



programming, faculty hiring and retention, student services, program evaluation and expansion, career counseling, strategic planning, budgeting, and fundraising.

3. I present this Declaration in support of Plaintiff DSOL's Motion for Temporary Restraining Order to set forth in detail the irreparable harm DSOL and its students and faculty are experiencing as an immediate, imminent and ongoing result of the decision issued by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association ("Council") denying provisional approval to the DSOL on December 20, 2011 ("Decision Letter"). The Council found that the DSOL was not in substantial compliance with three American Bar Association Standards of Procedure for Approval of Law Schools ("Standards") – Standards 203, 303, and 501. Also on December 20, 2011, the ABA posted notice of its denial of provisional approval to DSOL on its publicly accessible website. The ABA's decision to deny provisional approval to the DSOL is arbitrary and capricious and in violation of due process. And, both the decision of the ABA as well as the public announcement pose irreparable harm to DSOL that is immediate, imminent and ongoing.

4. The current months from December through March in the academic year of all law schools are a critical period for the solicitation of prospective law students. During this time, undergraduate students who have taken the LSAT and are in receipt of their scores review publicly available information about the law schools to which they are considering applying. The ABA's denial of provisional approval to DSOL and the public announcement of this denial by the ABA have a devastating impact on DSOL. Every day the public notice of the denial of accreditation is permitted to stand, DSOL suffers grave and irreparable harm. Specifically, every day in this time frame from December 2011 through March 2012, students who would otherwise apply to DSOL reject DSOL and apply elsewhere. This fact has a devastating impact on

DSOL's applicant pool. Without sufficient qualified applicants, DSOL cannot survive. The decision to deny provisional accreditation and the posting of public notice of this decision severely harms DSOL's reputation as a worthwhile and noteworthy law school and diminishes DSOL's goodwill and standing in the education and legal communities. The taint to DSOL's reputation and the concomitant loss of goodwill caused by the ABA's arbitrary and capricious actions substantially harms DSOL and the injury received threatens the very existence of the Law School.

5. In addition, as a result of the ABA's arbitrary action, a large cohort of potential students will not even be aware of DSOL's existence. Law schools which are not accredited by the ABA are not included in and do not appear in the list of approved law schools maintained by the Law School Admission Council ("LSAC"). Furthermore, most law school applicants utilize LSAC electronic law school applications which are only available for ABA approved law schools. Thus, students who would apply to DSOL will not do so when they request that the LSAC send their LSAT scores to approved law schools. Also, current DSOL students may well consider transferring from DSOL to an ABA approved law school. In conclusion, the ABA's actions will result in DSOL experiencing a decrease in the number of students being admitting and matriculating in the 2012 - 2013 academic year and beyond.

6. In fact, since the posting of the public notice of the decision to deny provisional accreditation, the DSOL admissions office has received numerous telephone calls and emails from potential applicants. These applicants have stated that the accreditation decision and its ultimate resolution is the single factor preventing their application to DSOL.

7. The ABA's decision also irreparably harms DSOL and its students because it effectively denies them the ability to compete for and receive numerous scholarships,

occupational positions, externships and internships. Under the rules governing these scholarships and internships, students from law schools not accredited by the ABA are ineligible to compete and participate. For example, the following third party scholarships offered by foundations, corporations and law firms require an applicant's attendance at an ABA accredited law school:

- UPS/NLF Gold Mountain Scholarships (\$2,500)
- Bradley Arant Boult Cummings Diversity Scholarship Program (\$10,000 to a second year student; \$5,000 to a first year student).
- Donald W. Banner Diversity Scholarship (\$5,000)
- Dorsey and Whitney Diversity Fellowship (\$10,000)
- Richard Linn American Inn of Court Mark T. Banner Scholarship for Law Students
- Adler Pollock & Sheehan P.C. Diversity Scholarship (\$10,000)
- J.L. Turner Legal Association – 2011 Minority Scholarship(\$2,000)
- Latham & Watkins 2011 Diversity Scholars Program (\$10,000)
- Pro-Life Scholarships Awards (\$750)
- Tonkon Torp 1L Diversity Fellowship – Portland (\$7,5000)
- Vinson & Elkins Diversity Fellowships (\$7,000)
- McDermott Minority scholarships (\$15,000)
- Perkins Cole 1L Diversity Fellowship (\$7,500 and a summer associate position)
- Faegre & Benson Diversity Scholarship Program (\$12,000)
- Stoel Rives LLP 1L Diversity Fellowship (\$7,5000)
- Graham & Dunn Diversity Fellowship (\$7,500 and a clerkship)
- ABA Legal Opportunity Scholarship Fund (up to \$15,000)
- South Asian Bar Association of Northern California (SBA NC) Foundation
- Defense Research Institute – Law Student Diversity Scholarship (\$10,000)
- Cooley LLP (\$15,000 and a summer associate position)
- Milbank Diversity Scholarships (\$25,000 scholarship and summer associate position with an additional \$25,000 upon accepting an associate position)
- National Asian Pacific American Bar Association Law Foundation Scholarship (\$2,000 - \$7,500)
- Riddell Williams P.S. – 2L Diversity Fellowship (\$7,500 and a summer associate position)
- Baker Hostetler Diversity Fellowship Program (up to \$25,000 and a summer associate position)
- DRI Law Student Diversity Scholarship (\$10,000)
- Richard D. Hailey AAJ Student Scholarships (\$1,000)

8. The impact of the unfairness of the ABA decision and public announcement is compounded by the direct benefit that will accrue to ABA accredited law schools that compete directly with DSOL for students of the same credentials and caliber. The announcement of the ABA decision as it occurred denied DSOL any effective appeal rights. The announcement was intentional and immediately harmed DSOL. The harm is ongoing.

9. Based on my experience, DSOL will also suffer irreparable harm to its ability to retain and recruit faculty as a direct result of the ABA's decision to deny provisional accreditation.

10. The ABA's arbitrary and capricious decision will have a cascading effect on recruitment, hiring, and retention of both full-time and adjunct faculty. The decision to deny accreditation means faculty members are precluded from presenting at conferences, seminars, and/or panel presentations open only to faculty members from ABA approved law schools, thereby curtailing the faculty's ability to engage in an exchange of scholarship with their peers. The current faculty to student ratio at DSOL is better than 14 to 1, whereas the ABA requires a ratio of 20 to 1.

11. Based on my experience and knowledge, DSOL will suffer irreparable harm as current faculty members may seek employment at peer institutions which are ABA approved and decline to renew their contracts with DSOL. The loss of faculty directly caused by the ABA's arbitrary and capricious decision to deny accreditation will in turn result in harm caused by a severely diminished ability to recruit future faculty members needed to replace current faculty

who decline to return to DSOL, as well as those faculty who might otherwise be hired to fill positions required to meet the needed growth and expansion of the DSOL program.

12. Based on my experience and knowledge in the field, the ABA's decision to deny provisional accreditation causes immediate and irreparable harm to the Law School's ability to recruit and hire adjunct faculty for the summer term and beyond.

13. If this Court does not grant a Temporary Restraining Order requiring the ABA to withdraw the public announcement of its decision of December 20, 2011 and to issue a substitute announcement indicating that the Court has ordered it to hold its decision denying DSOL provisional approval in abeyance until further court order, DSOL will suffer irreparable imminent, immediate and ongoing harm. This irreparable harm—specifically caused by erosion of DSOL's applicant and student pool as well as its faculty—threatens the very existence of DSOL.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 29, 2011 in Knoxville, Tennessee.



Sydney Beckman

**CERTIFICATE OF SERVICE**

I hereby certify that on Friday, December 30, 2011, a copy of the foregoing Declaration of Sydney Beckman was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by certified U.S. mail, return receipt requested. Parties may access this filing through the Court's electronic filing system:

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Dated December 30, 2011.

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