 25 <sup>th</sup> 75 <sup>th</sup>	Accp Rate	Total Enrollment
12	Vanderbilt	4.1	3.54 – 3.83	164 - 168	25%	601
50	Tennessee	3.0	3.35 –3.82	157 - 162	29.2%	469
4 <sup>th</sup> Tier	Memphis	2.4	3.03 –3.64	154 - 158	33.8%	395

Tennessee has 3 ABA accredited law schools. They are Memphis, University of Tennessee and Vanderbilt. Vanderbilt and University of Tennessee are first tier schools and Memphis is a fourth tier school. Less than 25% of the classes that enter Vanderbilt take the Tennessee Bar and about 60 % of the graduates from the University of Tennessee take the Tennessee Bar. The majority of the University of Memphis graduates take the Tennessee bar exam.

In addition to the 3 ABA accredited schools the Nashville School of Law is state accredited and those students are eligible to sit for the Tennessee bar. In June 2008 there were a total of 738 students who sat for the Tennessee bar. Of that total 394 or just over 53% of all takers went to law school in Tennessee. Nearly half of the students who sat for the Tennessee Bar in 2008 did not attend law school in the state of Tennessee.

Tennessee Schools	Pass	Fail
University of Memphis	99 (94%)	6 (6%)
University of Tennessee	104 (90%)	12 (10%)
Vanderbilt University	48 (94%)	3 (6%)
Nashville School of Law	83 (68%)	39 (32%)
<b>Total Tennessee Schools</b>	<b>334 (85%)</b>	<b>60 (15%)</b>

Out-of-State Schools	Pass	Fail	Out-of-State Schools	Pass	Fail
Akron, Univ. of	1	0	Nevada, Univ. of	0	1
Alabama, Univ. of	8	0	New England School of Law	3	0
American Univ.	1	1	North Carolina Central Univ.	1	1
Appalachian School of Law	12	2	North Carolina, Univ. of	1	0
Arkansas, Univ. of (FAY)	3	2	North Dakota, Univ. of	2	0
Arkansas, Univ. of (LR)	2	0	Northern Kentucky Univ.	2	0
Ave Maria School of Law	1	1	Nova Southeastern Univ.	0	2
Barry Univ.	2	0	Ohio State Univ.	1	0
Boston Univ.	2	0	Oklahoma, Univ. of	2	0
Brigham Young Univ.	2	0	Pace Univ.	1	0
California, Univ. of (Hastings)	1	0	Pacific, Univ. of the	1	0
Capital Univ. Law School	0	1	Penn. State Univ.	1	0
Case Western Reserve	2	0	Pepperdine Univ.	5	0
Catholic Univ. of America	2	0	Pittsburgh, Univ. of	1	0
Charleston Sch. of Law	0	1	Regent Univ.	2	2
Chicago, Univ. of	1	0	Richmond, Univ. of	4	0
Cincinnati, Univ. of	2	0	Rutgers School of Law-Newark	1	0
Cleveland State Univ.	1	1	Samford Univ.	14	3
Columbia Univ.	2	0	San Diego, Univ. of	1	0
Creighton Univ.	1	0	Santa Clara Univ.	1	0
Dayton, Univ. of	1	1	South Texas College of Law	0	2
Denver, Univ. of	0	2	Southern ILL. Univ.	1	0
DePaul Univ.	1	0	Southern Methodist Univ.	1	0
District of Columbia, Univ. of	1	0	Southern Univ. Law Center	3	0
Duke Univ.	2	0	Southwestern School of Law	1	0
Emory Univ.	8	0	St. John's Univ.	0	1
Florida Coastal School of Law	1	0	St. Louis Univ.	1	0
Florida State Univ.	2	0	St. Mary's Univ.	1	1

Franklin Pierce Law Center	0	1	St. Thomas Univ.	1	1
George Washington Univ.	1	0	Stetson Univ.	1	0
Georgetown Univ.	5	0	Texas Southern Univ.	1	0
Georgia State Univ.	5	0	Texas Wesleyan Univ.	1	0
Georgia, Univ. of	4	0	Thomas Jefferson School of Law	0	1
Houston, Univ. of	1	0	Thomas M. Cooley Law School	5	8
Indiana Univ. (Bloomington)	2	1	Touro College of Law	1	0
Indiana Univ. (Indianapolis)	1	0	Tulane Univ.	2	0
John Marshall Law Sch (GA)	5	1	Tulsa, Univ. of	0	1
John Marshall Law Sch (IL)	1	0	UCLA	1	0
Kentucky, Univ. of	9	0	Vermont Law School	3	0
Liberty Univ.	2	0	Virginia, Univ. of	2	0
Louisville, Univ. of	5	0	Washburn Univ.	1	0
Loyola Univ. (IL)	1	0	Washington & Lee Univ.	4	1
Loyola Univ. (LA)	4	2	Washington Univ.	4	0
Maine, Univ. of	2	0	West Virginia Univ.	0	1
Mercer Univ.	1	1	Western State Univ.	1	0
Miami, Univ. of	2	0	Widener School of Law	1	0
Michigan State Univ.	2	0	William & Mary	1	0
Michigan, Univ. of	2	0	Wyoming, Univ. of	1	0
Mississippi College of Law	21	7	Yale Law School	1	0
Mississippi, Univ. of	26	4	Yeshiva Univ.	1	0
Missouri, Univ. of (Columbia)	1	0	<b>Total Out-of-State Schools</b>	<b>250</b>	<b>55</b>

Over the last few years a large number of graduates of the Appalachian School of Law, Mississippi College of Law, University of Mississippi and Samford have taken the Tennessee bar. John Marshall School of Law in Atlanta is also attracting a number of students who graduate and sit for the Tennessee bar. In June 2008, 305 students from 101 different law schools outside of the State of Tennessee sat for the Tennessee Bar. Based on the number of LSAT takers from Tennessee it is easy to assume that a number of the out-of-state bar takers were Tennessee residents who left the state to attend law school.

For all but the most prestigious law schools (of which Vanderbilt is one) the leading source of law students are residents of the state in which a law school is located and the students — resident and non-resident alike — who attend the undergraduate colleges and universities in that state. If the ABA-accredited schools in Tennessee continue their current admissions patterns, they will not be able to offer educational opportunities to all of the well-qualified applicants from these two sources who desire to practice law in Tennessee.

From Table 1 in the introduction we saw that a total of 5,269 applicants from Tennessee universities took the LSAT in the last 3 years. This averages out to 1,756 unique applicants per year.

#### **Analysis of Number of LSAT Scores From 150 – 154 for Fall 2007 \***

<b>School</b>	<b>Applied</b>	<b>Accepted</b>	<b>All Applicants</b>
Memphis	255	76	906
UT	346	42	1,408
<b>TOTAL</b>	<b>601</b>	<b>118</b>	<b>2,314</b>



\* Vanderbilt does not report this information but had 3,985 applicants in 2007

A score of 150 is the approximate mean and median score of the LSAT. Memphis is only accepting 30% of applicants with a score between 150 – 154 and the University of Tennessee is only accepting 12% of those applicants. Assuming that there is a complete overlap of applicants at both schools only 1/3 of the applicants with an LSAT score between 150 and 154 are being accepted at the two Tennessee state schools. For 2007 a minimum of 228 applicants with LSAT scores between 150 and 154 were not offered an opportunity to attend a Tennessee law school.

The current demand for legal education is very high but first year enrollment has increased slowly over the last 5 years:

<b>Academic Year</b>	<b>Number of ABA-Accredited Schools</b>	<b>First Year Enrollment</b>
2007 – 2008	196	49,082
2006 – 2007	195	48,937
2005 – 2006	191	48,132
2004 – 2005	188	48,239
2003 – 2004	187	48,867
2002 – 2003	186	48,433
2001 – 2002	184	45,070
2000 – 2001	183	43,518
1999-2000	182	43,152

### **Evening Part-Time Program**

Lincoln Memorial University's school of law will begin with an evening part-time class and then add a full-time day program in Year Two. There is no part-time evening program available in Knoxville. The University of Tennessee does not operate an evening part-time program. There is a part-time program at the University of Memphis. However, Memphis is a long way from Knoxville. As shown on the map on page 3, there are six Metropolitan Statistical Areas that are close enough to draw working adults who might want to attend Law School. Additionally, a seventh MSA (Nashville-Davidson-Murfreesboro-Franklin, TN) may also prove to be fertile ground for prospective students who desire to attend an ABA-approved law school.

### **Retirement of Lawyers**

Of the nation's roughly 1.1 million lawyers, an estimated 400,000 are baby boomers — the generation born between 1946 and 1964. Baby boomers total over 78 million or a little more than 26% of the U.S. population but they represent over 34% of the legal profession.

**TABLE: Total Law School Enrollment and J.D. Awarded**

<b>Academic Year</b>	<b>Total Law School Enrollment</b>	<b>J.D. Awarded</b>
1963-64	46,666	9,638
1964-65	51,079	10,491
1965-66	55,510	11,507
1966-67	59,236	13,115
1967-68	61,064	14,738
1968-69	59,498	16,007
1969-70	64,416	16,733
1970-71	78,018	17,180
1971-72	91,225	17,006
1972-73	98,042	22,342
1973-74	101,675	27,756
1974-75	105,078	28,729
1975-76	111,047	29,961
1976-77	112,401	32,597
1977-78	113,080	33,640
1978-79	116,150	33,317
1979-80	117,297	34,590
1980-81	119,501	35,059
1981-82	120,879	35,598
1982-83	121,791	34,846
1983-84	121,201	36,389
1984-85	119,847	36,687
1985-86	118,700	36,829
1986-87	117,813	36,121
1987-88	117,997	35,478
1988-89	120,694	35,701
1989-90	124,471	35,520
1990-91	127,261	36,385
1991-92	129,580	38,800
1992-93	128,212	39,435
1993-94	127,802	40,213
1994-95	128,989	39,710
1995-96	129,397	39,271
1996-97	128,623	39,920
1997-98	125,886	40,114
1998-99	125,627	39,455
1999-00	125,184	39,071
2000-01	125,173	38,157
2001-02	127,610	37,909
2002-03	132,885	38,605
2003-04	137,676	38,874

2004-05	140,376	40,023
2005-06	140,298	42,673
2006-07	141,031	43,920
2007-08	141,719	43,518

From 1960 to 2000 the number of lawyers in the United States tripled. There was a rapid growth of the profession in the 1970's, when bar admissions increased by 134%. Through the 1980's, growth leveled off to about 12%. There was period in the late-1980s and early-1990s when there was another dramatic increase, then a brief period of decline and since then the growth has again leveled off to about 12%. As the baby boom bubble moves toward retirement the legal market will need to absorb more lawyers. The U.S. economy has successfully absorbed the growth of the legal profession, of which 34% of the profession is part of the baby boom bubble. Hence, as the Baby Boom generation retires over the next few years (2011-2029), one out of every three lawyers will need to be replaced merely to keep up with the current demand. This does not account for future population growth and other societal changes.

### **Mission and Niche**

LMU is committed to building a law school that makes use of technology to improve the classroom experience and help prepare students to enter the practice of law. This includes writing across the curriculum, regular methods of assessment and finding ways to break the perception that in the first year of law school they scare you, in the second year they work you to death and in the third year they bore you to death. The law school is committed to looking at ways to make the third year the capstone that brings together skills and practice by building a program that focuses on one course at a time while integrating practical skills with the substantive class. The University's mission statement:

Lincoln Memorial University 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'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.

It is the mission of the law school to prepare outstanding lawyers who are committed to the premise that the cornerstone of a meaningful existence is service to humanity. The mission of LMU-School of Law is achieved by graduating J.D.s; providing a values-based learning community as the context for teaching, research, and service, including Pro Bono and student achievement; serving the legal wellness needs of people within the Appalachian region and beyond; focusing on enhanced access to legal services for underserved rural communities; investing in quality academic programs supported by superior faculty and technology; embracing holistic care, diversity and public service as an enduring commitment to responsibility.

### **Goal Statement for Establishment of a Law School at Lincoln Memorial University**

To establish a law school that will:

- complement and strengthen the University's existing programs, particularly graduate education, osteopathic medicine and the business school.
- be a national leader in examining and addressing opportunities in the use of technology to successfully educate students in the law.
- provide a distinctive program of legal education that will develop exceptionally educated, motivated, technologically savvy and effective lawyer-leaders for which there will be a continuing need.
- help meet the national and regional demand for legal services from underserved populations with unmet legal needs.
- be positioned within the University as a center of excellence that helps generate resources of talent, energy, commitment, and information that will assist Lincoln Memorial University.

### **External Challenges to the Establishment of Lincoln Memorial School of Law:**

#### **Tennessee Board of Law Examiners Approval Process**

Currently, Tennessee is one of only a handful of states (excluding Puerto Rico) that accredits law schools. The Tennessee Board of Law Examiners constitutes a primary challenge that raises the following strategic issue:

*Whether Lincoln Memorial University wishes only to be a state accredited law school and attract Tennessee students who wish to remain in the state?*

State-accredited law schools can attract students from within the state but the number of students is limited. Many students are not sure of where they will eventually practice.

Though it is possible for lawyers who pass the Tennessee Bar to move to other states, those states which permit lawyers to be admitted to practice usually require a minimum number of years of practice before an out-of-state attorney can sit for the bar in that state.

The goal to serve the Appalachian region would be limited by obtaining only accreditation by Tennessee Board of Law Examiners. However, having a goal of ABA accreditation within the timetable of the ABA (see below), the Tennessee Board of Law Examiners accreditation would be beneficial to the school and help the school move toward ABA accreditation.

The Tennessee Board of Law Examiners timetable for accreditation is different than the ABA. This accreditation process takes place prior to the school opening. The Tennessee Board of Law Examiners accredits a new law school before it opens. By seeking and obtaining Tennessee Board of Law Examiners accreditation prior to opening, LMU will have an opportunity to go through an accreditation process very similar to the ABA process.

The Tennessee application process will mirror the ABA. There will be a site team visit and the Team will require the school to submit a Site Evaluation Questionnaire using the ABA questionnaire as a template.

The Tennessee Board of Law Examiners timetable for accreditation allows LMU to recruit its first class of evening students knowing that they will be able to sit for the Tennessee bar.

### **The ABA Approval Process**

The ABA approval or accreditation process constitutes a primary challenge that raises the following strategic issue:

*Whether Lincoln Memorial University is able and willing to commit sufficient resources to establish a law school that is in full compliance with the American Bar Association Standards for Approval of Law Schools?*

The process of gaining ABA accreditation is an important hurdle to overcome. Every state relies upon the American Bar Association as a national accreditor of graduate legal education. Graduates from an ABA-approved law school are entitled to take the bar admission examination in any state in the nation.

The ABA accreditation process requires a law school to have a class that has completed one year of law school before it will inspect a school.

A new law school's formal ABA approval process begins with the submission of a detailed application for approval that includes an annual questionnaire, self-study, and site evaluation questionnaire. The school is then visited for three or four days by an

inspection team of experienced legal educators, including a law librarian, and usually also a practicing lawyer and a university president, provost or vice-president. The inspection team prepares a report that is reviewed by the Section's Accreditation Committee, which prepares a further report and makes a non-binding recommendation concerning the school's ABA approval to the Council.

The timetable for approval of a new law school is determined by a combination of the requirements of the Standards and the resources possessed and applied by the founding institution. While the Standards no longer require a formal feasibility study prior to the establishment of a new law school, the Consultant strongly recommends such a study.

A new school's first step is normally the employment of a dean, usually at least a year prior to matriculation of the charter class, the date of which is determined in large part by the availability of a facility that can substantially comply with the ABA library and facilities Standards.

The dean will initially be occupied not only with physical facilities but more importantly with comprehensive planning of the School's programs and making the all-important initial hires of a librarian, first-year faculty, associate and assistant deans and other staff members. In the absence of an unusually favorable market for legal education, the Dean of Admissions will need to be in place at least a year before matriculation of the charter class in order to prepare admissions materials and to recruit appropriately qualified students. Likewise, the library staff should be making and processing acquisitions to support the first and succeeding years of law school instruction.

During the first year of instruction the dean and faculty will conduct the self-study required for the application for provisional approval, while continuing to recruit and hire new faculty and leading the formation of a distinctive law school culture. Under the ABA Rules of Procedure For Approval of Law Schools (<http://www.abanet.org/legaled/standards/20082009StandardsWebContent/Rules%20for%20Approval%20of%20Law%20Schools.pdf>):

#### **Rule 4. Application for Provisional or Full Approval**

- (a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the beginning of fall term classes but no later than October 15 in the academic year in which the law school is seeking approval. If the school is seeking a site evaluation visit in the fall academic term it shall also file, during the month of March of the preceding academic year, a written notice of its intent to do so.

The school will experience a minimum of three consecutive annual ABA inspections (the Standards require that a provisionally approved school be inspected annually), and a school is eligible for full approval only after two years of provisional approval.

The bar examination results of its charter class will be extremely important. If they are excellent and the school fully complies quantitatively with the ABA Standards, they will

probably be the best evidence of full qualitative compliance and perhaps the key to attaining full ABA approval at the earliest possible date after only five years of existence.

Key requirements of the eight chapters of the ABA Standards for Approval of Law Schools are outlined below:

**1. General.** A school seeking approval must demonstrate that its program is sound, which it does by establishing compliance with the Standards. A school is granted provisional approval by establishing substantial compliance with each standard, and may have provisional approval withdrawn if not in full compliance within five years. Full approval is granted after two years of provisional approval, if full compliance is established. All schools should seek to exceed these minimum requirements.

**2. Organization and administration.** A school must possess adequate resources and utilize them for a sound program of legal education and to accomplish its mission. The school shall have a full-time dean, and the dean and faculty shall formulate and administer the educational programs of the law school. Both dean and faculty shall have significant roles, but allocation between them is for determination by the institution. The school must not discriminate inequitably.

**3. Program of Legal Education.** The educational program must prepare students for admission to the bar and responsible participation therein. It must include instruction in core substantive law, values and skills; substantial writing instruction; instruction in professional responsibility; and opportunities for small group work. Standards 303 and 304 mandate academic standards and minimum requirements for class days and minutes. Other standards regulate study outside the classroom, distance education, foreign study and the granting of degrees beyond the J.D.

**4. Faculty.** The faculty must be highly qualified. The first-year faculty must consist of sufficient faculty in addition to the dean and librarian. The full-time faculty has primary responsibility for the educational program and the duty to establish policies concerning teaching, scholarship, and service within and without the school. The school must establish and maintain conditions sufficient to attract and retain a competent faculty, including tenure or other policies relating to security of position.

**5. Admissions.** The school may not admit students who appear to be incapable. All applicants must take an acceptable admissions test and, except in extraordinary circumstances, all matriculants must have completed three-fourths of the work required for a bachelor's degree. The school must provide an active career counseling and placement service. These standards also regulate basic consumer information and other admissions policies and services.

**6. Library and information services.** The school must have a full-time librarian with faculty status, preferably with law and library degrees and security of position, and other personnel sufficient to provide adequate library and informational services. The library must possess adequate resources appropriately deployed to support the school's teaching,

research and service programs, and it must adopt contemporary technology when appropriate. The library's collection and services must be planned and suitably housed.

**7. Facilities.** The school must have facilities adequate both for its current program and for anticipated growth in the immediate future. These include a library sufficient in size, location and design with adequate seating for the school's enrollment and faculty; suitable class and seminar rooms; such skills facilities as courtrooms, conference rooms and offices for clinics and advocacy, interviewing, counseling and negotiation simulations; sufficient on-site quiet study and research seating, preferably including space suitable for group study and collaboration; private offices for each faculty member suitable for study and student conferences, and similar offices for adjunct faculty; co-curricular activity housing; and suitable space for all staff equipment and records.

**8. Council authority.** It is the Council and not the House of Delegates that has the authority to grant or deny a school's application for provisional or full approval, as well as to adopt and revise Standards, Interpretations and Rules of Procedure. The Council may grant a variance from the Standards and impose conditions thereon.

### **Meeting ABA Standards**

Reviewing the Standards, examining the programs and facilities of new schools that complied with the Standards promptly upon establishment, or after an unsuccessful attempt to comply, it is clear that if Lincoln Memorial University establishes a law school, it should insure that it is capable of complying with the ABA Standards at the earliest possible date. Mere minimal compliance with the Standards would not create a law school capable of fulfilling the mission statement at the beginning of this chapter.

Consistent with the mission of the institution and to assure compliance with the Standards, LMU should focus on building a small school that can consistently attract students who can successfully pass the Tennessee Bar exam.

It will be possible to maintain quality at what would be anticipated to be the bottom of the LMU law school class, to develop innovative uses of technology in legal education.

### **A Traditional Core Curriculum, Enriched by Lincoln Memorial University Strengths**

While they might have the freedom to do otherwise, all ABA-accredited law schools share the basic first-year curriculum. Some requirements might be delayed until the second year, and courses that might be electives at other schools occasionally make their way into the first-year curriculum. The Standards explicitly require legal writing instruction and instruction in professional responsibility at some point during the three years of law school, as well as access to skills training, though not all skills programs must be open to all law students. It is in the courses offered in the second and third years, and in the delivery of the content of their respective instructional programs, that law schools differ.



What LMU will bring to the curriculum is more robust writing and practice skills across the curriculum and the development of ways to use technology to facilitate effective teaching and learning by the students. The school will require midterm exams and will make use of techniques used in other professional schools at LMU. After taking an exam, students will be put in random groups of 10-12 and the group will retake the test. The school will use a course capture system called MediaSite to capture the lectures and make them available within an hour of the class for students to watch using the Web.

### **Conclusion**

LMU possesses the information it needs to establish a new law school and there will be available talented, energetic professionals who will identify with and be committed to Lincoln Memorial University's mission statement. The opportunity to obtain a lease on the historic old city hall in downtown Knoxville for 25 years provides the opportunity to move forward with the law school.

A-2

## **INSTITUTIONAL GOALS**

Lincoln Memorial University is a private, independent, non-sectarian University with a clearly defined mission that distinguishes it from other educational institutions. While the university cherishes its heritage and rich traditions, it recognizes that dynamic growth and change are required to meet the needs of today's students. The University has identified the following goals, which are derived from its mission and reflect its vision for the future:

1. Secure and maintain fiscal integrity in all its activities, programs, and operations through concerted efforts to continuously increase its endowment and financial standing.
2. Provide quality educational experiences that have their foundation in the liberal arts and professional studies, that promote high personal standards, and that produce graduates with relevant career skills to compete in an ever-changing, increasingly global economy.
3. Make educational opportunities available to all persons without reference to social status. The University seeks to stabilize undergraduate enrollment by strengthening recruitment efforts and increasing student retention through the creation of an academic and social environment that facilitates success and rewards achievement.
4. Advance the Cumberland Gap and tri-state region through community service programs in continuing education, leadership development, recreation, and the fine and performing arts.
5. Continue as a critical educational, cultural, and recreational center for the area, and to develop and maintain facilities, which are safe, accessible, and conducive to the development of body, mind, and spirit.
6. Attract and retain a highly qualified faculty and staff, committed to teaching, research, and service, by providing the best compensation program possible.
7. Commit resources to support the teaching, research, and service role of the institution and the faculty.
8. Continue to strengthen the faculty and staff development program with priority for allocation of resources determined by institutional needs.
9. Increase technology for all educational sites. Specifically, the University seeks to continuously improve its computer and other technological resources for faculty and students.

10. Develop and implement academic programs in response to anticipated or demonstrated educational need, and to continuously evaluate and improve the effectiveness of current programs.
11. Continue the tradition of providing a caring and nurturing environment where students, faculty, and staff with varied talents, experiences, and aspirations come together to form a community where diversity and growth in the pursuit of academic and career goals are encouraged. The University seeks to develop students' potential in a supportive environment while challenging them to grow intellectually and personally.
12. Provide high quality educational opportunities through selected undergraduate and graduate degree programs for students who live or work a significant distance from the Lincoln Memorial main campus, and for whom other options are not as accessible or satisfactory.

A-3



RICHARD C. RHODA  
Executive Director

STATE OF TENNESSEE  
HIGHER EDUCATION COMMISSION  
PARKWAY TOWERS, SUITE 1900  
NASHVILLE, TENNESSEE 37243-0830  
(615) 741-3605  
FAX: (615) 741-6230  
[www.state.tn.us/thcc](http://www.state.tn.us/thcc)

PHIL BREWSTER  
Governor

July 6, 2005

Dr. Nancy B. Moody  
President  
Lincoln Memorial University  
Harrogate, TN 37752

Dear Dr. Moody:

Lincoln Memorial University is exempt from oversight of the Division of Postsecondary School Authorization of the Tennessee Higher Education Commission pursuant to T.C.A. § 49-7-2004 (6)(a)(b)(c)(d).

T.C.A. § 49-7-2004. Exempt institutions.

(6) Postsecondary educational institutions:

- (A) With its primary campus domiciled in the state of Tennessee for at least ten (10) consecutive years;
- (B) That have been accredited by an accrediting agency recognized by the United States department of education for at least ten (10) consecutive years;
- (C) That have been chartered in Tennessee as a not-for-profit entity for at least (10) consecutive years; and
- (D) That meet and maintain financial standards established by the commission or maintain financial standards as established by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).

If I can be of any further assistance, please call me at 615-741-5293.

Sincerely,



Dick Mansfield  
Investigation Officer  
Postsecondary School Authorization

**A-4**

UNITED STATES OF AMERICA  
STATE OF TENNESSEE  
CHARTER OF INCORPORATION

BE IT KNOWN, That A. A. Myers, McCaulav Arthur, Archillis B. Kesterson, Charles F. Eager and Millard F. Overton, all of the town of Cumberland Gap, in the County of Claiborne, State of Tennessee, persons not under 21 years of age, are hereby constituted a body politic and corporate, by and under the name and style of LINCOLN MEMORIAL UNIVERSITY.

The general purposes for which a charter is sought for said corporation are:

(1) To establish and maintain, under the name aforesaid, at or near the town of Cumberland Gap, in the County of Claiborne, State of Tennessee, United States of America, an educational institution comprising various departments or branches bearing names or other designations to be chosen by said corporation, and some of said departments or branches being, at the discretion of said corporation, located elsewhere than at or near said town of Cumberland Gap.

Said institution shall be founded and maintained by the cooperation of a grateful people as a monument or memorial to Abraham Lincoln, the sixteenth President of the United States of America, and as an expression of renewed good will and fraternal feeling between the people of sections of this country once opposed to each other in civil war, and said institution shall promote research, investigation, and experiment for the extension and application of knowledge and shall impart instruction in the various branches of education, science, art, and industry, particularly those which tend to promote good society and good citizenship and the ability to develop the abundant natural resources of the Southern states, the said institution to these ends establishing and maintaining and using for such research and instruction suitable recitation and lecture buildings, dormitories, libraries, historical, scientific and industrial collections, astronomical, meteorological and other observatories, botanical and zoological gardens, experimental and illustrative farms, gardens, forests, laboratories and workshops, gymnasiums, assembly buildings, model homes, and other means and places for the promotion of recreation and social advancement, and hospitals and sanitariums for the treatment and study of diseases and surgical cases, and publication offices and publications and using such other agencies as may aid in accomplishing the purposes aforesaid; and said University shall be for the glory of God and the advancement of brotherhood among men; and said University shall ever seek to make education possible to the children of the humble, common people of America, among whom Abraham Lincoln was born, and whom he said God must love because he made so many of them.

(2) And the said incorporators declare their general purpose to be the promotion and accomplishment of the objects hereinbefore enumerated and as well any other objects of like nature, and such as come within the purview of the paragraphs of Section One (1), Chapter One Hundred and Forty-Two (142) of the Acts of the General Assembly of the State of Tennessee, passed the 19th day of March, A.D. 1875, and subsequent amendments thereof, and under which this incorporation is sought as follows:



"2. The support of any benevolent or charitable undertaking, as a lodge of Masons, Odd Fellows, hospitals for the sick, houses of refuge or correction, orphan asylums, and all other objects of like nature.

"3. The support of any literary or scientific undertaking, as a college of university, with powers to confer degrees, an academy, a debating society, lyceum, the establishment of a library, the support of a historical society, the promotion of painting, music, or the fine arts, the support of boards of trade, or chambers of commerce, or other objects of like nature.

"4. The support and encouragement of agriculture, horticulture and the mechanic arts, as agricultural, horticultural societies, or societies for the promotion of the mechanic arts, fairs, granges and associations of like nature, including associations for improvement of the blood of stock, or other objects of like nature.

"5. The maintenance of clubs for social enjoyment, gymnastics and gymnasium clubs."

(3) The general powers of said Corporation shall be to sue and be sued by the corporate name; to have and use a common seal, which it may alter at pleasure; if no common seal, then the signature of the name of the Corporation, by and duly authorized officer, shall be legal and binding; to purchase and hold, or receive by gift, bequest, or devise, in addition to the personal property owned by the Corporation, real estate necessary for the transaction of the corporate business, and also, to purchase or accept any real estate in payment, or in part payment, of any debt due to the Corporation, and sell the same; to establish by-laws, and make all rules and regulations, not inconsistent with the laws and constitution, deemed expedient for the management of corporate affairs; and to appoint such subordinate officers and agents, in addition to a President and Secretary or Treasurer, as the business of the Corporation may require, designate the name of the office, and fix the compensation of the officer.

(4) The said five or more incorporators shall, within a convenient time after the registration of this charter in the office of the Secretary of State, elect from their number a President, Secretary and Treasurer, or the last two officers may be combined into one; said officers and the other incorporators to constitute the first Board of Directors.

(5) In all elections, each member to be entitled to one vote, either in person or by proxy, and the result to be determined by a majority of the votes cast. Due notice of any election must be given by advertisement in a newspaper, personal notice to the members, or a day stated on the minutes of the Board six months preceding the election.

(6) The Board of Directors shall keep a record of all their proceedings, which shall be at all times subject to the inspection of any member. The Corporation may establish branches in any other county in the State or in other states.

(7) The Board of Directors may have the power to increase the number of Directors to any number not exceeding thirty-three, and not less than five, if they deem the interest of the Corporation requires such increase, and the first or any subsequent Board of Directors may have the power to elect other members, who, on acceptance of membership, shall become corporators equally with the original corporators.

(8) The Board of Directors shall have the right to determine what amount of money paid the Treasury shall be a prerequisite for membership, or if necessary, what amount shall be thus annually paid, and a failure thus to pay, shall, in the discretion of the Directors, justify the expulsion of said defaulting member.

(9) The term of all officers may be fixed by the by-laws: the said term, not, however, to exceed three years. All officers hold over until their successors are duly elected and qualified:

(10) Provided, that in the organization of corporations for the establishment of colleges, universities, and other institutions of learning, or wherever such institutions now existing shall deem it to the material interest of such college, university, or other institution of learning, the number of directors of such college, university, or other institution of learning may be fixed in the charter or by the by-laws enacted or to be enacted by the directors thereof at any number not exceeding thirty-three, and not less than five, as shall be deemed best by said incorporations or directors of such proposed incorporation, or of such college, university, or other institution of learning.

(11) The general welfare of society, not individual profit, is the object for which this charter is granted, and hence the members are not stockholders in the legal sense of the term, and no dividends or profits shall be divided among the members.

(12) The members may, at any time, voluntarily dissolve the corporation, by a conveyance of its assets and property to any other corporation, holding a charter from the State, for purposes not of individual profit, first providing for corporate debts. A violation of any of the provisions of the charter shall subject the corporation to dissolution, at the instance of the State.

(13) This charter is subject to modification or amendment; and in case said modification or amendment is not accepted, corporate business is to cease, and the assets and property, after payment of debts, are to be conveyed, as aforesaid, to some other corporation holding a charter for purposes not connected with individual profit. Acquiescence in any modification thus declared, shall be determined in a meeting of the members, specially called for that purpose, and only those voting in favor of the modification shall thereafter compose the corporation.

(14) The salable products of the lands, laboratories, and work-shops of said corporation, produced incidentally to experiment and research and the practical and theoretical training of students, and not needed for the direct use of said corporation, shall be sold from time to time and the proceeds used by said corporation for the legitimate objects of its creation.

(15) The means, assets, income or other property of the corporation shall not be employed, directly or indirectly, for any other purpose whatever than to accomplish the legitimate objects of its creation, and by no implication or construction, shall it possess the power to issue currency, deal in currency or coin, buy and sell products or engage in any kind of trading operation, nor hold any more real estate than is necessary for its legitimate purposes.

(16) Said corporation shall sacredly administer special donations, bequests, devises, and endowments, according to the terms, conditions, and limitations attached by the donors or testators.

(17) Expulsion shall be the only remedy for the non-payment of dues by the members, and there shall be no individual liability against the members for corporate debts, but the entire corporate property shall be liable for the claims of creditors.

(18) The Corporation as an educational institution shall have and is hereby given power and authority to acquire any real or personal property, and to take, receive and hold any and all gifts, bequests or devises of property, real, personal or mixed, for educational purposes, heretofore or hereafter made, subject to such limitations and conditions as the donor of testator may attach thereto. (Act of January 24, 1895. Approved January 25, 1895)

(19) The Board of Trustees of this institution organized as a Corporation are hereby authorized for the purpose of carrying out the objects of this Corporation or to secure indebtedness contracted in erecting buildings, making improvements or otherwise, in and about its business, to issue bonds or notes bearing lawful interest, for a term not exceeding forty (40) years, and mortgage the property to secure payment thereof. (As amended November 7, 1964)

(20) At least two thirds of the members of the Board of Directors of said corporation shall be members of Christian religious denominations or churches.

(21) As said university is to promote good citizenship and good society, and as it is to be founded by the gifts of benevolent people, said corporation shall not allow the advantages of said university to those who show lack of appreciation of said advantages. The willful destruction of property, immorality, ungentlemanly or unlady-like conduct, violation of the laws of the land, or the by-laws of said corporation or its agents, unkindness and incivility to fellow students, and their persecution or humiliating and brutal treatment, shall be regarded as evidence of such lack of appreciation; and it is hereby made the duty of said corporation to assume that the aforesaid acts do not tend toward good citizenship or good society; that neither administering nor submitting to humiliation, persecution, or brutality is necessary to the suppression of cowardice or the creation of a spirit of heroism; but that development of all the best attributes of manhood and womanhood may proceed simultaneously with the observance of the Golden Rule, the laws of the land, of kindness, and of decency.

We, the undersigned apply to the State of Tennessee by virtue of the laws of the land, for charter of incorporation for the purposes and with the powers declared in the foregoing instrument.

Witness our hands, the 12th day of February, A.D. 1897.

A-5

# LMU

Lincoln Memorial University

Cumberland Gap Parkway  
Harrogate, Tennessee 37752

423.869.3611  
www.lmunet.edu

April 2, 2008

Dr. Belle Wheelan  
Executive Director  
Commission on Colleges  
Southern Association of Colleges and Schools  
1866 Southern Lane  
Decatur, GA 33033-4097

Dear Dr. Wheelan:

Complying with procedures for pursuing Substantive Change, Lincoln Memorial University wishes to inform the Commission on Colleges of its intent to initiate two new advanced degree programs. Institutional planning processes have resulted in LMU's Board of Trustees authorizing the administration to pursue initiation of a Doctor of Education (Ed.D. in Educational Leadership) and a Doctor of Jurisprudence (J. D.). Procedure One of the Commission's *Substantive Change for Accredited Institutions Policy* requires an institution to provide written notification to the Commission on Colleges at least six months in advance of the initiation of programs at the currently approved degree granting level, and this letter is submitted for that purpose.

LMU is currently approved as a Level V degree granting institution by the Commission. Our feasibility studies incorporate development of an implementation schedule subject to approval by the LMU Board of Trustees. LMU anticipates submitting a prospectus for Commission consideration at least three months in advance of the planned implementation date to allow sufficient time for review and approval. At the present time it is anticipated that both degree programs may be initiated as early as August 2009. If changes in the proposed initiation date for either or both programs occur, LMU will notify the Commission.

While the University projects offering the J.D. degree at an extended site in Knoxville, Tennessee, there are no plans for the program to have a faculty or administration separate from the main campus. All budgetary and hiring authority will reside at the main campus in Harrogate, Tennessee. LMU plans to seek program accreditation from the American Bar Association (A.B.A.) and approval from the Tennessee Board of Law Examiners for

Letter to Dr. Belle Wheelan  
Commission on Colleges  
April 2, 2008  
Page 2

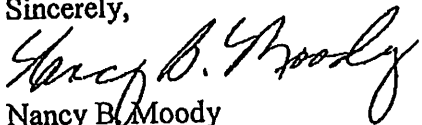
the new J.D. program. LMU will work with external consultants to ensure that comprehensive implementation strategies considering the unique requirements of both the Commission on Colleges and the professional program accrediting agency are considered and appropriately addressed. The new Knoxville extended site, projected for the J.D. degree, may accommodate other current SACS-COC approved LMU programs.

The Ed.D. program has been under consideration for several years and LMU plans to offer the program in a format accessible to working professionals. The Ed.D. program will be administered from the main campus in Harrogate, Tennessee with the possibility of utilizing the instructional facilities and resources available at the University's extended teaching sites. LMU's current Ed.S. program has positioned the University well for the initiation of an Ed.D. program and institutional research data demonstrates that the program will meet a clearly identified need within the University's service area. Both the J.D. and Ed.D. programs are congruent with LMU's mission of meeting the educational needs of its service area.

LMU is fully committed to the accreditation process and intends to maintain compliance with all COC requirements, standards, and policies. We anticipate working closely with Commission staff as we complete our implementation planning process and intend to meet all expectations of the Commission.

Thank you for taking the time to consider our plans.

Sincerely,



Nancy B. Moody  
President

cc: Dr. C. Cardell  
Dr. P. DeBusk  
Dr. S. Emberton  
Dr. C. Hess



**SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS  
COMMISSION ON COLLEGES**

1866 Southern Lane • Decatur, Georgia 30033-4097

Telephone 404/679-4500 Fax 404/679-4558

[www.sacscoc.org](http://www.sacscoc.org)

May 21, 2008

Dr. Nancy B. Moody  
President  
Lincoln Memorial University  
6965 Cumberland Gap Parkway  
Harrogate, TN 37752

Dear Dr. Moody:

Thank you for three recent letters regarding change at your institution. You wrote on April 2, 2008, to notify the Commission of your intent to offer, effective fall term, 2009, two new degree programs:

Doctor of Education (Ed.D. in Executive Leadership)  
Doctor of Jurisprudence (J.D.)

Since the university is approved to offer the Doctor of Osteopathic Medicine, these will be the institution's second and third doctoral degrees. We accept the notification and look forward to receiving the prospectuses at least three months prior to implementation.

Your letter of April 8, 2008, corrected the title of the Ed.D. degree program about which you had notified us on April 2, 2008. The correct degree title is:

Doctor of Education (Ed.D. in Executive Leadership)

We have corrected our files.

You wrote on April 22, 2008, to notify the Commission of your intent to establish a new off-campus instructional site, effective August, 2008, at the following address:

Sevier County Campus  
Walters State Community College  
1720 Old Newport Highway  
Sevierville, TN 37876

You intend to offer the following programs at the site:

Bachelor of Science in Management and Leadership Studies degree  
completion program

Master of Business Administration

Both programs are offered on campus and at approved off-campus instructional sites. In lieu of a prospectus, please provide the following information for the site:



Page 2  
Dr. Moody  
May 21, 2008

Faculty roster using the Commission form;

Description of discipline-specific library resources available to your students;

Description of physical resources; and,

Description of student services.

We accept the notification and look forward to receiving additional information by June 23, 2008.

Best regards,

A handwritten signature in cursive script that reads "Belle S. Wheelan".

Belle S. Wheelan, Ph.D.  
President  
Commission on Colleges

BSW/RER:jdw

cc: Dr. Cheryl D. Cardell



A-6

**Minute Excerpts  
Lincoln Memorial University  
Board of Trustees Meeting  
1:30 p.m., May 2, 2008  
Executive Board Room  
Business/Education Building**

**Finance Report**

Mr. Randy Eldridge presented a comparison of revenues and expenditures for March 31, 2007 and March 31, 2008 (Attachment I). Mr. Eldridge stated that as of March 31, 2008, the strategic initiative was just under \$6.6 million. He added that the current fiscal year's budget, approved by the Board in May 2007, had an anticipated net loss of approximately \$2.7 million, but would actually break even by the end of the fiscal year. He submitted for approval the proposed budget for 2008-09 as follows:

<b>FINANCIAL PERFORMANCE 2007-2008</b>	<b>2007-08 BUDGET</b>	<b>2007-08 ACTUAL To 3/31/08</b>
TOTAL OPERATING REVENUE	\$42,989,006	\$40,803,358
TOTAL OPERATING EXPENSE	43,530,066	32,596,672
DEBT SERVICE	2,170,107	1,626,823
STRATEGIC INITIATIVES	(2,711,167)	13,477

<b>PROJECTED BUDGET 2008-2009</b>	<b>2008-09 BUDGET</b>	<b>BUDGET INCREASE</b>
TOTAL OPERATING REVENUE	\$53,691,730	\$10,702,724
TOTAL OPERATING EXPENSE	48,923,575	5,393,509
DEBT SERVICE	3,558,859	1,388,752
STRATEGIC INITIATIVES	1,209,296	3,920,463

**A motion was made by Dr. Sam Mars, Jr. and seconded by Mr. Jerry Zillion to approve the proposed budget for 2008-09. The motion passed by a unanimous vote.**

**Law School**

Dr. Sherilyn Emberton gave an update on the progress of the development of the proposed law school. LMU hired a consultant, Richard Gershon, who was the founding dean of the Charleston School of Law and now serves as full-time faculty. LMU notified the Southern Association of Colleges and Schools (SACS) of the intent to pursue a law school. In addition, LMU sent a letter to the Tennessee Board of Law Examiners (TBLE). As a result of the letter, a phone conference was scheduled with Jimmie Miller of the TBLE. LMU traveled to respond to the TBLE with a written report, as well as a presentation. The next steps on the proposed law school timeline are to gain TBLE

approval during the summer of 2008. The first class of one hundred twenty-five students is set to begin in the fall of 2009. **A motion was made by Mr. Jerry Zillion and seconded by Dr. Edwin Robertson to approve that LMU initiate a School of Law and offer the Doctor of Jurisprudence degree (JD). The motion passed by a unanimous vote.**

**A-7**

## **Rule 7. Licensing of attorneys.**

### **Preface**

The Board of Law Examiners for the State of Tennessee is created as a part of the judicial branch of government by the Supreme Court of Tennessee pursuant to its inherent authority to regulate courts. The Supreme Court appoints the members of the Board and has general supervisory authority over all the Board's actions. Admission to practice law is controlled by the Supreme Court, which acts on the basis of the certificate of the State Board of Law Examiners.

## **ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE**

**Sec. 1.01. License Required.** —No person shall engage in the "practice of law" or the "law business" in Tennessee, except pursuant to the authority of this Court, as evidenced by a license issued in accordance with this Rule, or in accordance with the provisions of this Rule governing special or limited practice. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 1.02. Certificate of Board.** —A license evidencing admission to the bar of Tennessee shall be granted by this Court only upon the Certificate of the State Board of Law Examiners (here called the "Board"). [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 1.03. Criteria for Admission.** —The Certificate of the Board will be based upon a determination that the applicant: (i) is of the statutory age; (ii) has satisfied the educational requirements for admission specified by this Rule; (iii) has passed the examination or examinations required by this Rule, or is eligible for admission without examination as hereinafter provided in Article V; (iv) has demonstrated such reputation and character as in the opinion of the Board indicates no reasonable basis for substantial doubts that the applicant will adhere to the standards of conduct required of attorneys in this State; and (v) has evidenced a commitment to serve the administration of justice in this State. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 1.04. Waiver of Examination.** —In the case of an applicant who has been admitted to practice in another jurisdiction in this country, who satisfies the other requirements for admission, and who demonstrates competence to practice in Tennessee by meeting the criteria specified in this Rule, the Board may waive the requirement of passing an examination as hereinafter provided in Article V. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 1.05. Status of Persons Admitted.** —All persons admitted to the bar of Tennessee are by virtue of such admission: (i) officers of the courts of Tennessee, eligible for admission to practice in any court in this State, and entitled to engage in the "law business"; and (ii) subject to the duties and standards imposed from time to time on attorneys in this State. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 1.06. Existing Licenses.** —Nothing in this Rule will be construed as requiring the relicensing of persons holding valid licenses to practice as of the date of its adoption. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

## ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION

**Sec. 2.01. Bachelor and Law Degrees.** —To be eligible to take the examination, an applicant must file as part of the application:

(a) Evidence satisfactory to the Board that prior to beginning the study of law, the applicant had received a Bachelor's Degree from a college on the approved list of the Southern Association of Colleges and Secondary Schools, or the equivalent regional accrediting association, or any accreditation agency imposing at least substantially equivalent standards; and

(b) A certificate from the dean or supervising authority of the school of law in which the applicant is enrolled or from which the applicant graduated, that the school is accredited by the American Bar Association, or has been approved by the Board under Section 2.03, and that the applicant has completed all the requirements for graduation and will have the number of credit hours required for graduation by the date of the bar examination. If the latter type of certificate is furnished, a supplemental statement by the dean or other supervising authority must be made showing completion of all requirements for graduation by the date of the examination.

(c) The Board in its discretion may waive the requirement of graduation from an accredited undergraduate school if the applicant has graduated from a law school accredited by the American Bar Association. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; as amended by order filed April 15, 1999, effective May 1, 1999.]

**Sec. 2.02. Approval of Law Schools.** — Each applicant to take the examination must have completed a course of instruction in and graduated from a regularly organized law school which was accredited by the American Bar Association at the time of applicant's graduation, or one which has been approved by the Board pursuant to Section 2.03. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992 and by order filed March 23, 2004]

**Sec. 2.03. Approval of Tennessee Law Schools Not Accredited by the American Bar Association.** — The Board may approve any law school in Tennessee not accredited by the American Bar Association for the purpose of allowing its graduates to be eligible to take the Tennessee bar examination when the standards in this section are met and the Board finds the school is effectively achieving its mission and objectives.

(a) Statement of Mission or Objectives

A school shall adopt a statement of its mission or objectives, which shall include a commitment to a program of legal education designed to provide its graduates with:

(1) An understanding of 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;

(2) A basic legal education through a course of study that develops 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 skills of legal analysis and writing, issue recognition, reasoning, problem solving, organization, and oral and written communications necessary to participate effectively in the legal profession.

(b) Organization and Administration

A school shall adopt and maintain an organizational and administrative structure that complies with the following standards:

(1) It shall be governed by, and its general policies shall be established by, a governing board composed of individuals who are not members of its faculty and who are dedicated to fulfilling the mission or objectives of the school.

(2) It shall have a dean, selected by the governing board, to whom the dean shall be accountable; and who shall be provided with the authority and support needed to carry out the responsibilities of the position.

(3) The dean, with the advice of the faculty or its representatives, shall formulate and administer the educational program of the school, including the course of study; methods of instruction; admission; and academic standards for retention, advancement and graduation of students; and shall recommend to the governing board the selection, retention and compensation of the faculty.

(4) Alumni, students and others may be involved in assisting the governing board, the dean and the faculty in developing policies and otherwise in fulfilling the mission or objectives of the school, in a participatory or advisory capacity.

(5) A school shall not be conducted as a commercial enterprise, and the compensation of any person shall not depend on the number of students or on the fees received.

(6) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex or disability.

(c) Faculty

A school shall establish policies with respect to its faculty consistent with the following standards:

(1) A law school shall have a faculty whose members possess a high level of competence and experience as may be demonstrated by education, teaching ability, judicial service, and capacity for legal research and writing.

(2) To be eligible for appointment to the faculty, a person must be a licensed attorney of known ability and integrity. Nothing in this section shall, however, prevent the appointment of other persons of known ability and integrity who are not licensed lawyers to instruct in inter-disciplinary courses such as accounting, taxation, legal research, writing skills, and medicine for lawyers.

(3) A law school shall take reasonable steps to ensure the teaching effectiveness of each member of the faculty.

(4) A number of faculty members shall be employed sufficient to fulfill the mission or objectives of the school.

(d) Facilities

A school shall have classrooms, other physical facilities and technological capacities that are adequate for the fulfillment of its mission or objectives.

(e) Library

A school shall maintain a law library, including access to computerized research, sufficient to meet the research needs of its students and facilitate the education of its students consistent with its mission or objectives. The library shall be available to all students at reasonable hours.

**(f) Program of Legal Education**

A school shall maintain an educational program designed to fulfill its mission or objectives, which program shall be consistent with the following standards:

(1) The educational program shall be designed to qualify its graduates for admission to the bar and to prepare them to participate effectively and honorably in the legal profession.

(2) The course of study shall:

(A) Include instruction in those subjects generally regarded as the core of the law school curriculum, including but not limited to the law school subjects covered on the Tennessee bar examination and listed in section 4.04;

(B) Be designed to fulfill the school's mission or objectives, including those expressed in Subsection (a) above;

(C) Include at least one rigorous writing experience;

(D) Require at least the minimum standards of class hours required from time to time under the American Bar Association standards for approval of law schools for the particular category of school;

(E) Be based on a schedule of classes to meet the minimum standards of class hours, which schedule may include weekend classes;

(F) Include adequate opportunities, and emphasis on, instruction in professional skills, particularly skills in written communication.

(3) A school shall adopt and adhere to sound standards of academic achievement, including:

(A) Clearly stated standards for good standing, advancement and graduation; and

(B) Termination of enrollment of a student whose inability or unwillingness to do satisfactory work is sufficiently manifest so that such student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

**(g) Admissions**

A school shall adopt and adhere to admission policies consistent with the following standards:

(1) A school's admission policy shall be based on, and consistent with, its mission or objectives.

(2) To be admitted, an applicant must have:

(A) Received a bachelor's degree as provided in Section 2.01; and

(B) Taken an acceptable test for the purpose of assessing the applicant's capability of satisfactorily completing the school's educational program; (the Law School Admission Test sponsored by the Law School Admission Council qualifies as an acceptable test; and the use of any other test must be approved by the Board) and

(C) Satisfied the minimum requirements for admission established by the governing board of the school; and

(D) Satisfied the dean and Admissions Committee that the applicant possesses good moral character.

(3) A law school may not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or disability.

**(h) Basic Consumer Information**

A school shall publish basic consumer information in a fair and accurate manner, reflective of actual practice,



including:

- (1) statement of mission or objectives;
- (2) admission data;
- (3) tuition, fees, living costs, financial aid, and refunds;
- (4) enrollment data and graduation rates;
- (5) composition and number of faculty and administrators;
- (6) description of educational program and curricular offerings;
- (7) library resources;
- (8) physical facilities; and
- (9) placement rates and bar passage data.

(i) Self-Study

(1) The dean and faculty shall develop and periodically revise a written self-study, including an evaluation of the following topics: the continuing relevance of the school's mission or objectives; the effectiveness of the program of legal education; the appropriateness of the school's admission policies; the significance of the trend in rates of graduation and attrition; and the significance of the trends in the pass/fail rate on the bar examination; the strengths and weaknesses of the school's policies; goals to improve the educational program; and means to accomplish unrealized goals.

(2) The self-study shall be completed every seven years or earlier upon written request of the Board of Law Examiners.

(j) Functions of Board

(1) The Board of Law Examiners shall determine whether such Tennessee law school has met these educational standards and is effectively achieving its mission and objectives and when such school is entitled to be approved as in good standing with the Board, subject to review by the Supreme Court under the provisions of Rule 7.

(2) The Board is authorized to make inquiry to the school and respond to inquiry by the school and to adopt such additional standards as in its judgment the educational needs of the school may justify, which changes shall be subject to the Court's approval.

(3) The Board may require a school to furnish such information, including periodic reports, as it deems reasonably appropriate for carrying out its responsibilities. The Board may also require a school to furnish information known to school officials relevant to the character and fitness of its students.

(4) The Board may investigate such law schools in accordance with section 2.07, and such investigations shall be confidential to ensure a frank, candid exchange of information and evaluation.

(5) A law school may be granted approval and be in good standing when it establishes to the satisfaction of the Board that it is in compliance with the standards set forth herein and the Board finds the school is effectively achieving its mission and objectives.

(6) If the Board has reasonable cause to believe that a law school does not comply with the standards in section 2.03, and/or the school is not effectively achieving its mission and objectives, it shall inform the school of its apparent non-compliance or failure to effectively achieve its mission or objectives and follow the procedures in sections 2.09, 2.10, 2.11, 2.13 and related sections.

(k) Certification of Compliance

The dean and the chairperson of the board of directors of the law school shall certify annually in writing to the Board of Law Examiners that the school is in compliance with these standards and is effectively achieving its mission and objectives or, if not in compliance or not effectively achieving its mission or objectives, identify areas of non-compliance or other deficiencies, as well as its intention and plan of action to attain compliance.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective as indicated in the compiler's note.]

**Sec. 2.04. No Correspondence Course.** —No correspondence course will be accepted by the Board as any part of an applicant's legal education to meet the requirements of this rule. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 2.05. Statement of Status.** —In its catalogs or other informational material distributed to prospective students, a law school shall state whether it is accredited by the American Bar Association or has been approved by the Board pursuant to section 2.03. Any law school in Tennessee, which has not been accredited by the American Bar Association or approved by the Board and which advertises in its catalog or otherwise that it is so accredited or approved, shall not be recognized by the Board as other than a substandard school and will be so classified and disapproved. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective as indicated in the compiler's note.]

**Sec. 2.06. New Law Schools in Tennessee.** —Any law school located in Tennessee (whether full-time or part-time), which permits the enrollment of students without first having obtained the written approval of the Board, shall be classified as a substandard school. Its graduates shall be denied permission to take the examination. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**Sec. 2.07. Investigation and Evaluation by Board.** —The Board may investigate and evaluate any law school located in Tennessee, from time to time, with respect to the adequacy of its facilities, faculty and course of study. In addition, representatives of the Board may participate as observers in connection with law school evaluations or investigations conducted from time to time by the American Bar Association in its accreditation process. The refusal of any such school to cooperate or participate in the conduct of such evaluation shall be reported to the Court, which may, after hearing, take such actions as the facts may justify. Each law school located in Tennessee shall furnish to the Board copies of all documentation, including self-study analyses and evaluation reports, prepared, completed or received in connection with such school's accreditation status with the American Bar Association. The investigation of any law school, including all reports, data and other information provided to the Board in connection with approval of the law school's standing with the Board shall be confidential in order to ensure a frank, candid exchange of information. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective January 13, 2001.]

**Sec. 2.08. Site Evaluation of Approved Law Schools.** —(a) A site evaluation by the Board of a law school approved by the Supreme Court shall be conducted in the third year following the granting of approval and every seventh year thereafter. The Board may order additional site evaluations of a school when special circumstances warrant.

(b) The Board shall arrange for the site evaluation or inspection of the law school by a team of qualified and objective persons who have no conflicts of interest as defined in section 2.15.

(c) Before the site evaluation, the law school shall furnish to the Board and members of the site evaluation team a completed application (if the school is applying for approval), the current self-study undertaken by the dean and faculty, and any complaints that the law school is not in compliance with the standards.

(d) The Board shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires several days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information reviewed, and consultations held with the chairperson of the board, officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking approval, such visit shall be scheduled within three months after receipt by the Board of an application for approval.

(e) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the standards, but shall report facts and observations that will enable the Board and the Supreme Court to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Board. After reviewing the report, the Board shall transmit the report to the chairperson and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter transmitting the report, the Board shall include the date on which the Board will consider the report and shall advise that any response to the report must be received by the Board at least fifteen (15) days prior to the date of the meeting at which the Board will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Board mailed the report to the school.

(g) Following receipt of the school's response to the site evaluation report, the Board shall forward a copy of the report with the school's response to members of the Board and the site evaluation team.

(h) The Board may not consider any additional information submitted by the school after the school's response to the report has been received by the Board, unless (1) the information is received in writing by the Board at least fifteen (15) days before the Board meeting at which the report is scheduled to be considered, or (2) for good cause shown, the president of the Board authorizes consideration of the additional information that was not received in a timely manner.

(i) Upon the completion of the procedures, the Board shall consider the law school's evaluation and determine whether the school is in compliance with the standards and is effectively achieving its mission and objectives.

(j) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.09. Action Concerning Apparent Non-Compliance with Standards or Deficiencies in Mission. —**

(a) If the Board has reasonable cause to believe that a law school does not comply with the standards in section 2.03 or is not effectively achieving its mission or objectives, it shall inform the school of its apparent non-compliance or deficiencies and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the standards or correct the deficiencies. The school shall furnish the requested information to the Board within the time prescribed.

(b) If upon a review of the information furnished by the law school in response to the Board's request and other relevant information, the Board determines that the school has not demonstrated compliance with the standards or is not effectively achieving its mission or objectives, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Supreme Court, or be subject to other appropriate action.

(c) If the Board finds that a law school has failed to comply with the standards or is not effectively achieving its mission or objectives by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Supreme Court, or be subject to other appropriate action.

(d) The Board shall give the law school at least thirty (30) days notice of the show cause hearing. The notice shall specify the school's apparent non-compliance with the standards or its failure to effectively achieve its mission or objectives and state the time and place of the hearing. For good cause shown, the president of the Board may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing. The Board shall send the notice of hearing to the dean of the school by certified or registered United States mail. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.10. Fact Finder. —**(a) The president of the Board may appoint a fact finder to elicit facts relevant to any matter before the Board.

(b) The Board shall furnish the fact finder with a copy of the most recent site evaluation report, any action letters written subsequent to the most recent site evaluation report, notice of hearing and other relevant information.

(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or non-compliance with the standards or whether the school is effectively achieving its mission or objectives, but shall report facts and observations that will enable the Board to determine compliance or deficiencies. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder shall promptly submit the report to the Board. After reviewing the report, the Board shall transmit the report to the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Board shall include the date on which the Board will consider the report. The Board shall further advise the school as to the date upon which their response to the report must be received by the Board, which date shall be at least fifteen (15) days prior to the date of the meeting at which the Board will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Board mailed the report to the school. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.11. Hearing on Show Cause Order.** —(a) The Board shall have available for review at the show cause hearing:

- (1) The fact finder's report, if any;
- (2) The most recent site evaluation report;
- (3) Any site evaluation questionnaire;
- (4) Any action letters written subsequent to the most recent site evaluation report, which letters direct the school to rectify non-compliance or correct deficiencies;
- (5) Notice of Board hearing; and
- (6) Other relevant information.

(b) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the standards and is effectively achieving its mission or objectives or to present a reliable plan for bringing the school into compliance with all of the standards and to correct deficiencies within a reasonable time.

(c) The Board may invite the fact finder, if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.

(d) After the hearing, the Board shall determine whether the law school is in compliance with the standards and whether it is effectively achieving its mission and objectives and, if not, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.

(1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the standards and to help it achieve its mission and objectives.

(2) If matters of non-compliance or deficiencies are substantial or have been persistent, then the Board may recommend to the Supreme Court that the school be subjected to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance or to correct deficiencies.

(3) If matters of noncompliance or deficiencies are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board may recommend to the Supreme Court that the school be removed from the list of approved schools.

(e) If the Board determines that the law school is in compliance and has no deficiencies, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the dean of the school by the Board. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.12. Confidentiality of Approval and Evaluation Procedures.** —The proceedings set forth in sections 2.03, 2.07, 2.08, 2.09, 2.10 and 2.11 shall be confidential to ensure a frank, candid exchange of

information. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.13. Supreme Court Consideration of Board Recommendation for Imposition of Sanctions. —**

(a) If the Board determines that a law school is not in compliance with the standards or has effectively failed to achieve its mission and objectives and recommends that the school be placed on probation or removed from the list of approved law schools, the Board shall notify the Supreme Court and request a hearing. The Board shall notify the dean of the school of the time and place of the Supreme Court hearing, which shall be open to the public.

(b) The Board shall file with the Supreme Court in the public record the Board's written recommendation, the fact finder's report, if any, the most recent site evaluation report and any action letters to the school written subsequent to the most recent site evaluation report.

(c) Representatives of the law school, including legal counsel, may appear at the Supreme Court hearing at which the Board's recommendations are considered. The president of the Board of Law Examiners (or his or her designee) shall present the Board's findings, conclusions and recommendations.

(d) The Supreme Court shall determine whether to affirm the Board's findings and conclusions, and whether to adopt the Board's recommendations. The Board's findings and conclusions shall be affirmed if there is a substantial basis to support them, unless the school presents new information that, in the opinion of the Supreme Court, demonstrates that the school is in compliance with the standards.

(e) The Supreme Court may direct the law school to take appropriate remedial action or subject it to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the standards.

(f) The Supreme Court shall inform the dean of the law school of the decision by court order. If the decision is adverse to the law school, the order shall provide specific reasons for the decision.

(g) If the Court imposes sanctions in the absence of a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board shall monitor the steps taken by the school to come into compliance. If the Court imposes sanctions pursuant to a reliable plan for bringing the school into compliance with the standards and/or to correct deficiencies, the Board shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the standards or to correct deficiencies, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Court for coming into compliance the school has not achieved compliance with all of the standards or corrected all deficiencies, the Board shall forward a recommendation that the school be removed from the list of approved schools. This recommendation shall be heard by the Court under the procedures of this section 2.13 but the only issue for Court consideration will be whether the school has met the terms of its plan or is in compliance with all of the standards or has corrected deficiencies.

(h) At any time that the school presents information on which the Board concludes that the school is in full compliance with the standards or has corrected its deficiencies, the Board shall recommend to the Court that the school be taken off probation. This recommendation will be heard by the Court under the procedures of this section 2.13. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.14. Maximum Period for Compliance with Remedial or Probationary Requirements. —**Upon communication to a law school of a final decision that it is not in compliance with the standards or has failed to effectively achieve its mission or objectives and informing it that it has been ordered to take remedial action or has been placed on probation, the school shall have a period as set by the Supreme Court to come into compliance. The period may not exceed two (2) years unless such time is extended by the Supreme Court, as the case may be, for good cause shown. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

**Sec. 2.15. Conflicts of Interest. —**Members of the Board and any site evaluation team as well as any fact finders appointed under the provisions of Article II should avoid any conflict of interest or perceived conflict of interest arising because a person has an "associational interest" in the law school or the law school program under review by the Board or the Supreme Court. Alumni, faculty and directors of the school under review are deemed to have an associational interest in the school and should recuse themselves from the process of review. Former faculty and board members who have terminated their relationship with the school less than five (5) years prior to the site inspection, evaluation or review process are also deemed to have an associational interest in the school and should recuse themselves from the process of review. [Adopted by

A-8

**Sec. 2.03. Approval of Tennessee Law Schools Not Accredited by the American Bar Association. —**

The Board may approve any law school in Tennessee not accredited by the American Bar Association for the purpose of allowing its graduates to be eligible to take the Tennessee bar examination when the standards in this section are met and the Board finds the school is effectively achieving its mission and objectives.

(a) Statement of Mission or Objectives

A school shall adopt a statement of its mission or objectives, which shall include a commitment to a program of legal education designed to provide its graduates with:

(1) An understanding of 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;

(2) A basic legal education through a course of study that develops 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 skills of legal analysis and writing, issue recognition, reasoning, problem solving, organization, and oral and written communications necessary to participate effectively in the legal profession.

(b) Organization and Administration

A school shall adopt and maintain an organizational and administrative structure that complies with the following standards:

(1) It shall be governed by, and its general policies shall be established by, a governing board composed of individuals who are not members of its faculty and who are dedicated to fulfilling the mission or objectives of the school.

(2) It shall have a dean, selected by the governing board, to whom the dean shall be accountable; and who shall be provided with the authority and support needed to carry out the responsibilities of the position.

(3) The dean, with the advice of the faculty or its representatives, shall formulate and administer the educational program of the school, including the course of study; methods of instruction; admission; and academic standards for retention, advancement and graduation of students; and shall recommend to the governing board the selection, retention and compensation of the faculty.

(4) Alumni, students and others may be involved in assisting the governing board, the dean and the faculty in developing policies and otherwise in fulfilling the mission or objectives of the school, in a participatory or advisory capacity.

(5) A school shall not be conducted as a commercial enterprise, and the compensation of any person shall not depend on the number of students or on the fees received.

(6) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex or disability.

(c) Faculty

A school shall establish policies with respect to its faculty consistent with the following standards:

(1) A law school shall have a faculty whose members possess a high level of competence and experience as may be demonstrated by education, teaching ability, judicial service, and capacity for legal research and writing.

(2) To be eligible for appointment to the faculty, a person must be a licensed attorney of known ability and integrity. Nothing in this section shall, however, prevent the appointment of other persons of known ability and integrity who are not licensed lawyers to instruct in inter-disciplinary courses such as accounting, taxation, legal research, writing skills, and medicine for lawyers.

(3) A law school shall take reasonable steps to ensure the teaching effectiveness of each member of the faculty.

(4) A number of faculty members shall be employed sufficient to fulfill the mission or objectives of the school.

(d) Facilities

A school shall have classrooms, other physical facilities and technological capacities that are adequate for the fulfillment of its mission or objectives.

(e) Library



A school shall maintain a law library, including access to computerized research, sufficient to meet the research needs of its students and facilitate the education of its students consistent with its mission or objectives. The library shall be available to all students at reasonable hours.

**(f) Program of Legal Education**

A school shall maintain an educational program designed to fulfill its mission or objectives, which program shall be consistent with the following standards:

(1) The educational program shall be designed to qualify its graduates for admission to the bar and to prepare them to participate effectively and honorably in the legal profession.

(2) The course of study shall:

(A) Include instruction in those subjects generally regarded as the core of the law school curriculum, including but not limited to the law school subjects covered on the Tennessee bar examination and listed in section 4.04;

(B) Be designed to fulfill the school's mission or objectives, including those expressed in Subsection (a) above;

(C) Include at least one rigorous writing experience;

(D) Require at least the minimum standards of class hours required from time to time under the American Bar Association standards for approval of law schools for the particular category of school;

(E) Be based on a schedule of classes to meet the minimum standards of class hours, which schedule may include weekend classes;

(F) Include adequate opportunities, and emphasis on, instruction in professional skills, particularly skills in written communication.

(3) A school shall adopt and adhere to sound standards of academic achievement, including:

(A) Clearly stated standards for good standing, advancement and graduation; and

(B) Termination of enrollment of a student whose inability or unwillingness to do satisfactory work is sufficiently manifest so that such student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

**(g) Admissions**

A school shall adopt and adhere to admission policies consistent with the following standards:

(1) A school's admission policy shall be based on, and consistent with, its mission or objectives.

(2) To be admitted, an applicant must have:

(A) Received a bachelor's degree as provided in Section 2.01; and

(B) Taken an acceptable test for the purpose of assessing the applicant's capability of satisfactorily completing the school's educational program; (the Law School Admission Test sponsored by the Law School Admission Council qualifies as an acceptable test; and the use of any other test must be approved by the Board) and

(C) Satisfied the minimum requirements for admission established by the governing board of the school; and

(D) Satisfied the dean and Admissions Committee that the applicant possesses good moral character.

(3) A law school may not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or disability.

**(h) Basic Consumer Information**

A school shall publish basic consumer information in a fair and accurate manner, reflective of actual practice,

including:

- (1) statement of mission or objectives;
- (2) admission data;
- (3) tuition, fees, living costs, financial aid, and refunds;
- (4) enrollment data and graduation rates;
- (5) composition and number of faculty and administrators;
- (6) description of educational program and curricular offerings;
- (7) library resources;
- (8) physical facilities; and
- (9) placement rates and bar passage data.

(i) Self-Study

(1) The dean and faculty shall develop and periodically revise a written self-study, including an evaluation of the following topics: the continuing relevance of the school's mission or objectives; the effectiveness of the program of legal education; the appropriateness of the school's admission policies; the significance of the trend in rates of graduation and attrition; and the significance of the trends in the pass/fail rate on the bar examination; the strengths and weaknesses of the school's policies; goals to improve the educational program; and means to accomplish unrealized goals.

(2) The self-study shall be completed every seven years or earlier upon written request of the Board of Law Examiners.

(j) Functions of Board

(1) The Board of Law Examiners shall determine whether such Tennessee law school has met these educational standards and is effectively achieving its mission and objectives and when such school is entitled to be approved as in good standing with the Board, subject to review by the Supreme Court under the provisions of Rule 7.

(2) The Board is authorized to make inquiry to the school and respond to inquiry by the school and to adopt such additional standards as in its judgment the educational needs of the school may justify, which changes shall be subject to the Court's approval.

(3) The Board may require a school to furnish such information, including periodic reports, as it deems reasonably appropriate for carrying out its responsibilities. The Board may also require a school to furnish information known to school officials relevant to the character and fitness of its students.

(4) The Board may investigate such law schools in accordance with section 2.07, and such investigations shall be confidential to ensure a frank, candid exchange of information and evaluation.

(5) A law school may be granted approval and be in good standing when it establishes to the satisfaction of the Board that it is in compliance with the standards set forth herein and the Board finds the school is effectively achieving its mission and objectives.

(6) If the Board has reasonable cause to believe that a law school does not comply with the standards in section 2.03, and/or the school is not effectively achieving its mission and objectives, it shall inform the school of its apparent non-compliance or failure to effectively achieve its mission or objectives and follow the procedures in sections 2.09, 2.10, 2.11, 2.13 and related sections.

(k) Certification of Compliance

The dean and the chairperson of the board of directors of the law school shall certify annually in writing to the Board of Law Examiners that the school is in compliance with these standards and is effectively achieving its mission and objectives or, if not in compliance or not effectively achieving its mission or objectives, identify areas of non-compliance or other deficiencies, as well as its intention and plan of action to attain compliance.

A-9

W. SCOTT MCGINNESS, JR.  
Vice-President  
Chattanooga

JIMMIE C. MILLER  
President  
Kingsport

JULIAN L. DIBB  
Secretary-Treasurer  
Nashville

MARLENE ESKIND MOSES  
Nashville

RICKY E. WILKINS  
Memphis



**BOARD OF LAW EXAMINERS  
OF TENNESSEE**

ADELE A. ANDERSON  
Executive Director

MAILING ADDRESS:

Telephone: (615) 741-3234  
Fax: (615) 741-5867  
Web Site: [www.tennessee.gov/lawexaminers](http://www.tennessee.gov/lawexaminers)

BOARD OF LAW EXAMINERS  
SUITE 2200  
401 CHURCH STREET  
NASHVILLE, TN 37243-0740

February 24, 2009

Dean Sydney Beckman  
Lincoln Memorial University Law School  
601 West Summit Hill Dr.  
Knoxville, TN 37902

Dear Dean Beckman:

The Tennessee Board of Law Examiners (TBLE) is pleased to approve the request by Lincoln Memorial University (LMU) that its College of Law graduates shall be eligible to take the Tennessee bar examination. The TBLE grants approval pursuant to Supreme Court Rules, Rule 7, Section 2.03, based upon the representations of LMU that the College of Law will seek accreditation by the American Bar Association at the earliest opportunity permitted by the ABA.

In the event that LMU fails to obtain provisional accreditation from the ABA prior to December 31, 2012, or if after obtaining ABA provisional accreditation, LMU fails to obtain ABA accreditation within the timeframe required by the ABA, then upon written notice from the TBLE to LMU, and after an opportunity for LMU to be heard on the issues, the TBLE may withdraw and rescind the approval granted.

It is our understanding that LMU will work diligently to accomplish the requirements for ABA accreditation. The members of the TBLE extend our sincere wishes to LMU for success in the further development of the College of Law in Knoxville.

Sincerely yours,

Jimmie C. Miller  
President

cc: Chief Justice Janice Holder  
50 Peabody Place, Suite 209  
Memphis, TN 38103-3665

Justice Gary R. Wade  
PO Box 444  
Knoxville, TN 37902-0444

Justice Cornelia A. Clark  
401 7<sup>th</sup> Ave., N., Suite 318  
Supreme Court Bldg.  
Nashville, TN 37219-1407

Justice William C. Koch, Jr.  
401 7<sup>th</sup> Ave., N., Suite 321  
Supreme Court Bldg.  
Nashville, TN 37219-1407

Justice Sharon G. Lee  
PO Box 444  
Knoxville, TN 37902-0444

Dr. Nancy Moody  
President, Lincoln Memorial University  
6965 Cumberland Gap Pkwy.  
Harrogate, TN 37752

Dr. Sherilyn Emberton  
Vice-President, Academic Affairs  
Lincoln Memorial University  
6965 Cumberland Gap Pkwy.  
Harrogate, TN 37752

xc: W. Scott McGinness, Jr.  
Julian L. Bibb  
Marlene Eskind Moses  
Ricky E. Wilkins

A-10

## Planning, Budgeting and Assessment Schedule

DATE	UNIVERSITY LEVEL	UNIT/DIVISION LEVEL
May 15-September 14	Review and update strategic plan and budget pro forma, strategic initiatives to Cabinet and President for approval	
September 15-30		Submit final outcomes assessment reports from previous academic year to Deans, Vice Presidents and Director of IE
October 1-31	Prepare President's report to Board	Faculty Evaluation Process by Deans/Chairs
November 1-15	Submit revisions of University mission, goals, strategic plan and pro forma and strategic initiatives to Board for approval	
November 15-December 15		Collect assessment data for unit/division plans, reports and budget development
January 1-15		Submit faculty assessment reports for previous calendar year to Vice Presidents and Director of IE
January 16-31		Submit revised unit/division strategic plan and pro forma, strategic initiatives, budget for next academic year to Deans, Vice Presidents and Director of IE
February 1-March 31	Collect/review unit/division budgets and prepare University budget for next academic year for approval by Cabinet	
April 1-30	Prepare President's report to Board and President approves budget	
April 15-May 15		Collect assessment data for unit/division plans and reports
May 1-15	Submit budget for next academic year, any revisions to University mission, goals and progress toward strategic initiatives to Board for review and approval	
May 15-30		Academic units- submit progress reports/drafts of outcomes assessment data/results to Deans/ division leaders. Administrative units- submit unit/division outcomes assessment report drafts or final reports (if possible) to division leaders.

A-11



**Use of Prior Year (2006-2007) Assessment Results for Improvement  
 {Name of Program (major), Unit, Department, and/or Division}**

**Mission: Provide the mission statement for your Program (major), Unit, Department, and/or Division)**

**Linkage between Program, Unit, Department and/or Division Mission Statement and University Mission: Briefly explain connection through narrative.**

Recommendations Resulting From Assessment in 2006-2007	Changes Implemented in 2007-2008 Based on 2006-2007 Evaluation	Outcomes of Changes Implemented in 2007-2008 and Recommendations (if any) for Further Improvements in 2008-2009

**Use a separate sheet for operational and student learning goals.**

A-12

**2007-2008 Outcomes Assessment Summary**  
**Operational Units**  
**{Program/Department- Division}**

**Mission: Program (major), Unit, Department or Division Mission.**

Related University Goal(s) #	Related Strategic Goal(s) #	2007-2008 Program/Unit Goals (include number for each goal)	Objectives	Outcomes/Results of Assessment (Include Evaluation Methods) 2007-2008	Recommendations for Improvements/Continued Assessment 2008-2009

**2007-2008 Outcomes Assessment Summary**  
**Academic Programs/Departments**  
**{Program/Department- Academic Affairs}**

**Mission: Program (major), Unit, Department or Division Mission.**

Related University Goal(s) #	Related Strategic Goal(s) #	2007-2008 Program/Unit Goals (include number for each goal)	Objectives (Including Expected Learning Outcomes/Benchmarks)	Outcomes/Results of Assessment (Include Evaluation Methods) 2007-2008	Recommendations for Improvements/Continued Assessment 2008-2009

A-13

Institutional Effectiveness Committee Membership Fall 2008-Spring 2009	
Member	Position
Dr. Clayton Hess Chair	Dir. of Institutional Research and Accreditation
Dr. Theresa Tuwor (Fall only)	Coordinator of Testing
Dr. Laurie Rodgers (Fall only)	Coordinator of Assessment
Melissa Witt	Assistant Director of Institutional Research
Dr. Pam Moon (Fall only)	Vice President for Enrollment Management and Student Services
Judy Beal	Interim Vice President for Enrollment Management and Student Services
Evelyn Smith	Assistant Vice President for Academic Affairs
Dr. Ray Stowers	Vice President and Dean of the DeBusk College of Osteopathic Medicine
Dr. Randy Evans	Dean of the School of Allied Health Sciences
Dr. Aggy Vanderpool	Dean of the Hamilton School of Arts and Sciences
Dr. Bill Hamby	Dean of the School of Business
Dr. Fred Bedelle	Dean of the Carter and Moyers School of Education
Dr. Mary Anne Modrcin	Dean of the Caylor School of Nursing
Ken Ramos	Chief Information Officer
Dr. Teresa Bicknell	Assistant Dean for Undergraduate Education
Dr. Randall Batchelor	Dir. of Assessment for the DeBusk College of Osteopathic Medicine
Dr. John O'Dell	Assistant Professor of Graduate Education
Dr. Gary Dutton	Assistant Dean, Carter and Moyers School of Education
JooHee Kim	Dir. of Educational Development and Assessment, DeBusk College of Osteopathic Medicine
Dr. Sherilyn Emberton	Vice President for Academic Affairs
Rhonda Armstrong	Dir. of the Carnegie-Vincent Library
Invited Member	
Dr. Nancy Moody	President

**A-14**

## **President's Cabinet**

**Dr. Sherilyn Emberton, Vice President for Academic Affairs**

**Mr. Randy Eldridge, Vice President for Finance**

**Dr. Nancy B. Moody, President, Lincoln Memorial University**

**Ms. Judy Beal, Interim Vice President Enrollment Management & Student Services**

**Dr. Ray Stowers, Vice President and Dean, DeBusk College of Osteopathic Medicine**

**Ms. Cynthia Whitt, Vice President for University Advancement**

A-15



- 2.5 The institution engages in ongoing, integrated, and institution-wide research-based planning and evaluation processes that (1) incorporate a systematic review of institutional mission, goals, and outcomes; (2) result in continuing improvement in institutional quality; and (3) demonstrate the institution is effectively accomplishing its mission. **(Institutional Effectiveness)**

Comment:

The institutional documents describe a comprehensive assessment program designed to align program goals with the institution's mission. There is a very strong emphasis on, and expectation for, effective strategic planning across the University. Multi year strategic plans have been developed and are reviewed and updated each year at an annual strategic planning retreat. The follow-up reports, included in **Appendix 17**, describe many new initiatives and program enhancements to further the institution's goals for improvement and purpose.

All academic units of the University conduct program reviews as part of their planning and assessment activities. Templates for these reviews are included in **Appendix 18** and outline a thorough study of academic quality and effectiveness. The Committee was able to examine actual samples of completed program reviews and program outcome assessments on site.

The institution has identified a number of appropriate benchmarks and performance indicators to assess their effectiveness compared to peer institutions. These include the NSSE, CIRP, and IPEDS survey instruments as well as local standards for test scores (ACT, SAT) and institutional surveys to gauge student satisfaction.

A number of academic programs have recently undergone successful accreditation review by subject specific review boards and agencies, some with commendations for excellence, which indicate academic excellence and effectiveness. Among these accreditation reviews are the Committee on Osteopathic College Accreditation (COCA), which recommended provisional accreditation of the DCOM (COCA does not confer full accreditation until a program has been in operation for four years).

The DeBusk College of Medicine has described a solid assessment program, and assessment of first year courses, student performance and technology is clearly in place. The Committee found documentation on the actual evaluation and use of results – committee minutes, reports, national and local survey results, etc. The Committee believes that the DCOM has an effective planning and assessment program that meets the core requirement.

- 2.6 The institution is in operation and has students enrolled in degree programs. **(Continuous Operation)**

Comment:

January 2007

A-16

administrative and educational support services, assesses whether it achieves these outcomes, and provides evidence of improvement based on analysis of those results. (**Institutional effectiveness**)

**Comment:**

LMU identifies expected outcomes for all of its educational programs and administrative and educational support services. Each educational program completes annual outcome assessments to measure the program's effectiveness in achieving expected outcomes such as student learning, and each program completes a comprehensive program review in accordance with the LMU Guidelines and Schedule for Program Review (**Appendix 18**).

LMU-DCOM will follow the same institutional effectiveness processes adhered to by other LMU programs. The Department of Assessment will direct, manage and facilitate assessment initiatives including distribution of outcome reports.

Table 3.3.1-1 outlines the overall assessment plan including medical student outcomes, educational activities and evaluation methods that will be used to evaluate seven core competencies. Assessment techniques include written and practical course examinations, objective structured clinical exams, written and clinical competency cumulative examinations, clerkship rotation evaluations, COMLEX 1 and 2 (CE and PE), and student surveys, clinical rotation self-assessments and rotation profiles.

Narrative Table 3.3.1-2 outlines lists of formative assessment techniques for courses, clinical rotations, group exams, student support services, student orientation, educational technology, and the overall program. To determine if LMU-DCOM is increasing the number of primary-care physicians working in Appalachia, post-graduation careers (specialty and location of practice) will be tracked.

The LMU five year (2007-2012) Strategic Plan was found in **Appendix 17**; a copy of the five year Strategic Plan (2005-2010) was provided during the site visit. The latter is supposedly reviewed annually by the Dean's Council. Annual strategic planning retreats will commence in June 2008 at which the Dean's Council and representative faculty will review and revise the plan as needed, based on outcomes from the previous year. LMU planning, budgeting and assessment processes (**see schedule in Appendix 20**) will be integrated for the D.O. program and support services for medical students.

There is a pattern of ongoing and extensive assessment of other programs at LMU. During interviews it was revealed that assessment of first year courses, student performance and educational technology has begun. First year medical students confirmed that their feedback during academic and student support services focus groups resulted in positive responses from the faculty and administration. LMU-DCOM has identified appropriate outcomes and is well prepared to assess whether or not these outcomes are achieved. The institution has a history of using assessments to improve the quality of programs.

The committee agrees that to date, LMU-DCOM has met this standard.

January 2007

A-17

**Excerpt from the Off-Site SACS-COC Reaffirmation  
Committee Report, Page 26 (November 2008).**

**E. Additional Observations regarding strengths and weaknesses of the institution.  
(optional).**

The Off-Site Committee found that the planning assessment process is excellent and is used throughout the institution. The process drives decision making. The Compliance Certification Report was exemplary.

A-18

## **LMU Law School Advisory Board**

**Attorney Robert Watson (Chair)**

**Congressman John J. Duncan (2nd district Tennessee)**

**Judge Wheeler A. Rosenbalm (Knox County Circuit Court)**

**Judge John D. McAfee (Claiborne County Circuit Judge 8th district)**

**Attorney General Randy Nichols**

**Assistant District Attorney Ta Kisha Monette Fitzgerald**

**Attorney Patti Jane Lay**

**Attorney J. Douglas Overbey**

**Attorney Sam Anderson**

**Attorney Mary Ann Stackhouse**

**Attorney Daniel H. Rader**

**Attorney David Yoder**

**Attorney Mark A. Brown**

**Attorney Debra Thompson**

**Attorney Denise Stapleton**

**Attorney Hulet Chaney**

**Gary Burchett, LMU Trustee**

A-19



Academic Council Meeting Minutes  
October 23, 2008 - BE116

Present: Pauline Lipscomb, Conrad Daniels, Teresa Bicknell, Stephen Everly, Helen Cole, John O'Dell, Gary Dutton, Jacques Debrot, Katherine Pebworth, Kay Paris, Joanna Neilson, Rhonda Armstrong, Evelyn Smith, Aggy Vanderpool, Randy Evans, Jack McCann, Sydney Beckman, Dan DeBord, Clayton Hess, Vina Faulkner, Pam Moon

Dr. Emberton opened the meeting by asking everyone present to introduce themselves and their roles. Dr. Emberton went over the function of Academic Council as an action-oriented group, and reminded the deans and department chairs of their important role on the council. There will be several new ideas coming forward during the academic year dealing with the QEP, the Post Bacc Pre-Med Program, the Law School curriculum, and other program ideas. She reminded the group that new proposals must be discussed with VPAA, prior to being placed on the Academic Council agenda.

Dr. Emberton took a moment to thank everyone for being their support of university efforts, and discussed the recent external peer review in lieu of EPA-audit process on campus by participating TICUA institutions. Dr. Emberton also reminded everyone of the October 28<sup>th</sup> faculty reception to take place on the 3<sup>rd</sup> floor of DCOM. Nursing will be hosting the reception, and it will be based on holiday theme.

Dr. Emberton updated everyone on convocation plans for tomorrow. All students on campus, who are resident students are required to attend. Sir John Boyd will be the guest speaker, and he comes to us through our partnership with UT. Sir John Boyd will be speaking on how Britain views the United States' role in foreign affairs. Convocation will take place in the Tex Turner Arena at 10:30 a.m.

Dr. Emberton provided handouts for *Enrollment History by Major 2000-2008* spreadsheets. She asked everyone to go back to 2001 see if any enrollment trends can be identified. She also reminded the group that On-Line registration will begin Monday, and thanks were expressed to all of the deans and chairs involved in making sure faculty received training.

Mrs. Evelyn Smith, Assistant VPAA, gave an update on Academic Services. A considerable group of staff and students had recently returned from ACA Summit. Several LMU personnel did presentations: Laura Slavin, Joshua Dodson, Kathey Hulley, Carol Campbell, Ann Callahan, Eugene DeSilva, Chasity Long, Mary Gibbs, Randy Evans, Joanna Badara, Brandon Brooks, Shelby Kirkpatrick, Okie Wolfe, Sabrina Hester, Katie Zion, Matthew Brock, Rebekah, Haynes, Christy Cowan, Jacques Debrot, Janice McDonnell, and Philip Smith.

There were assessment workshops in September and an outside consultant was brought in. BlackBoard sessions were given by Jeff Burluson. Karen Carter is working on an Office 2007 workshop. Faculty can book one of these sessions by just going to the calendar on the webpage. Carolyn Gulley and Pauline Lipscomb conducted a grantsmanship workshop so that faculty and staff can become familiar with the submission and reporting process.

Pauline Lipscomb talked about the deans and chairs' signature roles in external funding and research.

Dean Sydney Beckman provided an update on the proposed Law School. The building is coming along and a demonstration classroom should be completed by December. The goal is to have approvals to admit students in the fall. We are working on accreditation efforts with SACS, the American Bar Association and the Tennessee Board of Law Examiners so the students can sit for the Tennessee bar exam. These are the three major accreditations. December will be the TBLE site visit. The SACS Substantive Change Report is being written and will be submitted after the first of the year. We are hoping to start recruiting for faculty and staff soon. We have had 400 inquiries by students so far concerning the law school.

Dr. Cynthia Norris gave an update on the proposed Ed.D. program. The program staff have received 250 letters of inquiry and intent to apply for next June, for a proposed beginning class of 40 in June and 40 in July. The SACS Substantive Change is being written and will be submitted around the first of the year.

The PA Program update was given by Dr. Kiick. Documents for accreditation are on Dr. Stowers and Dr. Moody's desk right now. January 8-9 will be the site visit. There will be two people on the review team. The site visit will include looking at the handbooks, handouts and syllabi.

DCOM had their white coat ceremony last weekend. There was a tremendous turnout. The University had planned for 750 people, and had over 900. Dr. Kiick explained that curriculum changes for DCOM would be presented at the next Academic Council.

Dr. Jacques Debrot gave an update on the QEP. The QEP is in the middle of publicity campaign. Next week, Dr. Debrot would begin additional, small-group campus conversations with faculty, staff and student groups. The committee is working on completing the QEP Document and hope to have it finished by mid-November.

Dr. Clayton Hess gave us an update on the SACS Reaffirmation timeline. He reminded everyone to please participate in the facilities survey and to encourage graduating students to complete the exit survey.

Dr. Emberton opened the floor for action items:

- Motion to Accept September AC Meeting Minutes--A motion to approve September Meeting minutes of the Academic Council was made by Randy Evans and seconded by Aggy Vanderpool. The minutes were approved.
- Proposal for Teacher Education Admissions GPA Change -- Dr. Teresa Bicknell, Asst. Dean of the Carter and Moyers School of Education brought before the board a recommendation to raise the program entrance for undergraduate teacher education GPA requirements to 2.75. Dan Debord made the motion to approve the change and Katherine Pebworth seconded. The motion passed.
- Proposal for Change in Undergraduate Business Core Course Requirement -- Dr. Jack McCann, Interim chair, School of Business, brought forward a change in curriculum requirements for the business core. It would change the core requirements from 54 hrs to 36 hrs. The current requirements make it difficult for transfer students to complete in 2 years. Clayton Hess made a motion to approve and Dan Debord seconded. The motion passed.
- Proposal for Change in MBA Prerequisites-- Dr. McCann also asked to remove the course prerequisites for the MBA. The current prerequisites topics can be integrated into existing courses, and would open up admission for more students. Dean Beckman made the motion to approve and Dr. Kiick seconded the motion. The motion passed.

After a reminder that Dr. Moon's last day will be November 7, the meeting was adjourned.

Respectfully submitted by,

Aprile Mason

Executive Assistant for Academic Affairs

**Institutional Effectiveness Committee**  
**Meeting Minutes**  
**November 6, 2008**

**Present:**

Ms. Rhonda Armstrong, Dr. Randall Batchelor, Dr. Teresa Bicknell, Dr. Gary Dutton, Mr. Randy Evans, Dr. Clayton Hess, Dr. Kay Paris, Ken Ramos, Dr. Laurie A. Rodgers, Ms. Evelyn Smith, Dr. Theresa Tuwor, Ms. Robin Wilson

**1. Opening Remarks**

Dr. Hess opened the meeting and provided an opportunity for members to provide any information to the committee they might wish to provide.

**2. Announcements**

**a. An off-site SACS-COC committee has been reviewing LMU's Compliance Certification (November 3-6, 2008) and we should have a preliminary report sometime next week concerning the committee's findings.**

Today is the last day of the SACS-COC off-site review for Lincoln Memorial University. The review took place November 3-6, 2008. A conference call and written report will follow sometime thereafter and both will give an account of LMU's status as well as address other questions and concerns. The SACS Leadership Team will meet with Dr. Cheryl Cardell on November 18, 2008 to discuss areas needing additional attention and documentation. This meeting might occur after the conference call but before SACS sends out its official letter to LMU. Dr. Cardell might take the opportunity to discuss the findings of the off-site committee instead of scheduling a conference call.

**b. The SACS Leadership Team is working on a webpage to provide information to the campus community on the SACS reaffirmation process.**

Dr. Clayton Hess clarified what information would and would not be displayed on the webpage. For example transcripts and some assessment data would not be placed online. He also expressed the hope that the webpage would facilitate understanding of what reaffirmation is and LMU's role in the process. Several people on campus are working to prepare materials for the webpage. It is important that the material distributed to the campus community be as transparent as possible, but that information identifying individuals or information that might be inappropriate for public distribution (students' test scores when a small number of students are included in an identified group or comments from surveys where students/faculty/staff were assured of confidentiality) must be removed.

**c. Linda B. Salane, Ph.D., Executive Director of the Leadership Institute and Special Assistant to the President at Columbia College in Columbia, S.C. has agreed to serve as a process consultant for the QEP.**

**d. Joanna Burkhardt has agreed to serve as a content consultant for the QEP. Ms. Burkhardt is a recognized expert in information literacy and has authored two books; *Teaching Information Literacy: 35 Practical, Standards-based Exercises for College Students* and *Creating a Comprehensive Information Literacy Plan*.**

Dr. Salane and Ms. Burkhardt will critique LMU's QEP for process and content respectively. Hess would like to show these reports to SACS as a validity check or evidence that the institution is really attempting to implement the best possible information literacy QEP. The recommendations of the consultants, where possible, will be incorporated into the QEP prior to submission to the SACS on-site review team. Dr. DeBrot will be seeking advice from Joanna Burkhardt concerning possible lead evaluators LMM might nominate to serve on the review committee.

**e. 2008-2009 Outcomes Assessment Forms are posted on the Institutional Research Webpage.**

Hess reminded Institutional Effectiveness Committee (IEC) members that blank outcomes assessment forms for the 2008-2009 academic year could be downloaded from the Office of Institutional Research & Accreditation (OIRA) website and urged members to be diligent in completing these forms. The forms have not changed since last year and at this time there are no plans to make modifications prior to May 2009. All assessment forms from last year were submitted and most demonstrated improvement in terms of assessment and use of results for improvement in comparison to the previous year. Dr. Hess reminded the committee that it is important that we continue to demonstrate that each program and department continues to implement effective assessment strategies.

**f. CIC/AIR Data and Decisions Workshop materials are available in the Office of Institutional Research for Committee member review.**

Dr. Sherilyn Emberton, Dr. Hess, and Mr. Randy Eldridge attended a CIC/AIR Data and Decisions Workshop in Connecticut earlier in October 2008. Dr. Hess discussed the workshop and indicated that the discussion of CLAs (College Learning Assessments) had provided new information for future discussion by the I.E. Committee. A webinar is scheduled concerning CLAs and Dr. Hess hopes to participate. The conference materials are available to IEC members if anyone wants to see them.

**3. Discussion of results of the Staff Facilities and Services Survey**

**4. Discussion of results of the Faculty Facilities and Services Survey**

The deadline for participating in the Faculty or Staff Facilities and Services Survey has passed. Participation in this year's surveys was good and yielded more positive results in comparison to past outcomes. Some areas of concern were noted in the responses including insufficient lighting on some parts of the LMU campus. In general most areas of concern have already been identified and are being addressed. There was some concern with insufficient staffing for the IS department given the tremendous increase in their workloads because of growth on campus and increased reliance on technology. Mr. Ramos pointed out to the committee that some of the questions concerning technology needed to be restated due to changes in staffing and the addition of an instructional technologist and director of distance learning. Dr. Hess acknowledged that the survey needed to be updated for future administrations

and that some questions in the technology section might have been misinterpreted by respondents.

**5. Scheduling of CAAP and Graduating Student Surveys prior to graduation in December**

Administration of the CAAP exam will be conducted every semester. This is because LMU is now graduating students every semester. This will also enable monitoring of certain courses such as the Lincoln courses which are now offered each term. Dr. Dan DeBord plans to administer the CAAP in his LINC 300 classes this semester.

**6. Report on review of Collegiate Learning Assessment as a potential evaluation tool at LMU.**

The Collegiate Learning Assessment was considered as a potential instrument for use by LMU. Hess did not believe that this would be an appropriate tool because of cost; the areas being evaluated by the instrument; and a small sample size. The Committee will continue to investigate CLA and other assessment instruments. The upcoming CLA webinar might provide more information for future discussion.

**7. Report on review of Council for the Assessment of Standards in Higher Education's *Self Assessment Guides*.**

It was determined that this particular instrument is probably better suited for service-oriented areas of an institution and that it would take approximately one year to incorporate its standards into LMU's current structure. Information concerning the Self Assessment Guides will be distributed to department directors who express interest and decisions concerning use of the instrument will be made by department directors.

**8. Distribution and discussion of fall enrollment and financial aid reports.**

Reports on financial aid and fall enrollment for LMU were distributed and discussed. Hess announced that some of this information would be placed on the OIRA website. He noted that some information would be excluded in order to maintain student confidentiality/anonymity. In looking at the reports, Ms. Evelyn Smith observed that because of the sample size or other variables for some of the data, one could still make a reasonably accurate educated guess about the identities of the participants. Dr. Kay Paris suggested aggregating the data along broader categories to correct this.

**9. Discussion of SACS Annual Meeting, December 6-9, 2008**

Dr. Moody and Dr. Hess will be doing a Round Table at the SACS annual meeting which will occur December 6-9, 2008. The title of their Round Table presentation is, Moving to Higher Ground: A Model for Integrating Program Initiation, Accreditation, and Substantive Change. Dr. Hess will also be attending three preconference workshops at the SACS Annual Meeting. Materials from the Annual Meeting will be made available to IEC members. Copies of materials used for several of the Concurrent Sessions will be available on the SACS COC website after the meeting.

**10. Discussion of CHEA Initiative and future activities related to this initiative**

Dr. Hess encouraged IEC members to follow progress on the CHEA Initiative and explained why he feels this initiative is important for LMU. Dr. Hess attended the first

Accreditation Forum and plans to attend the CHEA Summer Conference if possible. Materials concerning the CHEA Initiative and other accreditation related information is available on the CHEA web page.

#### **11. Discussion of new progress on new program development (J.D. and Ed.D.).**

Progress continues to be made towards implementing the law school and Ed.D programs. Admission for the programs might start as early as January 2009. According to Hess, it will take approximately three years for the law school to be fully staffed and operating as planned. Securing state approval from the TBLE (Tennessee Board of Law Examiners) and meeting ABA standards are part of this process. The program cannot even apply for ABA accreditation prior to opening. Upon completion of the program, students will be able to take the bar exam if TBLE approval is granted. A visiting team representing the TBLE will be on campus in December. The report for the TBLE visiting team is nearing completion. Bar exam results will be used to acquire accreditation. Hess commented that a lot of qualified students have shown interest in both the law and Ed.D. programs. A Substantive Change prospectus for the J.D. is being completed now and could be sent to SACS as early as December or January. Syd Beckman, Dean of the Law School, is working to prepare the TBLE report. Syd Beckman has been working closely with TBLE consultant to ensure that the report adequately addresses all state approval requirements. Much of the information from the TBLE report will be used in developing that prospectus. Another Substantive Change Prospectus is being developed for the Ed.D. program. Dr. Cynthia Norris is leading efforts to develop the Ed.D. program and is preparing materials for the Substantive Change Prospectus for that program. Dr. Connie England is working with Dr. Norris. At this time both programs appear to be making good progress and it is expected that all deadlines will be met.

#### **12. Scheduling of I.E. Committee December Meeting**

The next meeting is scheduled for December 4, 2008.

Meeting Adjourned at 2:04 PM

Respectfully submitted by Dr. Theresa Tuwor and Dr. Laurie A. Rodgers

A-20



**Academic Council Meeting Minutes**  
**February 26, 2009 BE114**

Present: Evelyn Smith, Rhonda Armstrong, Fred Bedelle, Joanna Neilson, Jack McCann, Katherine Pebworth, Sydney Beckman, Kay Paris, Jacques Debrot, Randy Evans, Mary Anne Modrcin, Lisa Pullen, Conrad Daniels, Aggy Vanderpool, Vina Diderrich, Michelle Heinan, Dan DeBord, Gary Dutton, Helen Cole, John O'Dell, Clayton Hess, Dennis Kiick, Roger Vannoy, Wayne Wells, Jack Mansfield, Dennis Kiick

Information Items

Dr. Sherilyn Emberton (Academic Affairs) opened the meeting with a welcome to everyone. Dr. Emberton provided a short post-SACS visit update and reminded members of the March 7<sup>th</sup> faculty reception hosted by the School of Allied Health Sciences and the March 10<sup>th</sup> lecture in ALLM Auditorium by Churchill scholar, Alan Packwood. Dr. Emberton issued current retention data and an enrollment chart featuring goals for next year.

Dr. Emberton discussed a recent trip to Oak Ridge to continue discussion in reference to partnering for an engineering program, as well as an ongoing focus in Knoxville for our nursing program. She reminded the group of our future expansion at Kingsport and commended Dr. Jacques Debrot (English) and the QEP team on their wonderful contributions to the success of the recent SACS visit.

Dr. Clayton Hess spoke about the SACS Reaffirmation review, and detailed the SACS onsite committee comments on the quality and openness of the campus community, faculty, and staff. Although the team was very impressed and the initial report, favorable, the University will not know the final decision until December. We continue to have upcoming program accreditations, and it is important that we maintain our monitoring of student outcomes. Dr. Hess and school deans are currently working on SACS substantive change documents and notifications for MLP, Nursing, Ed.D., and Law.

Mrs. Evelyn Smith, Assistant Vice President for Academic Affairs reviewed faculty development efforts for spring 2009. The CTLE has a lot of learning opportunities listed on calendar, please encourage enrollment. She reminded the academic leaders that ACA student proposals are due tomorrow. Faculty development funds are still available. The Faculty Development Committee has had 53 applications this year and 48 efforts have been all or partially funded. Ms. Smith reminded the group about the need to nominate for our ACA summer teaching and learning workshop on classroom assessment that is scheduled for June 1<sup>st</sup> – 5<sup>th</sup>.

## Action Items

Dr. Jack Mansfield (Athletic Training) talked about curriculum changes for ATTR 395 CPR for the professional Rescuer corrected title would be Professional Sports Emergency care Rescuer. We would incorporate higher level care into CPR 395 this would be special course not part of Curriculum course. A motion to approve was made by Dr. Hess and a second was given by Dr. Mary Anne Modrcin (Nursing). Motion was approved.

Dr. Mansfield also discussed freshman student admission status. Increasing the high school grade point average to 3.2, minimum composite ACT of 18 or SAT of 850. Provisional admittance would be at a GPA 3.0, ACT 17, and SAT 820. This would also apply to transfer students. After further discussion, a motion was made by Dr. Dan DeBord (English), and a second by Dr. Modrcin to take this item back to the academic schools for further discussion. Motion was approved.

Dr. Fred Bedelle (Education) discussed title changes for courses in the education department. These changes were brought about by the recent SACS review and will be for clarification purposes. The following courses need title changes: EDUC 350, EDUC 355, EDUC 410, EDUC 430, EDUC 450, and EDUC 460. These changes will more closely reflect the course content. A motion to approve these title changes was made by Dr. Modrcin, and a second was made by Dr. Okie Wolfe (Education). Motion was approved.

Dr. Aggy Vanderpool (Arts and Sciences) discussed the postbaccalaureate program in pre-medical science. The plan includes three options and curriculum advisement will be handled through a cooperative effort between DCOM and Science faculty. The University will need to determine appropriate pricing for this program and whether a certificate will need to be awarded. A motion to move was made by Dr. Bedelle, and a second was made by Dr. Dennis Kiick (DCOM). Motion was approved.

Dr. Dan DeBord (English) talked about three courses added as options to meet the Lincoln Liberal Arts general core curriculum. A motion to move was made by Dr. Vanderpool, and a second was made by Dr. Bedelle. Motion was approved.

Mr. Wayne Wells (Communication Arts) talked about a curriculum revision of ten new courses that will be added to the major, nine courses will be deleted from the electives, and eight courses will be deleted from communications major. Prefixes will change from COMM to BCOM. The degree will be renamed from Communication Arts to Broadcast Communications. Mr. Wells reviewed his survey of local radio and television stations to see what they are looking for in students when they finish this program. The survey indicated that there were definite skills needed for graduates to be competitive in the Broadcast

world. This proposal will also create a minor in theatre. No additional hours were proposed for the degree change. A motion to move was made by Dr. Kiick, and a second was made by Dr. Jack McCann (Business). Motion was approved.

Dean Sydney Beckman (Law School) announced that the proposed law school has been approved by the Tennessee Board of Law Examiners (TBLE). This approval would allow all program graduates of the proposed program to sit for the Tennessee Bar Examination. Dean Beckman reminded the group that following SACS approval, the University will continue to seek approval by the American Bar Association (ABA). Dean Beckman presented the 88 credit hour curriculum with courses focusing on topics from the Tennessee Bar Exam and outlined by both Tennessee statute and the ABA. The curriculum will be enhanced with specific courses on lawyering skills (oral and writing). A part-time program is proposed for initiation in the fall of 2009, and full-time students admitted in fall of 2010. Curriculum, staffing models, a five-year budget, learning resources, facility and technology implementation have all been reviewed by ABA-approved consultants hired by the TBLE. After receiving the consultants' report, the TBLE unanimously approved the proposed LMU School of Law. Motion to approve the proposed law school curriculum and program requirements was made by Dr. Bedelle, with a second by Dr. Wolfe. Motion was approved.

Mr. Roger Vannoy (Athletics) discussed the prefix changes for development courses, and asked if there was some way to designate them numerically more clearly to indicate that there is not credit awarded for these courses. It is very confusing to students and advisors. After further discussion, the request will be forwarded to Mrs. Helen Bailey (Registrar) to inquire if this can be done. No further action was taken on this item.

Dr. Emberton asked for the group to review the minutes from the earlier meeting, and asked for any amendments or corrections to the minutes. Dr. Modrcin suggested that there needed to be consistency with titles. A motion to approve the minutes was made by Dr. Bedelle, and a second by Dr. Modrcin. Motion was approved.

The meeting was adjourned.

Respectfully submitted,

Aprile Mason  
Executive Administrative Assistant for Academic Affairs

A-21

# Fall 2008 University Faculty Meeting

Friday, August 15, 2008

DCOM Auditorium

A welcome and Academic Affairs update was given by Sherilyn Emberton (VPAA). She reminded everyone that committee assignments were being finalized and would be submitted through Cabinet and approved by the President, in the new few weeks. A final list, along with the appropriate chair person would be posted on the Academic Affairs Bulletin Board.

## Discussion Items and Reports

Evelyn Smith (AVPAA) gave a brief update on faculty development activities for the fall. She said that more information would be sent out in email about faculty development fund, and that currently there were 42 applications for funds. She also reported that the recent technology surveys would be used to determine upcoming faculty development and training opportunities. October 16<sup>th</sup> will be the date of the ACA Summit, and information on dates and submissions would be forthcoming.

**The following technology report was given by Chief Information Officer, Ken Ramos:**

- A. New positions were added to support Academic, Software development, help desk, Sigmon Communications, and the print shop
- B. PC replacements- 450 computers reimaged, 35 new PC's, adding 30 new PC's, and adding memory.
- C. Server room- redid computer room, expanded out wiring and labeled it. New air conditioner 10 ton to keep server room cooler with a new generator to keep systems up and running.
- D. Upgraded all phone ware- network stays up even when servers go down. Moving to voice override key phones.

August 28, 2008

- E. Student service area- blackboard, DCOM, B-line software, new sound system Tex Turner room, training and support for upgrades to office 2007, need to send out reader for computer that have not been updated yet.
- F. Release management- WebAdvisor upgrade, TV and radio station has added new programs, but we still need to find funding for operations.
- G. Supporting research- SPSS site agreement available for faculty computers.
- H. Summer labs are upgraded replacing BUS ED, Avery is approved, and the IS lab replaced. Wireless will eventually be available for the whole campus.
- I. AT&T phone plan 15% discount
- J. NAC- network Access Control for dorms it has some kind of protection for students personal computers

Helen Bailey, Registrar, shared upcoming registration information:

- We have 21 different registration processes. Student Center will be housing registration from 9:00-6:00 Monday.
- Department Chairs and Dean's updated always need to look on Web Advisor for updated information.

John Williamson (DCOM) presented information on a recent University trip to Belize. The group included Robin Zachary (nursing), Joan Eiffe (Nursing), Bill Hamby (Business), John Copeland (Sciences), and Howard Teitelbaum (DCOM). A follow-up trip is planned for later in the year to continue to explore opportunities for student and faculty research and service learning.

The **Smithsonian Environmental Research Center** was discussed by Aggy Vanderpool (Sciences). Her summer research was possible through the mini grant awarded by LMU, and hopefully would lead to additional funding for more studies on Norris Lake.

August 28, 2008

Joanna Neilson (History) and Elissa Graff (Art) gave an overview of the **ACA-UNC Research Project**. They will be notified in the fall of any future funding.

Howard Teitlebaum (DCOM) and chair of the IRB talked about the role of the IRB in University research. He gave an overview of the instructor's role in the facilitating student research and reminded the faculty that IRB forms and information are located on the ORGSP website.

**Michelle Heinan, (DCOM) PA program director, presented the Physician Assistant Program** curriculum that has been approved by Academic Council on August 12. Program length is 27 months for a total of 115 credit hours. Classes will start June of 2009.

Okie Wolfe (Education) gave an overview of the Faculty Senate projects for the year. The faculty evaluation process will be the priority as well as the promotion and multi-year contract procedure review.

**Sydney Beckman (Law) provided an update on the progress of the proposed law school and reviewed a timeline for seeking program accreditation.**

#### Action Items

Nominations were taken for the following University committee appointments:

#### Promotions, Multi-Year Appointments, and Appeals Committee

R. Brackman, R. Bryant (**Chair**), L. Pullen, P. Quarles, M. Weiting

#### Faculty Senate

C. Bassett, A. Callahan (**Secretary/Treasurer**), P. Clark, R. Dickinson, E. Graff, S. Gratz, A. Hill, J. Mansfield, A. Petit, P. Quarles, P. Supina, S. Wieting (**Vice President**), R. Wilcox, O. Wolfe (**President**), D. Worley

Nominations were accepted and unanimously approved.

The meeting was adjourned.

August 28, 2008

A-22



**Minute Excerpts  
Lincoln Memorial University  
Board of Trustees Meeting  
1:30 p.m., May 2, 2008  
Executive Board Room  
Business/Education Building**

**Finance Report**

Mr. Randy Eldridge presented a comparison of revenues and expenditures for March 31, 2007 and March 31, 2008 (Attachment I). Mr. Eldridge stated that as of March 31, 2008, the strategic initiative was just under \$6.6 million. He added that the current fiscal year's budget, approved by the Board in May 2007, had an anticipated net loss of approximately \$2.7 million, but would actually break even by the end of the fiscal year. He submitted for approval the proposed budget for 2008-09 as follows:

<b>FINANCIAL PERFORMANCE 2007-2008</b>	<b>2007-08 BUDGET</b>	<b>2007-08 ACTUAL To 3/31/08</b>
TOTAL OPERATING REVENUE	\$42,989,006	\$40,803,358
TOTAL OPERATING EXPENSE	43,530,066	32,596,672
DEBT SERVICE	2,170,107	1,626,823
STRATEGIC INITIATIVES	(2,711,167)	13,477

<b>PROJECTED BUDGET 2008-2009</b>	<b>2008-09 BUDGET</b>	<b>BUDGET INCREASE</b>
TOTAL OPERATING REVENUE	\$53,691,730	\$10,702,724
TOTAL OPERATING EXPENSE	48,923,575	5,393,509
DEBT SERVICE	3,558,859	1,388,752
STRATEGIC INITIATIVES	1,209,296	3,920,463

**A motion was made by Dr. Sam Mars, Jr. and seconded by Mr. Jerry Zillion to approve the proposed budget for 2008-09. The motion passed by a unanimous vote.**

**Law School**

Dr. Sherilyn Emberton gave an update on the progress of the development of the proposed law school. LMU hired a consultant, Richard Gershon, who was the founding dean of the Charleston School of Law and now serves as full-time faculty. LMU notified the Southern Association of Colleges and Schools (SACS) of the intent to pursue a law school. In addition, LMU sent a letter to the Tennessee Board of Law Examiners (TBLE). As a result of the letter, a phone conference was scheduled with Jimmie Miller of the TBLE. LMU traveled to respond to the TBLE with a written report, as well as a presentation. The next steps on the proposed law school timeline are to gain TBLE

approval during the summer of 2008. The first class of one hundred twenty-five students is set to begin in the fall of 2009. **A motion was made by Mr. Jerry Zillion and seconded by Dr. Edwin Robertson to approve that LMU initiate a School of Law and offer the Doctor of Jurisprudence degree (JD). The motion passed by a unanimous vote.**

**CONFIDENTIAL**  
**Minute Excerpts**  
**LMU Board of Trustees**  
**Minutes of the Executive Committee Meeting**

**President's Conference Room**  
**October 1, 2007**

**Law School**

Mr. Tom Baugh said in order to get approval for a Law School, Lincoln Memorial University must meet the requirements of the State Supreme Court. Once these requirements are met, LMU must get the approval of the Board of Law Examiners. It will be at this time that students can be admitted. Mr. Baugh recommends the hiring of local attorneys as instructors and getting the staff in place. Mr. Baugh reported that obtaining accreditation by the ABA will take several years. Dr. DeBusk said that Mr. Gary Wade, Supreme Court Representative from East Tennessee, has agreed to be the sponsor for this program. **Mr. Sam Mars, III made the motion which was seconded by Dr. Gary Burchett to authorize the Chairman of the Board and the President to take all steps necessary to form, establish, and seek accreditation, for a law school in Knoxville, Tennessee to be located in the Old City Hall Building. The motion passed unanimously. Mr. Randy Eldridge will produce a proforma for the October 19, 2007 board meeting. Mr. Sam Mars, III made the motion which was seconded by Dr. Gary Burchett to amend the above motion to include a feasibility study ready for the October 19, 2007 board meeting. The motion passed unanimously.**

**LMU Board of Trustees**  
**Minutes of the Executive Committee Meeting**  
**President's Conference Room**  
**October 19, 2007**

**Law School**

Dr. Sherilyn Emberton and Ms. Patti Jane Lay entered the meeting. Dr. Moody introduced the formation of a preliminary steering committee consisting of the President, Dr. Emberton, Dr. Hess, Mr. Eldridge, and Mr. Tom Baugh. She reported that the preliminary steering committee has met several times to review data collected by Drs. Emberton and Hess, and a budget pro forma prepared by Mr. Eldridge. The committee's most recent meeting was a phone conference with Dean Gershon, Dean at the Charleston School of Law. Ms. Lay said in order to get approval for a Law School, Lincoln Memorial University must meet the requirements of the State Supreme Court. Ms. Lay said that state approval might be attained in a year but ABA accreditation could take as long as four years. Ms. Lay said the advantage of being an ABA school is that graduates can sit for the bar exam in any state. Dr. Emberton said most SACS accredited schools are ABA approved schools, and that the University would have to complete a substantive change process to seek SACS approval, as well. Ms. Lay said there are detailed guidelines to begin an ABA approved law school and that the Tennessee Board of Law Examiners (TBLE) must approve the program prior to its initiation. Dr. James Jordan suggested

seeking a consultant for advice on the creation of this program. Ms. Lay and Dr. Emberton will work together to identify a consultant.

Mr. Randy Eldridge distributed a budget pro forma for the school of law (**attachment II**). Mr. Eldridge reported that this is the initial version of a budget pro forma. He said the budget was built on the assumption of 100 students matriculating per class with a 4% attrition on an 88 credit hour program over three years of full-time or four years of part-time study. Mr. Eldridge said he estimated tuition at \$750 per credit hour not including fees. He said the pro forma projects a positive cash flow for year three.

Dr. Sherilyn Emberton presented a timeline (**attachment III**) which outlines the steps involved to create and seek approval of the law program. The proposal has been discussed at the academic deans' level and has concept approval from the deans and the University's Academic Council.

**Dr. James Jordan made the motion which was seconded by Dr. Gary Burchett to complete a feasibility study, pursue Tennessee Board of Law Examiner and SACS approval, and complete the necessary documentation to develop a School of Law at Lincoln Memorial University in compliance with accreditation standards of the American Bar Association. The motion passed unanimously.**

**LMU Board of Trustees  
Minutes of the Executive Committee Meeting  
President's Conference Room  
May 2, 2008**

**Proformas**

**Physician Assistant Program**

**Proposed College of Law**

Mr. Terry Lee was asked to review the proforma for the proposed Physician Assistant Program. The proforma (attachment I) shows a total revenue in 2008-2009 as \$12,645,390. The proposed proforma for the College of Law (attachment II) shows a strategic initiative of \$2,792,500 in the academic year of 2009-2010.

**Minute Excerpts  
Lincoln Memorial University  
Board of Trustees Meeting  
1:30 p.m., October 19, 2007  
Executive Boardroom  
Business/Education Building**

**Academic/Institutional Life Committee**

A motion was made by Dr. Brian DeBusk, seconded by Mr. Jerry Zillion, and passed unanimously to approve in concept the conduct of feasibility studies, notification of accrediting agencies, development of budget pro forma, etc. for:

- Online delivery of the existing Medical Technology Program (B.S.)
- Masters in Social Work (M.S.W.) on-line program
- Juris Doctor (J.D.)

**Curriculum Update**

**Law School**

Ms. Patty Jane Lay, Knoxville attorney, explained that she has been asked to assist LMU and Dr. Sherilyn Emberton to explore the possibility of the University opening a law school. A video was shown of the Old City Hall facility in Knoxville that is being considered as a possible site for the law school. It was noted that the facility, containing approximately 60,000-62,000 square feet of space, has recently been totally refurbished and is in excellent condition. The program concept being considered is a dual path program, serving both day and night students. Dr. Emberton and Ms. Lay reported that the Tennessee Board of Law Examiners has been contacted about the possibility of approval by the State Supreme Court for a new law school. Dr. Pete DeBusk noted that Mr. Gary Wade, the State Supreme Court representative from East Tennessee, is serving as the sponsor of the LMU law school. A projected opening date for the law school is Fall 2009. Ms. Lay said that she and Dr. Sherilyn Emberton have researched the demand for another law school in the Knoxville area. She noted that the University of Tennessee Law School received over 1800 applicants and accepted only 195 students. Mr. Tom Baugh added that feedback from Knoxville attorneys has been very favorable for a new LMU law school. Ms. Lay said that the Nashville School of Law would be the closest competitor, offering a night law program. Their program is not approved by the American Bar Association (ABA). She explained that by offering both the day and night tracks, the LMU law program would be eligible for approval by the ABA. Dr. Emberton and Ms. Lay added that approval from the ABA would be a great distinction for the law school as well as enable graduates of the program to sit for the bar exam in any state. The number of students to be accepted into the day or night programs has yet to be determined due to varying factors such as parking concerns. Dr. Pete DeBusk noted that Knoxville Mayor Bill Haslam has responded very favorably in support of the law school.

A-23

**ABA Standards for the Approval of Law Schools  
Interpretation 301-6 and Commentary**

**Interpretation 301-6**

(Interpretation approved by the Council of the Section of Legal Education and Admissions to the Bar and concurred in by the ABA House of Delegates, February 2008, effective immediately.)

A. A law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the school demonstrates that it meets any one of the following tests:

1) That for students who graduated from the law school within the five most recently completed calendar years:

(a) 75 percent or more of these graduates who sat for the bar passed a bar examination, or

(b) in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination.

In demonstrating compliance under sections (1)(a) and (b), the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

2) That in three or more of the five most recently completed calendar years, the school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance under section (2), the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

B. A school shall be out of compliance with the bar passage portion of 301(a) if it is unable to demonstrate that it meets the requirements of paragraph A (1) or (2).

C. A school found out of compliance under paragraph B and that has not been able to come into compliance within the two year period specified in Rule 13(b) of the *Rules of Procedure for Approval of Law Schools*, may seek to demonstrate good cause for extending the period the school has to demonstrate compliance by submitting evidence of:

(i) The school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it.

(ii) The length of time the school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it.

(iii) Actions by the school to address bar passage, particularly the school's academic rigor and the demonstrated value and effectiveness of the school's academic support and bar preparation programs: value-added, effective, sustained and pervasive actions to address bar passage problems will be considered in the school's favor; ineffective or only marginally effective programs or limited action by the school against it.

(iv) Efforts by the school to facilitate bar passage for its graduates who did not pass the bar on prior attempts: effective and sustained efforts by the school will be considered in the school's favor; ineffective or limited efforts by the school against it.

(v) Efforts by the school to provide broader access to legal education while maintaining academic rigor: sustained meaningful efforts will be viewed in the school's favor; intermittent or limited efforts against it.

(vi) The demonstrated likelihood that the school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the school has undertaken counseling and other appropriate efforts to retain its well-performing students.

(vii) Temporary circumstances beyond the control of the school, but which the school is addressing: for example, a natural disaster that disrupts the school's operations or a significant increase in the standard for passing the relevant bar examination(s).

(viii) Other factors, consistent with a school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.



## Interpretation 301-6 – Commentary

(Commentary approved by the Council of the Section of Legal Education and Admissions to the Bar, February 2008.)

Interpretation 301-6 establishes several alternatives under which a law school can demonstrate compliance with Standard 301(a) as it relates to bar passage. Compliance may be demonstrated under any of these alternatives.

### A. Demonstrating Compliance with 301-6(A)(1)(a) and (b)

The first listed alternative for demonstrating compliance focuses on repeat-takers, within a five-year look-back period, for purposes of establishing compliance. In demonstrating compliance under (A)(1)(a) and (b), the school must first account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. Under this alternative a school can demonstrate compliance with the bar exam passage portion of Standard 301(a) by demonstrating *either*:

- that for the most recently completed five calendar years, 75% or more of the school's students who graduated during this period and sat for a bar exam, passed a bar exam [301-6(A)(1)(a)];

OR

- by showing that for each of at least three of those same five calendar years, 75% or more of the school's students who graduated during those years and sat for a bar exam, passed a bar exam. [301-6(A)(1)(b)].

Again, under both alternatives, the school must first report bar passage results from as many jurisdictions as necessary to account for a cohort of at least 70 percent of its graduates and then, within that cohort, pass at a rate of 75 percent or better over the entire five calendar years or 75 percent for each of at least three of those years. In addition, under both of these alternatives, the look-back period is the five most recently completed calendar years. Thus, in a matter before the Accreditation Committee in 2008, the look-back period would be 2003-2007.

As noted above, for purposes of demonstrating compliance under 301-6(A)(1), the performance of repeat-takers of the bar exam is taken into account. This alternative is responsive to third-party comments that noted that bar exam pass rates for many of their students increase significantly on the second (or, possibly, subsequent) testing. To avail itself of the alternative methods for demonstrating compliance in 301-6(A)(1), a law school would be required to "track" its graduates and provide reliable data indicating a graduate's bar exam pass status. Schools must make their best efforts to locate and provide reliable data on the bar pass status of their graduates, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding

in descending order of frequency until *at least* 70 percent of the school's graduates in the relevant time period are accounted for. A school may provide data on additional jurisdictions (i.e., beyond 70 percent) but must continue to do so from highest number of takers to lowest number of takers. (For example, suppose in reporting 70 percent of takers a school is not in compliance but by showing data on 80 percent of takers it would be in compliance. The school may do this as long as the additional jurisdictions included are a continuation of the descending order of frequency of takers.) Schools must report on all students that make up the "at least 70 percent" cohort (even those for whom their pass status is unknown). Once a jurisdiction is included in the computation for a given year, all of the school's graduates taking the bar in that jurisdiction in that year must be reported, even if a student's status is unknown and even if it results in the school reporting on more than 70 percent of its graduates taking a bar exam. A cohort of 70 percent takes into account the difficulties, expressed by several commentators, a school may experience in locating all of its graduates over a period of years, and in getting appropriate data from bar admissions authorities. Note that the Section is working actively with the National Conference of Bar Examiners and state Supreme Courts to develop a mechanism for improved reporting of bar passage data. Pending the implementation of such a mechanism, schools, as noted above, must make their best efforts to locate and provide reliable data on the bar pass status of their graduates when demonstrating compliance under 301-6.

The five-year look-back is a rolling time frame for both (A)(1)(a) and (A)(1)(b) – e.g., if a school came before the Accreditation Committee in 2008, the time frame would be 2003-2007; if the school was not in compliance with 301(a) at that time, and came before the Committee again in 2009, the look-back period for demonstrating compliance under 301-6(A) would be 2004-2008, and so on. Note that in reaching the 70% cohort under 301-6(A)(1), "non-persisters" (i.e., those who took a bar examination once and failed but did not take a bar examination again in *any* jurisdiction over the next two examination opportunities) are not counted; however, non-persisters must be identified and tracked separately by the school. Also, if a graduate elects never to sit for a bar examination, he or she is not counted in computing the school's pass rate (under (A)(1) or (2)).

#### B. Demonstrating Compliance with Standard 301-6(A)(2)

The next alternative [301-6(A)(2)] for demonstrating compliance with the bar exam passage portion of Standard 301(a) focuses on annual (i.e., combined February and July) first-time bar pass rates. In the case of demonstrating compliance using first-time pass rates, there is one way (discussed below) to demonstrate compliance.

In order to demonstrate compliance under A(2), a school would have to show that in each of at least three of the most recently completed five calendar years, in the jurisdiction(s) which account for at least 70 percent of the school's graduates who take the bar exam for the first time:

- the school's pass rate is not more than 15 points below the first-time bar pass rate for graduates of ABA-approved law schools taking the bar exam in the same jurisdiction(s) in the relevant years.

In demonstrating compliance under sections (A)(2), the school must report first-time bar passage data from as many jurisdictions as necessary to account for *at least* 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. Once a jurisdiction is included in the computation for a given year, *all* of the school's graduates taking the bar exam in that jurisdiction for the first time must be reported. As was noted above, a cohort of 70 percent was chosen in response to comments about the difficulties of getting data for 100 percent of a school's graduates, particularly when a graduating class may sit for the bar exam in numerous jurisdictions and the number sitting in many of those jurisdictions may be quite limited. This, too, is being addressed in discussions with NCBE and state Supreme Courts.

When 70 percent or more of a school's graduates take the bar exam in the same jurisdiction, the determination of whether this performance requirement is met is easy to compute. By way of illustration, consider the following chart reflecting hypothetical annual first-time bar exam pass rates from 2002 to 2006, for a school being reviewed in 2007 where 70 percent or more of its graduates sit for the exam in a single jurisdiction.

Year	School's Annual 1 <sup>st</sup> Time	ABA 1st Time	Rate Difference
2002	73	79	(-6)*
2003	63	81	(-18)
2004	70	77	(-7)*
2005	67	84	(-17)
2006	71	78	(-7)*

In each of the three years marked by asterisks, the school's annual (combined February/July of the same year) first-time bar pass rate is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar exam in the same jurisdiction. Hence, under 301-6(A)(2) the school would be in compliance with the bar pass portion of 301(a).

For some schools, however, graduates may sit for the bar exam for the first time in a variety of jurisdictions, and the percent taking the bar exam in any one jurisdiction may be less than 70 percent of the cohort. In this situation 301-6(A)(2) requires the school to report first-time bar passage data from as many jurisdictions as necessary to account for *at least* 70 percent of its graduates, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. The weighted average of the results in each jurisdiction will be applied to determine whether a school complies with the Standard. The following illustrations demonstrate how 301-6(A)(2) would work in this circumstance.

*Illustration 1:* Assume a school had 250 graduates in a given year who took the bar exam for the first time, 90 in State A, 45 in State B, 45 in State C, 30 in State D, and the other 40 scattered in multiple jurisdictions. The 90 from State A represent 36% of the graduates. The additional 45 each from States B and C would bring the number of graduates taking the bar in these three states to 72% of the graduates (180 of 250, or 72%). Thus, this school would have to report the bar exam pass data for its graduates taking the exam in States A, B, and C, but not for those taking the bar exam in State D or other jurisdictions.

In order to measure compliance with the performance requirement of 301-6(A)(2), the Interpretation requires a comparison of the weighted average first-time pass rate for the 180 graduates of this school who took the bar exam in States A, B, and C, with the comparable weighted average of the overall first-time pass rate for graduates of ABA-approved law schools in the same three states. The following table for 2006 illustrates how the weighted averages for the school and for the states would be calculated.

Year = 2006

	State A	State B	State C	Weighted Average
Weighted average				
# takers from school	90	45	45	
% takers from school	50	25	25	
# passers from school	81	27	18	
Pass rate for school	90%	60%	40%	
Weighted average for school	45%	15%	10%	70%
ABA pass rate for states	90%	80%	60%	
Weighted average for states	45%	20%	15%	80%

The weighted average for the school is calculated by taking the pass rate for the school in the three states and weighting it in proportion to the number of students taking the bar exam in the three states. Here, of the 180 graduates taking the bar exam in these three states, 50% took the exam in State A, 25% took the exam in State B, and 25% took the exam in State C. So, by multiplying the pass rate for the school in each state by its proportional weight, and adding those results together, one arrives at a weighted average pass rate of 70 percent for graduates of the school who took the bar exam in these three states.

The school can demonstrate compliance under 301-6(A)(2) by showing that it is no more than 15 points below the overall first-time taker pass rates for graduates of ABA-approved law schools in these states (i.e., in the example above, states A, B and C) using the same weighted average formula. Using the hypothetical data in the example

above for 2006, in order to compare the 70% pass rate for the school's graduates with the performance of all first-time takers from ABA-approved law schools in these three states, one must take the overall first-time taker pass rates for graduates of ABA-approved schools in these states and calculate a weighted average, based on the same weighting applied to determine the school's weighted average pass rate. So, by multiplying the overall pass rate in each state by the proportional weight determined by looking at the number of the school's graduates who took the exam in each state (here, 50%, 25%, and 25%), and adding those results together, one arrives at a weighted average pass rate of 80 percent for all first-time takers from ABA-approved law schools in these three states.

Since, for this hypothetical year, the school's weighted average for its graduates taking the bar in these three states is not more than 15 points below the first-time ABA weighted average for these same states, the performance requirement would be met for this year. Compliance with 301-6(A)(2) would be determined by doing a similar calculation for the most recently completed five calendar years, to ascertain whether the school could meet the "not more than 15 points below" standard in each of at least three of those five years.

*Illustration 2:* Assume a school had 100 graduates in a given year who took the bar exam for the first time in several jurisdictions, 50 in State A, 20 in State B, and the other 30 in several other states (none with more than 20, or that state would be number two on the list). The 50 from State A represent 50% of the graduates. The additional 20 from State B bring the number of graduates taking the bar exam in these two states to 70% of the graduates. Thus, this school would have to report the bar pass data for its graduates taking the bar exam in States A and B, but not those taking the bar exam in other jurisdictions.

Assume the following first-time bar pass data for the graduates of this school in State A and B, and for all takers in States A and B.

**Year = 2005**

	State A	State B	Weighted Average
# takers from school	50	20	
# passers from school	40	8	
Pass rate for school	80%	40%	
Weighted average for school	57.1%	11.4%	68.6%
ABA pass rate for states	80.0%	70.0%	
Weighted average for states	57.1%	20.0%	77.1%

The passing rate for graduates of the school in State A is identical to the state-wide passing rate. By comparison, the passing rate for the school in State B is 30% below the

state-wide passing rate. However, only two in seven graduates of this school who took the bar exam in either of these two states elected to take it in State B. So, the weighted average pass rate for the graduates of this school who took the bar in these two states is  $5/7^{\text{th}}$  (.71430) weighting to the pass rate in State A, and  $2/7^{\text{th}}$  (.28572) weight to the pass rate in State B. And, similarly, when comparing the school's graduates in these two states to the overall performance of test takers in these two states, the pass rate for State A is given  $5/7^{\text{th}}$  weight, and the pass rate for State B is  $2/7^{\text{th}}$  weight. Thus, the weighted average for graduates of this school taking the bar exam in States A and B is 68.6%, and the weighted average for all takers in these two states is 77.1%.

Since for this hypothetical year, the school's weighted average for its graduates taking the bar in these two states is "no more than 15 points below" the weighted average for these three states, the performance requirement would be met for this year. Again, compliance with 301-6(A)(2) would be determined by doing a similar calculation for the most recent five year period, to ascertain whether the school could meet the not more than 15 points below standard in each of at least three of those five years.

### C. Provisional Schools Seeking Full Approval – Application of Interpretation 301-6

The application of Interpretation 301-6 to provisionally approved schools seeking full approval tracks that of fully-approved schools: the cohort size (70 percent) is the same, the first-time pass rate (not more than 15 points below . . .) is the same, and the ultimate pass rate (at least 75 percent . . .) is the same. The one area where there is some difference in application is with respect to the time periods covered when a provisional school applies for full approval. Thus, when a provisionally approved school applies for full approval, the application of 301-6 necessarily takes into account the fewer number of bar exam sittings these schools have in order to demonstrate full compliance with the bar passage portion of Standard 301(a).

Interpretation 301-6 sets out three different ways for a school to demonstrate compliance with the bar passage portion of Standard 301(a). In applying for full approval, a provisionally approved school may demonstrate compliance under *any* of the three tests. As applied to provisionally approved schools seeking full approval, the three tests would work as follows:

- 1). That for students who graduated from the law school *since provisional approval was received*, at least 75 percent of these graduates who sat for a bar examination have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(a)).

OR

- 2). That in each of at least *two* calendar years since the school received provisional approval, at least 75 percent of the graduates who took a bar examination in those same years have passed a bar examination prior to the time

in which the school is considered by the Council for full approval. (301-6(A)(1)(b)).

In demonstrating compliance under either of the above requirements, the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. Non-persisters (i.e., those who took a bar examination once and failed but did not take the bar examination again in *any* jurisdiction over the next two examination opportunities) must be identified as such but are not factored in when determining compliance under either of the two tests above.

OR

3). In each of at least *two* calendar years since the school received provisional approval, the school's annual *first-time* bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions. (301-6(A)(2)).

To demonstrate compliance under this test, the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance. (The application of weighted average is discussed elsewhere in the Commentary.)

Under all of the above tests, only those who graduated *after* the school received provisional approval are counted. Thus, if a school received provisional approval in February 2008, only those who graduated and took a bar exam after that date would be tracked and reported by the school. In determining "calendar" years, if the first opportunity for a school's graduates to take the bar from a provisionally approved school is in July, then that would count as the first calendar year. Subsequent calendar years would, of course, include the entire January – December period. Note that schools that receive full approval undergo a site visit three years after this approval and at that point they must meet the five-year look-back as set out in 301-6.

#### D. Noncompliance Under 301-6 (B) and (C)

A school that is unable to demonstrate compliance under any of the tests set out in 301-6 (A), after having had an opportunity to do so, will be found out of compliance with

Standard 301(a). If a school is found to be out of compliance with Standard 301(a) (or any other Standard), Rule 13(b) of the *Rules of Procedure for the Approval of Law Schools*, provides that a school has two years to demonstrate compliance unless the Accreditation Committee or Council "extends the period for demonstrating compliance for good cause shown." This two-year limitation is mandated by DOE regulations (34 CFR 602.20). If a school fails to demonstrate compliance with a Standard within two years (unless the time for achieving compliance is extended for good cause) the Accreditation Committee must recommend to the Council that the school be removed from the list of accredited law schools.

If a school is found out of compliance for two years, 301-6 (C) provides that a school may seek to demonstrate good cause for extending the period for coming into compliance. 301-6 (C) (i - viii) provide guidance to schools as to how they may be able to demonstrate good cause. Note that a good cause extension is not automatic nor is it indefinite in its duration.

301-6 (C) sets out the types of evidence the school may use to seek to demonstrate "good cause" for extension of time to come into compliance with the bar passage portion of Standard 301(a). Examples of this evidence include: the trend (up or down) in the school's bar passage rates; the length of time the school's bar passage rate has been marginal or poor; effectiveness and value of the school's academic support and bar preparation programs; and efforts by the school to facilitate bar passage of its graduates who were unsuccessful in their attempts to pass the bar in previous attempts. This last example -- the school's efforts to facilitate bar passage of its graduates who were unsuccessful in previous attempts -- warrants additional comment. Schools that rely on second or subsequent bar pass rates in order to demonstrate compliance with the bar pass portion of Standard 301(a) must not only track their graduates but they may also be asked to provide information regarding post-graduation support programs they offer to their graduates who are unsuccessful in their first attempt to pass the bar.

While not part of Interpretation 301-6, Rule 27 of the *Rules of Procedure for Approval of Law Schools* permits the Accreditation Committee and Council to require a school to report-back on its bar passage status. Thus, if a school were otherwise in compliance but was near noncompliance or had shown a pattern of decline in bar exam passage results, the Accreditation Committee or Council may require the school to report back so that the school's continued compliance can be tracked.

This Interpretation will be reviewed following issuance of the report from the Special Committee on Outcome Measures and assessment of that report by the Council. In addition, the Council will direct the Accreditation Committee to report by February 2009 on the impact of 301-6 on law schools.



A-24

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

***Interpretation 303-1***

*Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.*

***Interpretation 303-2***

*A law school shall provide academic advising to students to communicate effectively to them the school's academic standards and graduation requirements, and guidance regarding course selection and sequencing. Academic advising should include assisting each student with planning a program of study consistent with that student's goals.*

***Interpretation 303-3***

*A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.*

**Standard 304. COURSE OF STUDY AND ACADEMIC CALENDAR**

(a) A law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods, examinations, and breaks, but such time does not count toward the 130-day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 58,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school.

(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

(d) A law school shall require regular and punctual class attendance.

(e) A law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that school for graduation (or a proportionate number for schools on other academic schedules, such as a quarter system).

**(f) A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.**

***Interpretation 304-1***

*This Standard establishes a minimum period of academic instruction as a condition for graduation. While the academic year is typically divided into two equal terms of at least thirteen weeks, that equal division is not required. The Standard accommodates deviations from a conventional semester system, including quarter systems, trimesters, and mini-terms.*

***Interpretation 304-2***

*A law school may not count more than five class days each week toward the 130-day requirement.*

***Interpretation 304-3***

*In calculating the 45,000 minutes of "regularly scheduled class sessions" for the purpose of Standard 304(b), the time may include:*

*(a) coursework at a law school for which a student receives credit toward the J.D. degree by the law school, so long as that work itself meets the requirements of Standard 304;*

*(b) coursework for which a student receives credit toward the J.D. degree that is work done in a foreign study program that qualifies under Standard 307;*

*(c) law school coursework that meets the requirements of Standard 306(c);*

*(d) in a seminar or other upper-level course other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and*

*(e) in a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.*

*A law school shall not include in the 45,000 minutes required by Standard 304(b) to be by attendance in regularly scheduled class sessions at the law school any other coursework, including but not limited to (i) work qualifying for credit under Standard 305; (ii) coursework completed in another department, school or college of the university with which the law school is affiliated or at another institution of higher learning; and (iii) co-curricular activities such as law review, moot court, and trial competitions.*

## CHAPTER 4

### THE FACULTY

#### Standard 401. QUALIFICATIONS

A law school shall have a faculty whose qualifications and experience are appropriate to the stated mission of the law school and to maintaining a program of legal education consistent with the requirements of Standards 301 and 302. The faculty shall possess a high degree of competence, as demonstrated by its education, experience in teaching or practice, teaching effectiveness, and scholarly research and writing.

#### Standard 402. SIZE OF FULL-TIME FACULTY

(a) A law school shall have a sufficient number of full-time faculty to fulfill the requirements of the Standards and meet the goals of its educational program. The number of full-time faculty necessary depends on:

- (1) the size of the student body and the opportunity for students to meet individually with and consult faculty members;
- (2) the nature and scope of the educational program; and
- (3) the opportunities for the faculty adequately to fulfill teaching obligations, conduct scholarly research, and participate effectively in the governance of the law school and in service to the legal profession and the public.

(b) A full-time faculty member is one whose primary professional employment is with the law school and who devotes substantially all working time during the academic year to the responsibilities described in Standard 404(a), and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as a scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one's responsibility as a faculty member.

#### *Interpretation 402-1*

*In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.*

- (1) *In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources"*

*as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.*

*(A) Additional teaching resources and the proportional weight assigned to each category include:*

*(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;*

*(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and*

*(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.*

*(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources. To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers*

*(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school, provided that no student who is enrolled in fewer than ten credit hours in a term shall be considered a full-time student, and no student enrolled in more than 13 credit hours shall be considered a part-time student. A part-time student is counted as a two-thirds equivalent student.*

*(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school are considered to determine the adequacy of the teaching resources available for the J.D. program.*

#### ***Interpretation 402-2***

*Student/faculty ratios are considered in determining a law school's compliance with the Standards.*

*(1) A ratio of 20:1 or less presumptively indicates that a law school complies with the Standards. However, the educational effects shall be examined to determine whether the size and duties of the full-time faculty meet the Standards.*

(2) *A ratio of 30:1 or more presumptively indicates that a law school does not comply with the Standards.*

(3) *At a ratio of between 20:1 and 30:1 and to rebut the presumption created by a ratio of 30:1 or greater, the examination will take into account the effects of all teaching resources on the school's educational program, including such matters as quality of teaching, class size, availability of small group classes and seminars, student/faculty contact, examinations and grading, scholarly contributions, public service, discharge of governance responsibilities, and the ability of the law school to carry out its announced mission.*

***Interpretation 402-3***

*A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.*

***Interpretation 402-4***

*Regularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not a full-time faculty member under this Standard. This presumption may be rebutted if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty.*

**Standard 403. INSTRUCTIONAL ROLE OF FACULTY**

**(a) The full-time faculty shall teach the major portion of the law school's curriculum, including substantially all of the first one-third of each student's coursework.**

**(b) A law school shall ensure effective teaching by all persons providing instruction to students.**

**(c) A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.**

***Interpretation 403-1***

*The full-time faculty's teaching responsibility will usually be determined by the proportion of student credit hours taught by full-time faculty in each of the law school's programs or divisions (such as full-time, part-time evening study, and part-time weekend study). For purposes of Standard 403(a), a faculty member is considered full-time if that person's primary professional employment is with the law school.*

***Interpretation 403-2***

A-25

# Course Descriptions

*Course descriptions may be revised from time to time to reflect current trends in the law and legal education.*

## *First-Year Required Courses*

### Civil Procedure I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of the rules, statutes and principles governing the process by which courts resolve civil disputes. Specifically, it includes a study of the judicial process and of the relationship between the procedural and substantive law; pleadings; principles of jurisdiction, including jurisdiction over subject matter, persons, and service of process; and an introduction to the allocation of jurisdiction between the state and federal courts and the law to be applied in state courts and federal courts.

### Civil Procedure II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Civil Procedure I*

This course focuses on pleadings, joinder of parties and claims, discovery, motions, trial, post-trial matters, disposition without trial, appellate review, and the effects of judgment.

### Contracts I

*Hours: 3*

*Course Frequency: Each Fall (Beginning with the second year of operation)*

*Prerequisite(s): None*

This course provides a study of the basic principles of the common law of contracts. It focuses on legal theories for enforcing promises or preventing unjust enrichment; and principles controlling the formation, modification, and enforceability of contracts.

### Contracts II

*Hours: 3*

*Course Frequency: Each Spring (Beginning with the second year of operation)*

*Prerequisite(s): Contracts I*

This course focuses on the law related to the sale and lease of goods, particularly as affected by the Uniform Commercial Code and related federal statutes. This course further provides a study of the legal principles dealing with performance, remedies for nonperformance or threatened nonperformance, excuses for nonperformance, rights of nonparties to enforce contracts, assignment of rights, and delegation of duties.



Property I

*Hours: 3*

*Course Frequency: Each Fall (Beginning with the second year of operation)*

*Prerequisite(s): None*

This course provides a study of the fundamental concepts applicable to real property such as possessory estates and interests, as well as joint and concurrent ownership.

Property II

*Hours: 3*

*Course Frequency: Each Spring (Beginning with the second year of operation)*

*Prerequisite(s): Property I*

This course provides a focus on the rights, duties, and liabilities of landlords and tenants; acquisition, ownership, and transfer of property; rights of possession; donative transactions; issues in the conveyancing system; and governmental regulations.

Torts I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.

Torts II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Torts I*

This course focuses on the remaining issues in negligence, including particular duties of landowners, damages, joint and several liability, and defenses. Additionally the class will survey the following areas: products liability, wrongful death, vicarious liability, and nuisance.

Lawyering Skills I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides an introduction to: the law library and basic legal research; fundamentals of legal writing; fundamentals of statutory and case analysis; oral communication skills; drafting correspondence and trial memoranda.

Lawyering Skills II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Lawyering Skills I*

This course is a continuation of Lawyering Skills I with an increased level of sophistication in research, analysis and communication; drafting basic pleadings; drafting basic transactional documents; drafting a memorandum of law; and oral argument.

**Note: Upper-level courses will not be offered until the third year of operation.**

*Upper-Level Required Courses*

Business Organizations

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the formation, structure, and characteristics of the various business entities including unincorporated associations, agency, partnerships, for-profit and not-for-profit business corporations, and limited liability companies. This course will additionally provide a study of agency relationships.

Commercial Transactions

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of Articles 1, 2, 3, and 6 of the Uniform Commercial Code and includes the sale of goods, bulk sales, and payment through negotiable instruments.

Conflict of Laws

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): Civil Procedure I & II*

This course provides a study of the legal policies, rules of law, and constitutional requirements for resolving disputes that have connections with more than one state, or with a state and a foreign country, or that involve both state and federal interests. It explores the principles that courts use in selecting the proper law to apply in such cases under the American system of divided sovereignty—divided both between states and between state and federal governments.

### Constitutional Law

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course studies the basic principles of constitutional law, including the nature of a written constitution, the framework of the U.S. Constitution, the Marshall legacy and judicial review, theories of interpretation, and principles of interpretivism. Emphasis is given to the distribution of governmental powers in the federal system; separation of powers; the federal commerce, taxing, and foreign affairs powers; intergovernmental relations; due process; and equal protection.

### Criminal Law

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the general principles, sources, and purpose of criminal law, including the act requirement, the mens rea requirement, causation, liability for attempted crimes, accomplice liability, defenses, criminal code interpretation, and a review of Tennessee criminal law.

### Criminal Procedure

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): Criminal Law*

This course provides a study of the procedural aspects of the criminal justice system, including the law of arrest, search and seizure, police interrogation and the privilege against self-incrimination. This course will provide particular emphasis on the impact of the fourth, fifth, and sixth amendments to the United States Constitution, as well as discuss Tennessee criminal procedure.

### Domestic Relations

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of Federal and State laws affecting the formal and informal family relationships: premarital disputes; antenuptial contracts; creation of common law and formal marriages; legal effects of marriage; support obligations within the family; legal separation, annulment, divorce, alimony, and property settlements; child custody and child support; abortion; and illegitimacy. The course will emphasize Tennessee law.

### Evidence

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the rules regulating the admission and exclusion of oral, written, and demonstrative evidence at trials and other proceedings, including relevance, character evidence, competence, impeachment, hearsay, privileges, expert testimony, authentication, and judicial notice.

### Lawyering Skills III

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): Lawyering Skills I & II*

Students review and then practice the major steps in the pretrial litigation process, including litigation planning, informal fact investigation, legal research, and all facets of discovery. Each student prepares requests for documents, interrogatories, and requests for admissions. Each student also conducts and defends a deposition of one of the parties or witnesses in a case.

### Lawyering Skills IV

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): Lawyering Skills I, II, & III*

Students continue the pretrial development of a case. The focus is on drafting and arguing pretrial motions, with particular emphasis on motions in limine in a civil trial and motions to dismiss in a criminal trial. Students also further develop skills of interviewing, witness preparation, examining witnesses, negotiating settlements and pretrial agreements. The planning portion of the course focuses on drafting documents necessary for the effective establishment and operation of one or more business organizations.

### Professional Responsibility

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the authority and duties of lawyers in the practice of their profession as advocates, mediators, and counselors, including discussions focusing on lawyers' responsibility to the courts, to the bar, and to their clients. This course further provides a study of the American Bar Association (ABA) Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, controlling constitutional decisions, and generally accepted principles established in leading federal cases, state cases and in procedural and evidentiary rules.

### Remedies

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief as distinguished from substantive and procedural law. The four major categories of remedies are addressed: damages, including measurement issues for both compensatory and punitive damages, and limitations on the damages remedy; restitution, including measurement issues and issues related to rescission, constructive trust, and equitable lien; injunctions, including issues relating to requirements for obtaining preliminary and permanent injunctive; and declaratory relief, including ancillary remedies to effectuate the relief obtained, and legal and equitable defenses.

### Secured Transactions

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This Course provides a study of Article 9 of the Uniform Commercial Code and discusses securing debt through the collateralization of personal property. The Course will discuss the creation and enforcement of security interests in personal property as well as methods of determining priority between multiple secured debts on the same personal property.

### Wills, Trusts and Estates

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the law governing the basic devices in gratuitous transfers, including the drafting and probate of wills, the appointment of personal representatives of decedents' estates, the administration of such estates (duties and powers of personal representatives), the appointment of testamentary trustees, and the administration of trusts generally (duties and powers of trustees).

### *Elective Courses (Tentative)*

#### Administrative Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the processes by which policies of administrative agencies are translated into law and applied by the responsible administrative agencies. Topics include: analysis of informal and formal procedures, separation of powers, delegation, statutory construction, rule making, and adjudication.

### Advanced Criminal Procedure

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Criminal Procedure; Constitutional Law*

This course provides a study of the procedural problems experienced in the preparation and prosecution of a criminal proceeding. Major areas of analysis include: arraignment and bail; an examination of the problems encountered in a preliminary hearing; the scope, extent and goals of a grand jury proceeding; pre-trial discovery, motions and suppression hearings; and the "plea bargaining" process.

### Advanced Estate Planning \*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Estate Planning; Estate and Gift Tax*

This course provides a study of income, gift, estate, and generation-skipping transfer taxes relevant to the estate planning process through the use of hypothetical clinical problems. The problems will include comprehensive estate planning and drafting of documents to effectuate the estate plan.

### Advanced Evidence

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Evidence*

This class is designed to build on the foundation acquired in Evidence and to facilitate thinking about evidence in a trial setting. The focus of this course will be to "think evidentially." The course will take the student through a number of trials, both criminal and civil, using prepared fact patterns. The course will focus on the Federal Rules of Evidence and cover evidentiary law including relevance, character evidence, hearsay, impeachment, opinion evidence, expert testimony and evidentiary privileges. It will examine the rules governing the presentation of evidence, including motions in limine, objections and motions to suppress.

### Advanced Federal Income Taxation

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Federal Income Tax*

This course will provide a more in-depth look relating to the income taxation of property transactions. Subjects covered include: the effect of debt on basis and amount realized calculations, like-kind exchanges, the passive activity loss limitations, the at-risk rules, sale of a business, sale-leasebacks, and installment sales.

### Alternative Dispute Resolution

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the law and methods involved in settling disputes outside of the courtroom, including arbitration, mediation, collaborative law, mini-trials, early neutral evaluation, and conciliation.

### Appellate Advocacy \*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides an overview of the appellate process, building upon skills learned in Lawyering Skills II and including learning how to apply the rules of appellate procedure, as well as skills necessary for appellate brief writing and oral advocacy. Students will ultimately draft an appellate brief and present an oral argument.

### Bankruptcy

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the rights and remedies of debtors and creditors under the Federal Bankruptcy Code. In addition, the interplay of the Bankruptcy Code and the provisions of Article 9 of the Uniform Commercial Code and other provisions of state law are examined.

### Comparative Constitutional Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Constitutional Law*

This course will focus on the comparative study of the structure and content of constitutional law, primarily (though not exclusively) comparing the United States with both (a) western European civil law countries such as Germany and France and (b) other common law countries, such as Canada, the United Kingdom, and South Africa. After initial discussion of the concept of constitutionalism, students will spend the first half of the semester on issues of comparative constitutional structure, including variations in the institutions and practices of judicial review, negative and positive (social and economic) constitutional rights, the extent to which private actors are bound by constitutional norms, limits on constitutional rights, and federalism. In the second half of the semester, students will study various substantive constitutional rights, including freedom of speech and expression, freedom of religion, privacy rights, and differing conceptions of equality.

### Directed Study

*Hours: 1-3*

*Course Frequency: Offered as needed by students and faculty availability allow*

*Prerequisite(s): Same as the course which is represented by the Directed Study*

This course is available in a limited number of subject areas. A directed study is a regular law school course offering taught to a student on an individual faculty/student basis which must be approved by the faculty member and the Associate Dean for Academics (or the Dean). In a directed study, the directing faculty member sets forth the objectives, requirements and guidelines for earning credit in a course. A directed study syllabus for each course stating established meeting times with a faculty member, examination, readings and a general outline of what is to be learned is provided. A directed study course will be denied if the course is available that same semester.

### Drafting Transactional Documents \*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Commercial Transactions*

Through classroom discussion, reading assignments, in-class exercises, and writing assignments, students will learn how to draft the "building blocks" of a commercial contract and learn how to effectively allocate risk within the context of a specific business deal. The lawyer's function in the negotiating and drafting process and drafting ethics also are covered.

### Education Law

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Property*

This course provides a study of the law relating to public, private, and home education. Emphasis is placed on the legal framework for public education, the First Amendment and other Constitutional issues related to the public schools, and the nature of parental rights in the context of public education.

### Employment Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the statutes, regulations, and cases dealing with a number of legal rights and concerns of employees and employers. Areas covered may include: (a) worker's compensation law and practice; (b) labor standards legislation, such as wage-and-hour laws (e.g., Fair Labor Standards Act-FLSA, public contract "prevailing wage" requirements); health-and-safety laws (e.g., Occupational Safety and Health Act-OSHA); an introduction to pension-protection laws (e.g., Employee Retirement Income Security Act-ERISA); and (c) wrongful discharge and at-will employment.



### Entertainment Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of laws related to film, television and music. Each industry is discussed from the clients' perspectives, detailing the business, legal, social and ethical issues encountered in the development of a project from raw idea to final distributed product. Topics also include agents, managers, the studio system, new media, and careers in entertainment law.

### Environmental Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of federal and state statutes, regulations and relevant judicial and administrative decisions with respect to: major environmental control areas including air, water, solid waste, and noise pollution abatement; radioactive emission; the National Environmental Policy Act; significant land planning legislation; and the interrelation between federal and state legislation, including areas of responsibility.

### Estate Planning

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Wills, Trusts and Estates*

This course provides a study of estate planning techniques. Students will have an opportunity to learn how to prepare estate and gift tax returns. In addition, the course will cover practical aspects of meeting with and advising clients regarding their estate tax plans and their estate planning documents.

### Estate and Gift Taxation

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Estate Planning*

This course provides a study of taxation of gratuitous transfers under the federal estate and gift tax codes. The course will be primarily taught through hypothetical estate planning situations and problems highlighting the statutes and rules covered.

### European Union Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides an introductory study of the law, history, and structure of the European Union, including its multilevel system of governance and the reach of its powers, both economical and political. Material will be presented through a combination of lecture, group discussion, case studies, and group and

individual presentations. Material will include a survey of the origin of the European Union, the roles of Member States, noteworthy legal decisions, the draft Constitution for Europe, and the interaction between the EU and non-EU actors including states and international organizations.

### Externship I & II

*Hours: 1-2*

*Course Frequency: Will be offered every semester with limited availability*

*Prerequisite for Externship I: None*

*Prerequisite for Externship II: Externship I*

Students will spend time at off-campus “sites” which have been previously approved by the Director of the Externship program. These sites will have a supervisor which may be an attorney or judge. Each student will also have a responsible faculty sponsor to which the student will report. Weekly journals and writing assignments will be completed and reviewed by the faculty sponsor and the Director of the Externship Program. Students may participate in up to two externships for course credits of either one or two hours each.

### Federal Courts

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the constitutional and practical doctrines that define the judicial power of the United States, with particular emphasis on the role of federal courts in the American system of government, including the federal courts’ relationship to the other branches of the federal government and their relationship to the separate state systems of government.

### Federal Income Taxation

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course provides a study of the basic principles of federal income tax, concentrating on individual taxpayers, business taxpayers, and investors as taxpayers. Particular emphasis is placed on the use of the Internal Revenue Code and federal tax regulations. Topics include items of inclusion and exclusion from gross income, deductions from gross income, capital gains and losses, basic tax accounting, and the identification of income to the appropriate taxpayer.

### First Amendment Seminar \*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the history, theory, and jurisprudence of the First Amendment, with particular emphasis on the speech, press and religion clauses.

### Healthcare Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow.*

*Prerequisite(s): None*

This course provides a study of the key concepts in health law such as the structure of health care organizations, quality of health care, and liability of health care providers. It also addresses access to health care, financing mechanisms of health care, including Medicare and Medicaid, regulation of health care, and oversight of managed health care. New developments in health care law will also be examined.

### Immigration Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the legal, historical, and policy perspectives that shape U.S. law governing immigration and citizenship, including the constitutional bases for regulating immigration, the history of immigration law in the United States, and the source and scope of congressional and executive branch power with regard to immigration. The course will also examine the role of the judiciary in interpreting immigration law, citizenship and naturalization, the admission and removal of immigrants and non-immigrants, and the issue of undocumented immigration. Students will also analyze the impact of immigration in other areas, including employment, criminal law, family unification, and discrimination.

### Independent Study \*

*Hours: 1-2*

*Course Frequency: Offered every semester; Requires faculty sponsor*

*Prerequisite(s): None*

An Independent Study is appropriate for a student who wishes to study a particular area of law that is not covered in the school's existing course offerings. An independent study is supervised by a faculty member, with prior approval of the Curriculum Committee. A student wishing to conduct an independent study for credit must complete a Request for Independent Study consistent with the Guidelines for Independent Study.

### Insurance Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of various types of insurance, including life, property, health, accident, and liability insurance; regulation of the insurance industry; interpretation of insurance documents; conditions, warranties, and representations; coverage and exclusions; duties of agents; excess liability; subrogation; bad faith actions against insurers; liability insurance defense problems, including duty to defend; notice and cooperation issues; and conflicts of interest.

### Intellectual Property

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a survey of the basics of copyright, patents, trade and service marks and trade secrets. Additionally, a study of developments in the laws governing the protection of property interests in computer software and the Internet will be covered.

### International Business Transactions

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the international sale of goods and services; cross-border transfers of intellectual property; foreign direct investment; and international settlement of disputes. Topics relating to sales of goods and services include documentary and standby letters of credit, bills of lading, and distributorship and franchising agreements. Topics related to intellectual property (patents, copyright, trademarks, know-how) are viewed from the perspectives of industrialized and developing countries and antitrust policy. Topics relating to foreign direct investment include not only types of establishments but also privatizations, project finance, exchange controls, labor relations, and multilateral institutions. Topics relating to dispute settlement include arbitration, extraterritorial jurisdiction, and the enforcement of foreign judgments.

### Interviewing, Negotiation and Counseling

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course will develop students' skills in the fundamentals of interviewing and counseling clients and negotiating agreements. These three skills have been identified by the *ABA Task Force on Law Schools and the Profession: Narrowing the Gap* as essential components of competent lawyering. The course will cover conceptual foundations for understanding the processes involved in interviewing, counseling, and negotiation.

### Jurisprudence

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of various legal theories, concepts, philosophies and problems. Coverage may include: legal positivism; natural law theory; legal realism; idealism; historical jurisprudence; utilitarianism; sociological jurisprudence; policy science; and critical studies.

### Juvenile Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the: the rights and responsibilities of children in relation to parents, society and institutions; history of the Juvenile Court; development of children's rights; and trends in juvenile justice.

### Land Use Planning

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of selective governmental regulation of the use of real estate and of the land development industry. This course is fundamentally a course in applied Constitutional and administrative law. It includes the law of nuisance, zoning, density, growth, and subdivision controls.

### Law Review I, II, III & IV \*

*Hours for Law Review I: 1*

*Hours for Law Review II: 1*

*Hours for Law Review III: 1*

*Hours for Law Review IV: 1*

*Course Frequency: After journal is fully operational, Law Review I & III will be offered each Fall and Law Review II & IV will be offered each Spring.*

*Prerequisite for Law Review I: None*

*Prerequisite for Law Review II: Law Review I*

*Prerequisite for Law Review III: Law Review II*

*Prerequisite for Law Review IV: Law Review III*

The Law Review course is designed to teach techniques and research methods for legal writing in connection with practice in legal writing for the Lincoln Memorial University Law Review. Each student is required to accomplish a stated amount of writing acceptable for publication or service on the staff in order to receive credit for the course.

### Mock Trial Team

*Hours: 1-2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

Members of the Mock Trial Team participate in trial advocacy competitions both intra-school, regionally and nationally.

### Moot Court Board

*Hours: 1-2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

Members of the Moot Court Board prepare appellate briefs and present oral arguments in intra-school, regional and national Moot Court competitions.

### Patent Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of patent law and policy. The course will examine the history of patents and the policy arguments for and against using patents as a mechanism for inducing innovation. Students will learn the basics of patent drafting and prosecution, patent claims, and claim construction. The class then addresses in depth the central patentability criteria of subject matter, utility, nonobviousness, and disclosure. Other topics may include: the relationship between patents and other forms of intellectual property protection such as trade secrets and copyright; the intersection of patent and antitrust law; the role of the Patent and Trademark Office and the Court of Appeals for the Federal Circuit.

### Pleadings and Practice \*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of pre-trial practices and procedures. Students will become familiar with the relevant Rules of Civil Procedure and other pre-trial techniques, including client interviewing and counseling, witness interviewing, informal discovery techniques, litigation planning, expert development and discovery, pleadings, interrogatories, depositions, requests for production, requests for admission, pre-trial motion practice, settlement strategies, settlement brochures, settlement conferences, pre-trial conferences, and settlement agreements.

### Products Liability

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Torts*

This course provides a study of the liability of manufacturers and distributors for defects in their products. This course provides particular focus on the origins of strict liability in tort for defective products, including negligence and warranty theories. The course will cover recent developments in recovery, elements of proof, available defenses and tort reform.

### Real Estate Transactions \*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Property*

This course will include such skills as searching a title and drafting instruments necessary to convey interests in real property. Topics may include legal requirements for the conveyance of real property, financing real estate, title examinations, recording acts, loan closing, foreclosure practices, and planned unit developments.

### Securities Regulation

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Business Organizations*

This course provides a study of the law governing the issuance, distribution, and trading of securities, focusing primarily on the Securities Act of 1933, the Securities Exchange Act of 1934, and related rules and regulations. Topics include the definition of a "security;" the obligation to register; the registration and disclosure requirements; the exemptions from the registration process; the insider trading and antifraud provisions; and civil remedies for violations of applicable laws.

### Special Topic

*Hours: 1-2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course may be designed and offered by a member of the faculty. A syllabus of the Special Topic course must be approved by the Associate Dean for Academics prior to the course offering.

### Sports Law

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the academic (e.g., labor and antitrust) and practical (e.g., contracts and agents) aspects of professional sports and the emerging field of sports law, including rules governing Olympic competition, the NCAA, and other amateur athletics.

### Technology and the Law \*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of how technology impacts the law and how the law affects technology. The course will cover aspects of internet and software copyright issues; trade secrets; computer crime;

privacy; antitrust; and regulation of internet content. Timely issues that may arise near or during the time of the course offering may also be examined.

Trial Advocacy

*Hours: 3*

*Course Frequency: Offered one semester every year*

*Prerequisite(s): None*

This course will provide practical instruction in relation to the skills of advocacy in civil and criminal cases. Students will learn effective skills for jury selection, opening statements, direct and cross examination of witnesses (both lay and expert), objections, and closing arguments. Additionally, students will focus on case theory development and strategies best suited to jury persuasion.



A-26



**Law 1051  
Lawyering Skills I  
Fall 2009**

**Course Section:** A  
**Meeting Time and Place:** T & Th 6:00 – 7:30; Room TBD  
**Course Credit Hours:** 3 Hours

---

**FACULTY CONTACT INFORMATION:**

GORDON RUSSELL  
OFFICE HOURS: TBD

---

**I. COURSE DESCRIPTION:**

This course provides an introduction to: the law library and basic legal research; fundamentals of legal writing; fundamentals of statutory and case analysis; oral communication skills; drafting correspondence and trial memoranda.

**II. COURSE OBJECTIVES:**

- 1) An understanding of the foundations of practical lawyering skills—researching and writing.
- 2) An understanding of how to research cases and statutes using both print and electronic resources.
- 3) A basic fundamental understanding of legal reasoning and the manner of organizing legal communication.

**III. TEXTS/MATERIALS FOR THE COURSE:**

**REQUIRED**

- A. The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 18th ed. 2005)
- B. Amy E. Sloan, Basic Legal Research (3d ed. 2006).
- C. Tracy L. McGaugh & Christine Hunt, Interactive Citation Workbook (2007).
- D. Linda H. Edwards, Legal Writing: Process, Analysis & Organization (3d ed. 2002).

**IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS**

**Class Participation**

Reading assignments are listed for many of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics **before** coming to the class. **If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade.**

In addition, many of my classes will have quizzes that test your knowledge of specific material covered during that day of class. Thus, if you are unprepared, it will reflect in your grade on those assignments.

**Grading**

Grades are based on the following assignments:

In-Class Exercises:	15%
Out-of-Class Exercises:	35%
First Problem:	25%
Second Problem:	25%

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class. Preparation and participation shall include but are not limited to completion of research and citation exercises.**

**V. TWEN Site**

I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.

**VI. Contact Through Email and Phone**

You are always welcome to call my office or email me. **PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it.**

**VII. Laptops**

You are welcome to use laptops to take notes. However, you are not permitted to use your laptop for any other reason. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.

**VIII. Alterations of Syllabus**

I reserve the right to alter any portion of this Syllabus at any time, with or without notice. I, however, will not alter any provision within this Syllabus regarding the manner in which you are graded or the percentage value of your grade without sufficient notice.

**IX. Other Advisory Information**

This is law school. Thus, do not expect me to warn you of upcoming deadlines. Unless otherwise altered by me in writing, any due dates found herein are final.

**X. UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:  
<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

**XI. MISSION STATEMENTS:**

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

**XII. COURSE OUTLINE/ASSIGNMENT/UNITS:**

**Reading Assignments**

Assigned reading for any particular date is subject to change based on coverage during the prior class session; the Professor will also announce any changes in the reading assignment.

**Weekly Assignments:**

**Weekly Assignments:**

- Orientation Day 1: Introduction to the Legal System and Legal Research  
Assignments: Pages 1-17; 20-21.
- Orientation Day 2: Diagnostic Writing Exam
- Week 1, Session 1: Introduction to Case Research in Print  
Discuss searching using party names, citation, and headnotes.  
Discuss reporters, digests, descriptive-word indexes, table of cases, pocket parts, and supplements.  
Assignments: BLR Pages 77-97
- Week 1, Session 2: Continue Case Research in Print  
Students will complete an in-class research exercise  
Assignments: Out-of-class research exercise number 1.
- Week 2, Session 1: Case Research in Print Continued  
Discuss generating search terms and searching using the digests.  
Students will complete an in-class research exercise.  
Assignments: Out-of-class research exercise number 2.  
BLR Pages 23-27.
- Week 2, Session 2: Case Research in Print Continued  
Discuss Shepards.  
Students will complete an in-class research exercise.  
Assignments: Pages BLR 129-153.  
Out-of-class research exercise number 3.
- Week 3, Session 1: Introduction to Bluebook and Case Citation  
Assignments: ICW Pages 1-13 (exercises contained within must be completed before next class).
- Week 3, Session 2: Continue Discussion of Case Citation  
Assignments: ICW 17-41 (exercises contained within must be completed before next class).
- Week 4, Session 1: Researching Statutes in Print  
Assignments: Pages 155-173; 184-198.
- Week 4, Session 2: Continue Researching Statutes in Print  
Students will complete an in-class research exercise.  
Assignments: Out-of-class research exercise number 4.

- Week 5, Session 1: Introduction to Statutory Citation  
Assignments: ICW 43-61 (exercises contained within must be completed before next class).
- Week 5, Session 2: Introduction to Electronic Searching  
Discuss Westlaw and Lexis. General introduction to websites and electronic searching generally.  
Assignments: Pages 295-320.
- Week 6, Session 1: Introduction to Electronic Case Research  
Students will complete an in-class research exercise  
Assignments: Pages 97-105
- Week 6, Session 2: Electronic Case Research Continued  
Students will complete an in-class research exercise  
Assignments: Out-of-class research exercise number 5.
- Week 7, Session 1: Introduction to Electronic Statutory Research  
Assignment: 173-182
- Week 7, Session 2: Electronic Statutory Research Continued  
Students will complete an in-class research exercise  
Assignments: Out-of-class research exercise number 6.
- Week 8, Session 1: Introduction to IRAC and Legal Writing  
Discuss types of reasoning.  
Discuss types of rule structures.  
Assignment: Pages 1-28  
Break down a rule for your first problem for next class.
- Week 8, Session 2: Legal Writing Continued  
Discuss creating an annotated outline.  
Discuss formulating a rule from a case.  
Assignments: Pages 29-54  
Begin organizing material into an annotated outline. Be prepared to discuss your organization during the next class.
- Week 9, Session 1: Legal Writing Continued  
Assignments: Pages 71-84
- Week 9, Session 2: Legal Writing Continued: Writing a Rule Explanation  
Assignments: Pages 84-105  
Draft a rule explanation for the next class.

Week 10, Session 1: Legal Writing Continued: In-class exercise on writing a rule explanation

Week 10, Session 2: Legal Writing Continued: Writing an Analysis  
Assignments: Pages 107-136  
Draft an analysis for the next class.

Week 11, Session 1: Legal Writing Continued: Writing an Analysis  
Assignments: Pages 136-157  
Begin drafting explanations and analyses for the remaining elements of the first problem.

Week 11, Session 2: Introduction to drafting client letters  
Assignments: Read handouts posted on TWEN.

Week 12, Session 1: Continue discussion of drafting client letters  
Discuss formatting of client letter and manner of legal discussion within client letter.  
Assignment: Continue drafting first problem. Client Letter due for Week 13, Session 1.

Week 12, Session 2: Discussion of Client Letter and its component parts  
Assignment: Continue drafting first client letter.

Week 13, Session 1: Review of Bluebook  
Assignment: Prepare for Exam

Week 13, Session 2: Bluebook Exam  
Assignment: Begin drafting second problem.

Week 14, Session 1: Review of Bluebook Exam  
Assignments: Second drafting problem due by end of exam period.

**XIII. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**



**Law 1052  
Lawyering Skills II  
Spring 2009**

**Course Section:** A  
**Meeting Time and Place:** T & Th 6:00 – 7:30; Room TBD  
**Course Credit Hours:** 3 Hours

---

**FACULTY CONTACT INFORMATION:**

GORDON RUSSELL  
OFFICE HOURS: TBD

---

**I. COURSE DESCRIPTION:**

This course is a continuation of Lawyering Skills I with an increased level of sophistication in research, analysis and communication; drafting basic pleadings; drafting basic transactional documents; drafting a memorandum of law; and oral argument.

**II. COURSE OBJECTIVES:**

- 1) An expansion and more in-depth understanding of the foundations of practical lawyering skills—researching and writing which were learned in Lawyering Skills I.
- 2) An ability to draft basic motions, memoranda, and appellate briefs.
- 3) The basics of oral advocacy both at the trial and appellate levels.

**III. TEXTS/MATERIALS FOR THE COURSE:**

**REQUIRED**

- A. The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 18th ed. 2005)
- B. Amy E. Sloan, Basic Legal Research (3d ed. 2006).
- C. Tracy L. McGaugh & Christine Hunt, Interactive Citation Workbook (2007).
- D. Linda H. Edwards, Legal Writing: Process, Analysis & Organization (3d ed. 2002).



**IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS**

**Class Participation**

Reading assignments are listed for many of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics **before** coming to the class. **If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade.**

In addition, many of my classes will have quizzes that test your knowledge of specific material covered during that day of class. Thus, if you are unprepared, it will reflect in your grade on those assignments.

**Grading**

Grades are based on the following assignments:

In-Class Exercises:	15%
Out-of-Class Exercises:	15%
Memo Assignment:	25%
Appellate Brief:	25%
Trial-Level Argument:	10%
Appellate-Level Argument:	10%

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class. Preparation and participation shall include but are not limited to completion of research and citation exercises.**

**V. TWEN Site**

I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.

## VI. Contact Through Email and Phone

You are always welcome to call my office or email me. **PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it.**

## VII. Laptops

You are welcome to use laptops to take notes. However, you are not permitted to use your laptop for any other reason. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.

## VIII. Alterations of Syllabus

I reserve the right to alter any portion of this Syllabus at any time, with or without notice. I, however, will not alter any provision within this Syllabus regarding the manner in which you are graded or the percentage value of your grade without sufficient notice.

## IX. Other Advisory Information

This is law school. Thus, do not expect me to warn you of upcoming deadlines. Unless otherwise altered by me in writing, any due dates found herein are final.

## X. UNIVERSITY POLICIES:

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:  
<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

**XI. MISSION STATEMENTS:**

LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

**XII. COURSE OUTLINE/ASSIGNMENT/UNITS:**

**Reading Assignments**

Assigned reading for any particular date is subject to change based on coverage during the prior class session; the Professor will also announce any changes in the reading assignment.

**Weekly Assignments:**

- Week 1, Session 1: Overview of the Litigation Process and Discuss Drafting Motions  
Assignment: Review Packet on TWEN.  
Students will draft a motion for next class.
- Week 1, Session 2: Discuss Drafting Memorandums in Support of and in Opposition to Motions  
Discuss Formatting of Memorandums  
Assignment: Review Packet on TWEN.
- Week 2, Session 1: Introduction to Memorandum Assignment  
Students will discuss the Memo Assignment and the documents contained therein.  
Assignment: None
- Week 2, Session 2: Developing a Research Plan  
Assignment: BLR 333-360  
Students should complete a research plan for the Memo Assignment
- Week 3, Session 1: Introduction to Researching Legislative History  
Assignment: BLR 199-205; 216-221; 229-238.  
Students should continue drafting Memo Assignment
- Week 3, Session 2: Continue Researching Legislative History  
Students will complete an in-class exercise  
Assignment: Out-of-class exercise number 1.  
Students should continue drafting Memo Assignment
- Week 4, Session 1: Introduction to Researching Administrative Law  
Assignment: BLR 239-240; 253-256; 270-273  
Students should continue drafting Memo Assignment

- Week 4, Session 2: Continue Researching Administrative Law  
Students will complete an in-class exercise  
Assignment: Out-of-class exercise number 2.  
Students should continue drafting Memo Assignment
- Week 5, Session 1: Citation of Legislative History and Administrative Law  
Assignment: ICW 119-129 (complete exercises contained within for the next class).  
Students should continue drafting Memo Assignment
- Week 5, Session 2: Introduction to Advocacy at the Trial Level  
Assignment: Students should begin preparing for their oral argument
- Week 6, Session 1: Practice Oral Arguments
- Week 6, Session 2: Oral Arguments
- Week 7, Session 1: Introduction to Appellate Advocacy
- Week 7, Session 2: Introduction to Drafting an Appellate Brief  
Assignment: 259-283
- Week 8, Session 1: Discuss Standards of Review
- Week 8, Session 2: Enhancing Citation of Case Citation Information  
Assignment: ICW 99-117 (complete exercises contained within for the next class).  
Students should begin drafting their appellate brief
- Week 9, Session 1: Introduction to Researching Secondary Resources in Print  
Assignment: BLR Pages 29-48  
Students should continue drafting their appellate brief
- Week 9, Session 2: Continue Researching Secondary Resources in Print  
Students will complete an in-class exercise  
Assignment: Out-of-class exercise number 3.  
Students should continue drafting their appellate brief
- Week 10, Session 1: Researching Secondary Sources Electronically  
Assignment: BLR Pages 48-53  
Students should continue drafting their appellate brief
- Week 10, Session 2: Continue Researching Secondary Sources Electronically  
Students will complete an in-class exercise.  
Assignment: Out-of-class exercise number 4.

Students should continue drafting their appellate brief

- Week 11, Session 1: Citing Secondary Sources  
Assignment: ICW Pages 91-95 (complete exercises contained within for the next class).  
Students should continue drafting their appellate brief
- Week 11, Session 2: Discuss Appellate-Level-Oral Arguments  
Assignment: Students should continue drafting their appellate brief
- Week 12, Session 1: Practice Appellate-Level-Oral Arguments  
Assignment: Students should continue drafting their appellate brief
- Week 12, Session 2: Appellate-Level-Oral Arguments
- Week 13, Session 1: Appellate-Level-Oral Arguments
- Week 13, Session 2: Final Thoughts  
Assignment: Appellate Brief Due.

**XIII. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**



Law 1041  
Torts  
Fall 2009

Course Section: A  
Meeting Time and Place: M & W 7:45 – 9:15; Room TBD  
Course Credit Hours: 3 Hours

---

FACULTY CONTACT INFORMATION:

JON MARCANTEL  
OFFICE HOURS: TBD

---

I. COURSE DESCRIPTION:

This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.

II. COURSE OBJECTIVES:

- (1) To understand the concept of torts and the various causes of action that make up this area of law.
- (2) To be able to identify issues which arise in the area of torts and how those issues may interplay with each other.
- (3) To be able to effectively identify both the cause of action for individual torts and appropriate defenses.

III. TEXTS/MATERIALS FOR THE COURSE:

REQUIRED  
Epstein, *Cases and Materials on Torts* (9th ed. 2008).

IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS

### Class Participation

Reading assignments are listed for many of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics **before** coming to the class. **If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade.**

In addition, many of my classes will have quizzes that test your knowledge of specific material covered during that day of class. Thus, if you are unprepared, it will reflect in your grade on those assignments.

### Grading

Grades are based on the following assignments:

In-Class Quizzes and Exercises:	5%
Mid-Term Evaluation:	20%
Final Evaluation:	75%

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class. Preparation and participation shall include but are not limited to completion of research and citation exercises.**

### V. TWEN Site

I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.

### VI. Contact Through Email and Phone

You are always welcome to call my office or email me. **PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it.**

### VII. Laptops

You are welcome to use laptops to take notes. However, you are not permitted to use your laptop for any other reason. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.

### VIII. Alterations of Syllabus

I reserve the right to alter any portion of this Syllabus at any time, with or without notice. I, however, will not alter any provision within this Syllabus regarding the manner in which you are graded or the percentage value of your grade without sufficient notice.

### IX. Other Advisory Information

This is law school. Thus, do not expect me to warn you of upcoming deadlines. Unless otherwise altered by me in writing, any due dates found herein are final.

### X. UNIVERSITY POLICIES:

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:  
<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

### XI. MISSION STATEMENTS:

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

### XII. COURSE OUTLINE/ASSIGNMENT/UNITS:

#### Reading Assignments

Assigned reading for any particular date is subject to change based on coverage during the prior class session; the Professor will also announce any changes in the reading assignment.

#### Weekly Assignments:

Week 1, Session 1: Negligence—The Reasonable Person  
Assignment: 171-192



- Week 1, Session 2: Negligence—Reasonable Care  
Assignment: 194-205; 206-208; 215-220
- Week 2, Session 1: Negligence—Custom: Industry Standards  
Assignments: 221-231
- Week 2, Session 2: Negligence—Custom: Medical Care  
Assignments: 231-261
- Week 3, Session 1: Negligence—Custom: Statutes  
Assignments: 265-283
- Week 3, Session 2: The Jury's Role  
Assignments: 290-311; 316-320
- Week 4, Session 1: Affirmative Duties  
Assignments: 563-568; 579-580; 584-606
- Week 4, Session 2: Affirmative Duties—Gratuitous Undertakings  
Assignments: 606-623
- Week 5, Session 1: Affirmative Duties—Special Relationships  
Assignment: 623-644
- Week 5, Session 2: The Role of the Plaintiff's Conduct—Contributory Negligence  
Assignment: 328-360
- Week 6, Session 1: The Role of the Plaintiff's Conduct—Assumption of the Risk &  
Comparative Negligence  
Assignment: 360-401
- Week 6, Session 2: REVIEW AND OUTLINING  
We will discuss outlining and work together on an outline of this topic. I  
also will address any questions.
- Week 7, Session 1: Causation—Causation in Fact  
Assignment: 451-470
- Week 7, Session 2: Causation—Causation in Fact Continued  
Assignment: 470-496
- Week 8, Session 1: Causation—Proximate Cause  
Assignment: 497-519
- Week 8, Session 2: Causation—Proximate Cause Continued

Assignments: 519-549

Week 9, Session 1: Causation—Proximate Cause Continued  
Assignments: 549-562

Week 9, Session 2: REVIEW AND OUTLINING  
We will discuss outlining and work together on an outline of this topic. I also will address any questions.

Week 10, Session 1: Mid-Term Exam

Week 10, Session 2: Damages—Pain and Suffering  
Assignment: 855-864

Week 11, Session 1: Damages—Economic Losses  
Assignment: 865-883

Week 11, Session 2: Damages—Continued  
Assignment: 883-884; 895-927

Week 12, Session 1: Intentional Torts—Physical Harms  
Assignment: 4-22

Week 12, Session 2: Intentional Torts—Conversion  
Assignment: 22-35

Week 13, Session 1: Intentional Torts—Defenses  
Assignment: 35-50; 244-252

Week 13, Session 2: Intentional Torts—Defenses Continued  
Assignment: 50-77

Week 14, Session 1: Intentional Torts—Emotional Harms  
Assignment: 79-83; 83-85; 85-93; 93-100

Week 14, Session 2: REVIEW AND OUTLINING  
We will discuss outlining and work together on an outline of this topic. I also will address any questions.

**XIII. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**



**Law 1042  
Torts  
Spring 2009**

**Course Section:** A  
**Meeting Time and Place:** M & W 7:45 – 9:15; Room TBD  
**Course Credit Hours:** 3 Hours

---

**FACULTY CONTACT INFORMATION:**

JON MARCANTEL  
OFFICE HOURS: TBD

---

**I. COURSE DESCRIPTION:**

This course focuses on the remaining issues in negligence, including particular duties of landowners, damages, joint and several liability, and defenses. Additionally the class will survey the following areas: products liability, wrongful death, vicarious liability, and nuisance.

**II. COURSE OBJECTIVES:**

- (1) To understand the concept of torts and the various causes of action that makeup this area of law.
- (2) To be able identify issues which arise in the area of torts and how those issue may interplay with each other.
- (3) To be able to effectively identify both the cause of action for individual torts and appropriate defenses.

**III. TEXTS/MATERIALS FOR THE COURSE:**

**REQUIRED**  
Epstein, *Cases and Materials on Torts* (9th ed. 2008).

**IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS**

### Class Participation

Reading assignments are listed for many of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics before coming to the class. **If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade.**

In addition, many of my classes will have quizzes that test your knowledge of specific material covered during that day of class. Thus, if you are unprepared, it will reflect in your grade on those assignments.

### Grading

Grades are based on the following assignments:

In-Class Quizzes and Exercises:	5%
Mid-Term Evaluation:	20%
Final Evaluation:	75%

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class. Preparation and participation shall include but are not limited to completion of research and citation exercises.**

### V. TWEN Site

I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.

### VI. Contact Through Email and Phone

You are always welcome to call my office or email me. **PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it.**

### VII. Laptops

You are welcome to use laptops to take notes. However, you are not permitted to use your laptop for any other reason. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.

### VIII. Alterations of Syllabus

I reserve the right to alter any portion of this Syllabus at any time, with or without notice. I, however, will not alter any provision within this Syllabus regarding the manner in which you are graded or the percentage value of your grade without sufficient notice.

### IX. Other Advisory Information

This is law school. Thus, do not expect me to warn you of upcoming deadlines. Unless otherwise altered by me in writing, any due dates found herein are final.

### X. UNIVERSITY POLICIES:

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:

<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

### XI. MISSION STATEMENTS:

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

### XII. COURSE OUTLINE/ASSIGNMENT/UNITS:

#### Reading Assignments

Assigned reading for any particular date is subject to change based on coverage during the prior class session; the Professor will also announce any changes in the reading assignment.

#### **Weekly Assignments:**

Week 1, Session 1: Defamation .  
Assignments: 933-958

- Week 1, Session 2: Defamation  
Assignments: 961-978
- Week 2, Session 1: Defamation—Non-constitutional defenses  
Assignments: 978-1005
- Week 2, Session 2: Defamation—Constitutional Privileges  
Assignments: 1005-1037
- Week 3, Session 1: Privacy  
Assignments: 1039-1060
- Week 3, Session 2: Privacy Continued  
Assignments: 1061-1075
- Week 4, Session 1: Privacy Continued  
Assignments: 1076-1099
- Week 4, Session 2: Misrepresentation  
Assignments: 1102-1125
- Week 5, Session 1: Misrepresentation Continued  
Assignments: 1125-1142
- Week 5, Session 2: Multiple Defendants—Joint and Several Liability  
Assignment: 404-425
- Week 6, Session 1: Multiple Defendants—Vicarious Liability  
Assignments: 429-448
- Week 6, Session 2: Strict Liability  
Assignment: 154-158; 163-168
- Week 7, Session 1: Strict Liability  
Assignments: 569-589
- Week 7, Session 2: Strict Liability Continued  
Assignments: 589-608
- Week 8, Session 1: REVIEW AND OUTLINING  
We will discuss outlining and work together on an outline of this topic. I also will address any questions.

Week 8, Session 2: Mid-Term Exam

Week 9, Session 1: Strict Liability Continued  
Assignments: 608-629

Week 9, Session 2: Strict Liability Continued  
Assignments: 629-639

Week 10, Session 1: Strict Liability Continued  
Assignment: 639-650

Week 10, Session 2: Products Liability  
Assignment: 655-669

Week 11, Session 1: Products Liability Continued  
Assignment: 675-689

Week 11, Session 2: Products Liability Continued  
Assignment: 689-721

Week 13, Session 1: Products Liability Continued  
Assignments: 721-755

Week 13, Session 2: REVIEW AND OUTLINING  
We will discuss outlining and work together on an outline of this topic. I also will address any questions.

Week 14, Session 1: Final Thoughts

**XIII. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**





**Law 1011  
Civil Procedure I  
Fall 2009**

**Course Section:** A  
**Meeting Time and Place:** M & W 6:00 – 7:30; Room TBD  
**Course Credit Hours:** 3 Hours

---

**FACULTY CONTACT INFORMATION:**

SANDRA RUFFIN  
OFFICE HOURS: TBD

---

**I. COURSE DESCRIPTION:**

This course provides a study of the rules, statutes and principles governing the process by which courts resolve civil disputes. Specifically, it includes a study of the judicial process and of the relationship between the procedural and substantive law; pleadings; principles of jurisdiction, including jurisdiction over subject matter, persons, and service of process; and an introduction to the allocation of jurisdiction between the state and federal courts and the law to be applied in state courts and federal courts.

**II. COURSE OBJECTIVES:**

- (1) To understand the rules of procedure as a system of rules. This requires knowing how to read cases and statutes.
- (2) To be able to make strategic decisions about how to utilize and apply that system.
- (3) To appreciate the ethical issues embedded in the system.
- (4) To think creatively about how to manage and/or impact the system.
- (5) To be able to identify the procedural issues and possibilities in the cases in all 1L classes.

### III. TEXTS/MATERIALS FOR THE COURSE:

#### REQUIRED

(1) Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach*  
(Updated 4<sup>th</sup> ed. Thomson-West 2008) (hereafter "MRS")

(2) Federal Rules of Civil Procedure  
(Thomson-West Educational Edition 2008-2009) (hereafter "Rules")

#### RECOMMENDED

Joseph Glannon, *Civil Procedure: Examples and Explanations*  
(6<sup>th</sup> ed., Aspen 2008)

### IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS

#### Class Preparation and Participation

Students are required to attend class, to be prepared and to participate in class. Participation includes readiness for in-class discussion and/or quizzes. Class participation may affect your grade. Students will be called upon randomly to discuss cases, and of course, volunteers are encouraged.

#### Examination

There will be a final examination at the end of the semester consisting of essay and multiple choice questions; the examination will be closed-book. For the most part, the grade on the final exam will constitute the grade for the course, except as explained above. A copy of relevant rules and statutes may be provided at the examination.

### V. UNIVERSITY POLICIES:

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:

<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>