



September 7, 2018

Dr. Belle S. Wheelan, President
Southern Association of Colleges and Schools
Commission on Colleges
1866 Southern Lane
Decatur, GA 30033

RE: Substantive Change Prospectus - Master of Legal Studies (M.L.S.) Degree

Dear Belle:

The University of Tennessee's College of Law plans to offer a Master of Legal Studies (M.L.S.) degree beginning August 2019, with the start of the fall semester.

The College of Law currently offers a Juris Doctor (J.D.) and Master of Law (LL.M.) in United States Business Law, a post-baccalaureate, professional degree for lawyers who are already licensed to practice law. We are proposing to offer a 30-semester credit hour M.L.S. program to

(1) individuals who already hold an undergraduate degree, whose careers intersect with the law, and who wish to gain a better understanding of the legal process but do not wish to devote the three years of full-time study to obtain a J.D., and

(2) current graduate students in other departments at the University of Tennessee whose academic interests intersect with the law.

The attached submission contains the following:

- the Cover Sheet for Submission of Substantive Changes Requiring Approval,
- the list of degrees and majors the institution is authorized to grant, and
- the Prospectus, which also contains
 - the University of Tennessee's Mission Statement (Appendix A),
 - evidence of faculty involvement in the development process (Appendix B), and
 - SACSCOC faculty roster for the College of Law (Appendix C).

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We are currently in the approval process with the Tennessee Higher Education Commission (THEC), and THEC recently posted our Letter of Notification for comment.

Should you require additional information, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather', with a stylized flourish extending from the end.

Heather Hartman, Ph.D.
SACSCOC Liaison

cc: Dr. Wayne T. Davis, Interim Chancellor
Dr. David C. Manderscheid, Provost and Senior Vice Chancellor for Academic Affairs
Dr. Robert J. Hinde, Vice Provost for Academic Affairs
Dr. Dixie L. Thompson Vice Provost and Dean of Graduate Studies
Dean Melanie D. Wilson, College of Law
Professor Alex B. Long, Associate Dean for Academic Affairs, College of Law

University of Tennessee College of Law
Substantive Change Prospectus

I. Abstract

a) Date of Implementation: August 2019

b) Location of Program: University of Tennessee College of Law

c) Projected Number of Students: The College projects an initial enrollment of two students, increasing to 15 by the fifth year of the program.

d) Projected Life of the Program: The projected life of the program is indeterminate and will depend on future demand. However, the College is projecting a minimum lifespan of five years.

e) Primary Target Audience: The target students will be

(1) individuals who already hold an undergraduate degree whose careers intersect with the law and who wish to gain a better understanding of the legal process but do not wish to devote the three years of full-time study to obtain a Juris Doctorate (J.D.), and

(2) current graduate students in other departments at the University of Tennessee whose academic interests intersect with the law.

f) Instructional Delivery Methods: It is anticipated that initially, students enrolled in the College of Law's program will take most classes in person. There will perhaps be several classes that will be offered in an online format, but most will be offered live and in-person. Most courses will be taught by members of the full-time faculty at the College of Law, who, in most instances, have taught the courses before. In limited instances, an adjunct faculty member may teach an upper-level elective course associated with the degree.

As part of the University of Tennessee's efforts to increase its e-learning opportunities, the College of Law hopes to develop more distance learning options in the coming years. This will hopefully enable M.L.S. students to take at least some classes online, thereby expanding the pool of potential applicants. It is anticipated that, by the program's second or third year, there will be increased e-learning opportunities. Thus, we anticipate that, by the second or third year, the College of Law will offer a hybrid degree program in which students can choose to attend classes live and through distance education that incorporates synchronous and asynchronous instruction. In addition, the College of Law envisions establishing several areas of concentration or certificates (such as financial law compliance, healthcare compliance, information privacy, and government and corporate compliance).

g) Strengths of the Institution to Undertake this Change: The primary target audience for the degree consists of non-lawyers who are seeking to gain a better practical understanding of how the law operates. The University of Tennessee College of Law has long been a leader in

providing a practice-focused legal education. It is home to the longest continuously operating legal clinic in the country and required students to complete a minimum number of skills-based courses prior to the American Bar Association's adoption of such a requirement. In short, the College of Law is well equipped to help non-lawyers obtain the practical and theoretical training they need in order to be successful in their careers.

II. Determination of the Need for the Change/Relationship to Mission/Planning and Approvals for the Change

a) Purpose of Change per Mission/Goals: The creation of an M.L.S. degree program will advance the institutional missions of the University of Tennessee and the institution's College of Law in several ways.

The primary mission of the University is "to move forward the frontiers of human knowledge and enrich and elevate the citizens of the state of Tennessee, the nation, and the world."¹ In line with the University's primary mission, the proposed program will provide the substantive education and skills necessary for individuals whose careers intersect with the law to advance their careers while serving their clients in a more efficient manner. For example, social workers routinely interact with lawyers and the legal system as part of their jobs. Having a better understanding of legal concepts and legal procedure will enable a social worker to serve clients more effectively while improving the social worker's career prospects. Not surprisingly, several law schools offer an M.L.S. with a focus on social work, a dual M.L.S./Master of Social Work degree, or a dual J.D. and Master of Social Work degree. Other examples of individuals who might benefit from such a program include those who work in health care, human resources, intellectual property, business, real estate, wealth management, and estate planning.

Establishing such a program is also consistent with the mission of the College of Law. Part of the mission of the College of Law is to "serve ... the public by developing and sharing our talents and expertise." While the focus of the College of Law has always been and continues to be on preparing students to engage in the practice of law, the reality is that the law increasingly intersects with other fields. Currently, over 50 U.S. law schools offer similar degrees. The popularity of M.L.S. programs at other institutions is testament to the fact non-lawyers believe they can benefit from some legal training. As a land grant institution, the University of Tennessee can meet this need, and the faculty at the College of Law have the expertise to do so.

b) Rationale and Need for the Change: As discussed throughout this document, establishing an M.L.S. program is consistent with the mission of the College of Law. The College of Law also currently has excess capacity and is, therefore, able to absorb an increase in the number of students.

The law increasingly intersects with other fields. Many professionals now need some working knowledge of the law in order to effectively do their jobs. Not surprisingly, the M.L.S. is now a commonly-offered degree in legal education. Over 50 American Bar Association-

¹ The complete Mission Statements for the University of Tennessee and the College of Law are attached as part of Appendix A.

accredited law schools offer such a degree. Currently, three other SACSCOC accredited institutions with law schools (Emory, Georgia, and Wake Forest) offer such a degree. Of the University of Tennessee's 11 peer and aspirational institutions that have law schools, four - Georgia, Michigan State, Minnesota, and Nebraska – offer such a degree. The University of Tennessee will be the first university in the state to establish such a program.

c) Legal authority for change: The College has received approval from the institution's (and system) administration to proceed with planning for the M.L.S. program and to hire an external consultant. The program will ultimately need to be approved by the Tennessee Higher Education Commission (THEC) and the University's Board of Trustees. THEC has received and posted the College's Letter of Notification.

d) Documentation of Faculty Involvement in Planning and Approval: The College of Law's Innovation Committee first considered the creation of such a degree during the 2016-17 academic year. The College's Academic Standards & Curriculum Committee considered the proposal during the 2017-18, and approved the creation of the program at its March 24, 2018 meeting. The faculty then considered and approved the program at its April 4, 2018 meeting.²

III. Required Information for the Specific Substantive Change

a) Curriculum for the Program and Projected Schedule of Course Offerings:

The M.L.S. curriculum will consist of courses already offered as part of the College's regular curriculum. Consistent with program length requirements of Standard 9.2 of the Principles of Accreditation, students will be required to complete 30 credit hours in order to earn the degree:

The Structure and Operation of the American Legal System (LAW 988)	2 Credit Hours
Legal Research, Writing, and Analysis for the Non-JD Student (LAW 990)	2 Credit Hours
At least two other courses from the required first-year JD curriculum (excluding LAW 805 ³ , 806 ⁴ , 811 ⁵ , 816 ⁶ , 817 ⁷ , & LAW 820 ⁸)	at least 5 Credit Hours
First-year or upper-level JD courses (excluding experiential courses except with permission)	20 Credit Hours

² The proposal to the faculty is attached as Appendix B.

³ Legal Process I

⁴ Legal Process II

⁵ Lawyering and Professionalism

⁶ Civil Procedure I (Experiential)

⁷ Torts I (Experiential)

⁸ Transactional Lawyering Lab

M.L.S. Thesis

1 Credit Hour

Total Credit Hours

30 Credit Hours

Students enrolled in the program will be able to take classes on a part-time basis. They also will have considerable flexibility in terms of the courses they select. Therefore, individual students' schedules will vary considerably.

b) Learning Objectives and Outcomes:

1) Doctrinal and Substantive Knowledge. Students are able to identify, explain, and employ basic concepts and rules of law in both core legal areas and in their own chosen area of specialization;

2) Problem Solving and Critical Thinking. Students are able to identify the relevant issues in a legal matter and craft legal arguments and conclusions supported by factual evidence and legal rules; and

3) Research and Writing Skills. Students are able to write clearly and analytically and independently retrieve, organize, analyze, and evaluate paper and electronic legal and interdisciplinary resources, and differentiate the types and relevance of authorities.

c) Assessment of Learning Outcomes for the Program. Responsibility for assessment rests with the faculty and administration of the College of Law. Primary responsibility rests with the Associate Dean for Academic Affairs. The assessment plan for the program appears below:

1) Doctrinal and Substantive Knowledge. Students are able to identify, explain, and employ basic concepts and rules of law in both core legal areas and in their own chosen area of specialization;

- Assessment methods

- Direct assessment: students will be graded in each course and will be expected to demonstrate the competence expected of a non-lawyer professional with respect to each competency addressed in the learning outcome

- assessment methods will include multiple choice questions, short answer questions, and essay questions on exams

- Indirect assessment: graduates will complete a survey evaluating their confidence level with respect to each competency addressed in the learning outcome

2) Problem Solving and Critical Thinking. Students are able to identify the relevant issues in a fact pattern and craft legal arguments and conclusions supported by factual evidence and legal rules; and

- Assessment methods

- Direct assessment: students will be graded in each course and will be expected to demonstrate the competence expected of a non-lawyer professional with respect to each competency addressed in the learning outcome
 - assessment methods will include short answer and essay questions on exams, as well as longer written assignments requiring students to apply legal concepts to hypothetical fact patterns
- Indirect assessment: graduates will complete a survey evaluating their confidence level with respect to each competency addressed in the learning outcome

3) Research and Writing Skills. Students are able to write clearly and analytically and independently retrieve, organize, analyze, and evaluate paper and electronic legal and interdisciplinary resources, and differentiate the types and relevance of authorities.

- Assessment methods

- Direct assessment:

- a) students are required to take Legal Research, Writing, and Analysis for the Non-JD Student (LAW 990), where this competency is developed through written research and writing assignments; and
 - b) students are required to complete an M.L.S. thesis, where they will be expected to demonstrate these competencies.
- Indirect assessment: graduates will complete a survey evaluating their confidence level with respect to each competency addressed in the learning outcome

d) Course Descriptions for All Courses in the Proposed Program. There are only three specific courses that are required for the program, although students are required to take at least five credit hours of courses in the required first-year J.D. curriculum. The course descriptions for the three specific required courses and the full menu of courses in the first-year J.D. curriculum are included below:

Required Courses

LAW 988 - The Structure and Operation of the American Legal System (2)

Introduces non-lawyers to the structure of the American legal system and basics of U.S. law. Topics include (1) an introduction and comparison of both common and civil law legal systems; (2) an overview of basic United States constitutional structure on both the federal and state level, including instruction on the role of administrative agencies and rules and regulations as well as statutes and case law; (3) legal research and writing; (4) exercises in case analysis and briefing; (5) drafting of briefs, legal opinions, contracts, and statutes; and (6) a summary of first-year J.D. classes, such as torts, contracts, civil procedure, and criminal law.

LAW 990 - Legal Research, Writing, & Analysis for the Non-JD Student (2)

Legal research, writing, and analysis designed specifically for non-JD students.

LAW 990 – M.L.S. Thesis (1)

Research paper involving in-depth research and analysis of a legal issue under supervision of a faculty member. The paper must be well written, include proper citation to authority, and give appropriate attention to opposing arguments. At least one draft must be submitted for critique by the professor. The final version of the paper must respond to the professor's feedback on the draft or drafts. The paper must be a minimum of 5,000 words in length (disregarding footnotes or endnotes). Proposals must be approved by the supervising faculty member and by the dean or the dean's designee.

First-Year JD Curriculum

LAW 801 - Civil Procedure I (3)

Pleading, joinder of claims and parties, discovery, trials, verdicts, judgments and appeals. Emphasis on Federal Rules of Civil Procedure.

LAW 802 - Civil Procedure II (3)

Binding effect of judgments, selecting proper court (jurisdiction and venue), ascertaining applicable law, and federal and state practice.

LAW 803 - Contracts I (3)

Basic agreement process and legal protections afforded contracts: offer and acceptance, consideration and other bases for enforcing promises; the Statute of Frauds, unconscionability and other controls of promissory liability. Introduction to relevant portions of Article 2 of the Uniform Commercial Code.

LAW 804 - Contracts II (3)

Continuation of Contracts I. Issues arising after contract formation: interpretation, duty of good faith; conditions, impracticability and frustration of purpose; remedies; third party beneficiaries; assignment and delegation. Considerable coverage of Article 2 of the Uniform Commercial Code with respect to remedies, anticipatory repudiation, impracticability and good faith.

LAW 807 - Torts I (3)

Intentional torts, defenses and privileges related to intentional torts; negligence: standard of care, professional malpractice, and liability of owners and occupiers of land; defenses based on plaintiff's conduct: contributory and comparative negligence, assumption of

risk, failure to take precautions, and avoidable consequences; causation, proximate cause; duty rules; and questions of joint and several or several liability.

LAW 808 - *Torts II* (2)

Vicarious liability and related concepts; strict liability for dangerous animals and abnormally dangerous activities; products liability; nuisance, defamation and invasion of privacy; economic torts: misrepresentation and interference with contract and prospective opportunities; immunities: those of government, governmental employees, charities and family members; and damages.

LAW 809 - *Criminal Law* (3)

Substantive aspects of criminal law; general principles applicable to all criminal conduct; specific analysis of particular crimes; defenses to crimes.

Registration Restriction(s): Law students only.

LAW 810 - *Property* (4)

Introductory course treating issues of ownership, possession, and title in the areas of: landlord-tenant relations; estates in land and future interests; co-ownership and marital property; real estate sales agreements and conveyances; title assurance and recording statutes; servitudes; and selected aspects of nuisance law, eminent domain and zoning.

e) Admissions and Graduation Requirements. Consistent with the practices of other law schools that offer this degree, applicants will be required to have earned a four-year degree prior to enrolling in the program. Applicants will be required to submit the following:

- Resume
- Personal statement addressing how the applicant will benefit from program
- Two letters of recommendation
- All official university level transcripts sent directly from the university of attendance
- Official standardized test scores (GRE, GMAT, LSAT, MCAT, or other similar test scores). This test requirement may be waived based on extensive work experience with the approval of both the Dean of the College of Law or the Dean's designee and the Graduate Studies Committee.

The graduation requirements for the program are described above.

f) Compliance with FR 10.7 of the Principles of Accreditation. The College of Law has adopted policies and procedures, consistent with the ABA Standards for the Accreditation of Law Schools, for determining the credit hours awarded for courses and programs. Rule II D(6) in the College of Law Academic Policies provides as follows:

Pursuant to ABA Standards for Approval of Law Schools, a credit hour is an amount of work that reasonably approximates:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Consistent with the relevant Standard, fifty minutes suffices for one “hour” of classroom or direct faculty instruction, but an “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination. Therefore, a one-credit class reasonably approximates 750 minutes of class time or direct faculty instruction, but that time can include class time dedicated to a final examination. This same one-credit class must include 1800 minutes of out-of-class student work. Thus, the total number of minutes of work for a one-credit class is 2,550 minutes (or 42.5 60-minute hours).

If a course meets for more than the minimum number of minutes or requires more than the minimum amount of work, no additional credit will be awarded beyond the amount approved for the course at the time of enrollment.

Effective Fall 2016, all new course proposals must include a justification for the number of credits to be awarded, considering both the out-of-class work and classroom or direct faculty instruction hours. For existing courses, faculty must assess whether the assigned reading and other out-of-class work is consistent with this policy.

In making the hours determination for new and existing courses, a faculty member should consider how long it would take the faculty member to complete the assigned reading or other out-of-class work if the faculty member were a student in the same situation at the relevant stage of a student’s career. For example, reading assignments for upper-level classes might be significantly longer than reading assignments early in the first semester of a required first-year course. Ultimately, it is for each faculty member to assign an amount of out-of-class work consistent with this standard. By distributing the syllabus for a class, a faculty member certifies that the faculty member has engaged in this assessment.

In order to engage in an ongoing assessment of compliance with this standard, the Academic Standards and Curriculum Committee will take the following steps in coordination with the faculty:

(1) Each year, the Academic Standards and Curriculum Committee will request the syllabi for approximately one-third of courses (excluding courses addressed by Paragraph (2)) currently offered by the College of Law, so that the full curriculum

is reviewed within a three-year period. The Committee will review those syllabi to determine compliance with the standard. Faculty members will be invited to respond to any questions or concerns regarding compliance with the standard after the Committee's receipt of the syllabi.

(2) Faculty members who supervise students in clinics, field placements, moot courts, law journals, directed research papers, independent studies, and similar classes and activities for credit will communicate with students the hours of work required for each hour of credit (at least 2,550 minutes for each hour of course credit) and require students to record their time and a description of work throughout the semester. At the conclusion of the semester, a faculty member will report to the Academic Standards and Curriculum Committee if the credit hours regularly offered for a given activity do not align with the time that students report for that activity.

(g) Administrative Oversight. The director of the program will be Alex Long, the Associate Dean for Academic Affairs. Dean Long began teaching in a tenure-track capacity in 2002 and is currently the Doug Blaze Distinguished Professor of Law. In his current role, Dean Long administers the academic and curricular programs of the College. Dean Long has been involved in the creation of this program since its inception. In light of this experience, he is qualified to oversee the program and ensure its success. The program itself will be subject to faculty assessment as required by ABA standards.

V. Faculty

The faculty roster listing all full-time and adjunct faculty teaching at the College of Law in the 2017-18 academic year, who are teaching courses in this proposed new program, is included as Appendix C.

VI. Library and Learning Resources

a) Library Resources: Existing law school library and information technology resources will be adequate to support all potential M.L.S. degree seeking students. These resources meet or exceed all ABA standards for American law schools. See Appendix C ("ABA Standards for Approval of Law Schools: Library and Information/Technology Resources"). Students participating in the proposed M.L.S. will have full access to the libraries at the University of Tennessee.

The Joel A. Katz Law Library

The Katz Law Library's collection consists of many formats including 88 online databases, print, microforms, audio/video materials, and has been crafted over the years to fully support the educational and research missions of the University of Tennessee College of Law.

The Katz Law Library maintains a core collection of primary law materials including complete sets of appellate court opinions, statutory codes from each legislature, and the administrative codes from all fifty states and the United States' federal system. Additionally, the collection includes practical materials necessary for practice of law, such as court rules and rules of ethics for each jurisdiction. More uniquely, the collection includes comprehensive access to legal scholarship from across the United States and several other selected jurisdictions. In addition to scholarly journals, this part of the collection includes monographs and other treatises from legal scholars covering all parts of the curriculum and additional areas of faculty research interests in great depth.

The Katz Law Library is housed in an excellent facility, designed to support learning and researching the law with a variety of both collaborative as well as quiet study areas, fully supported by wireless technology. The facility also includes 23 study rooms for small groups or individual work, some that are outfitted with a digital video recording system invaluable for practicing and critiquing mock negotiations, trial, and appellate arguments. In addition to a number of digital scanners, allowing students to scan to email or a flash drive, all law students are given a printing allotment of 1500 single-sided print pages per academic year and an additional 400 pages if enrolled in summer school. The law library also houses a computer lab, which is open to law students only. A variety of software is loaded on the computers or is available over the College's network. These include word processing programs, online legal databases, Career Services information, the online catalog for the law library, and the Internet.

The most valuable part of the Katz Law Library are the members of the Library's faculty and staff and the various ways they support the students and College faculty. A number of library faculty members have law degrees and have experience practicing law. They stand ready to assist and teach students how to conduct legal research, taking full advantage of the vast array of legal information accessible through the Katz Law Library.

The University Libraries

The University of Tennessee Libraries' extensive collection of resources for faculty and students includes over 3 million volumes which have been cataloged for UTK Libraries' collection, with nearly 2.5 million volumes currently housed in the Libraries' collection. (This includes the main Hodges Library, as well as other campus libraries such as the College of Veterinary Medicine and the Graduate School of Medicine.) An extensive serial collection comprising over 13,000 titles (current and back files) and access to thousands more electronic titles are available for faculty, staff, and student research.

The UTK Libraries offers access to 849 electronic databases, including Tennessee Electronic Library (TEL), full-text services, electronic journals, over 600 indexes, and other useful electronic research tools.

The University of Tennessee, Knoxville library is ranked in the top 50 of public university libraries. The collection of the Hodges Library supports the program's curriculum and research interests for students and faculty. All students and faculty have access to the UT Knoxville Hodges Library materials. Materials can be accessed through extensive electronic data

bases and through overnight delivery. The Hodges Library is staffed by professional librarians, who all possess graduate degrees in library and information science. The dean and staff of the library are very supportive of the students and faculty, working with individual faculty and students, and making presentations to classes.

The UT Libraries' website at <http://www.lib.utk.edu> provides a gateway to the library catalog, an electronic database/indexes collection, Internet resources, and library services. The catalog is available from any location with Internet access. With few exceptions, the databases are available via the campus network and to remote users with UT authentication. The Hodges Library reference collection on the first floor encompasses a wide selection of traditional information resources in paper and electronic formats. Reference assistance is available 95.5 hours per week each academic year and 85.5 hours per week each summer semester at the Hodges Library. Services are provided in person, by telephone or e-mail, and via chat and instant messaging (<http://www.lib.utk.edu/refs/asknow>). Library instruction is provided for classes at the request of the instructor and may be done in the Libraries' classroom facilities, the instructor's classroom, or online.

VII. Student Support Services

In terms of equipment needs, all current resources should be adequate for the administration and success of the proposed M.L.S. program. In terms of advising resources, members of the faculty at the College of Law will serve as advisors to students. In addition, as mentioned, the College has other resources in place to assist students as necessary, including its Admissions & Financial Aid, Records and its Career Services offices. Finally, the College of Law's Assistant Dean of Student Affairs routinely advises students regarding academic matters.

VII. Physical Resources

The College of Law began occupying a renovated and expanded building in late spring 1997. The building consists of 104,806 usable square feet of space comprising (in addition to maintenance and storage space) formal classrooms and other instructional and conferences rooms; faculty, staff, and student offices; the law library; and various common spaces. The building is light, open, clean, and aesthetically pleasing.

It houses 10 principal classrooms (three of which are also configured to serve as trial or appellate courtrooms) in three classroom wings, plus a classroom/courtroom adjacent to the clinical education space on the lower level. Additional instructional space is available in (among other spaces) the Katz Law Library conference room, the Rare Books Room on the fourth floor of the library, and the third floor rotunda conference room. Student, faculty, and staff meetings can be held in these rooms or in a variety of other rooms in the College's building, including the conference room in the third-floor faculty wing, the Dean's conference room adjacent to the Dean's office on the second floor, and the Faculty Lounge on the second floor. The students enrolled in the proposed M.L.S. program will utilize the same resources as other students. To the extent the M.L.S. students need to access the Clayton Center for Entrepreneurial Law, the Center is easily accessible and is located on the second floor.

The Katz Law Library occupies 43,505 square feet on five floors in the College's current building (completed in 1997). Due to the library faculty's detailed space planning, the facility generally meets the needs of faculty and students and is attractive, comfortable, conducive to group and individual study, and well suited to the library's mission and operations. Available study and research space in the library is adequate for the current study and research needs of the College of Law's faculty and students.

The College of Law has invested significant financial resources in recent years to upgrade the technology in its classrooms. Teaching stations in each classroom are equipped with computers and plain paper cameras. Whiteboards are present in each classroom, and Internet access is available in all classrooms and throughout the building.

VIII. Financial Support

The only significant financial costs associated with the program in the short-term involve marketing. Because the initial curriculum will consist entirely of existing courses, we anticipate no new costs associated with faculty. The relatively small number of expected applicants will not necessitate the hiring of additional support staff or employees within the Admissions Office during the short term. Based on the estimate provided by our communications director, we estimate expenditures of \$5,000 in the first year of the program. Assuming an annual 2% cost of living increase in expenditures, we estimate expenditures of \$5,412 for marketing in the fifth year of the program.

Another possible expense involves the cost of developing distance-learning options for students. In some instances, it may be necessary to hire adjuncts to teach some online courses, although it is anticipated that current faculty will be sufficient to teach the majority of courses. Based on the current rate of pay for adjuncts, we estimate expenditures for developing online teaching options to be \$5,000 a year, beginning in the second year of the program.

Finally, if the program grows as anticipated, it may be necessary to provide additional compensation to an administrative assistant or hire a part-time person to help administer the program. It is anticipated that a current faculty member will assume administrative responsibility for the program in exchange for a reduced teaching load, so there will be no additional administrative costs beyond that.

	<u>Expenditures</u>				
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
- <u>Marketing</u>	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
- <u>Distance learning</u>		\$5,100	\$5,202	\$5,306	\$5,412
- <u>Admin. Support</u>		\$10,100	\$10,202	\$10,306	\$10,412
<i>Total Expenditures</i>	<i>\$5,000</i>	<i>\$20,300</i>	<i>\$20,606</i>	<i>\$20,918</i>	<i>\$21,236</i>

Full-time students will pay the same tuition rate as graduate students, currently set at \$13,120 for Tennessee residents and \$31,538 for out-of-state students. Part-time students will pay tuition on a per-credit-hour basis that corresponds with the semester tuition rate for graduate students (\$626 for in-state students and \$1,637 for out-of-state students) plus fees. Given the nature of the program, we expect most, if not all, students will be Tennessee residents.

Because the program is targeted primarily at working professionals, we anticipate that the majority of students will pursue the degree on a part-time basis. Therefore, we have calculated the projected revenue based on the hypothetical student taking 10 credit hours per year, thus, taking three years to graduate. With a conservative estimate of two students in the first year of the program, we anticipate revenue in the first year of \$12,520. Assuming a 4% annual tuition increase with an estimated enrollment of 15 students by the fifth year, we estimate revenues to be \$256,200 in the fifth year of the program. As the summary chart below illustrates, the projected revenue from the program should more than offset the projected costs, even based on a conservative estimate of student enrollment.

	<u>Revenue</u>				
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
- In-state tuition	\$626/hr	\$651/hr	\$677/hr	\$704/hr	\$732/hr
- # of credit hours/ student	10	10	10	10	10
<i>Total per student</i>	<i>\$6,260</i>	<i>\$6,510</i>	<i>\$6,770</i>	<i>\$7,040</i>	<i>\$7,320</i>
- # of new students	2	5	10	10	15
- # of previously enrolled students	0	2	7	15	20
- total # of students	2	7	17	25	35
<i>Total Revenue</i>	<i>\$12,520</i>	<i>\$45,240</i>	<i>\$115,090</i>	<i>\$176,000</i>	<i>\$256,200</i>
<u>Total Expenditures</u>	<u>\$5,000</u>	<u>\$20,300</u>	<u>\$20,606</u>	<u>\$20,918</u>	<u>\$21,236</u>

It is anticipated that the additional revenue will be used to develop new student scholarship and support faculty research.

IX. Evaluation and Assessment

The University of Tennessee College of Law Dean's office will review the program annually, ensuring its viability, quality, and effectiveness by examining student performance, enrollment figures, profits, expenditures, etc. The curriculum will be evaluated every two years to ensure that it remains effective in meeting its goals. This will include having M.L.S. students complete questionnaires to determine program strengths and weaknesses. Adjustments to

instruction, advising, scheduling and other practices will be made as needed based on the results of these assessments.

X. Appendices

See attached.

APPENDIX A:

University of Tennessee Mission & Value Statement

Mission

Our primary mission is to move forward the frontiers of human knowledge and enrich and elevate the citizens of the state of Tennessee, the nation, and the world. As the preeminent research-based, land-grant university in the state, UT embodies the spirit of excellence in teaching, research, scholarship, creative activity, outreach, and engagement attained by the nation's finest public research institutions.

UT's Carnegie Classification is "Research University" (very high research activity). Most undergraduates are full-time, and admission is selective with a fairly low transfer-in rate. Admission to graduate and professional programs is also competitive. Graduate offerings include master's, doctoral, and professional programs that focus both on research and practice. Nationally ranked programs, as well as our partnerships with Oak Ridge National Laboratory, are among UT's unique characteristics.

Vision

We embrace a three-part vision: Value creation, Original ideas, and Leadership.

- **Value creation** through economic, social, and environmental development targeted to an increasingly global and multicultural world.

We lead an increasing number of academic and public service activities that involve and benefit the local community, the state of Tennessee, the United States, and ultimately the world. This continuing commitment to the public good through a variety of outreach activities is grounded in our tradition as a land-grant institution.

- **Original ideas** that advance society through discovery, inquiry, innovation, research, scholarship, and creative activities.

Our ability to create value is dependent on discovering new knowledge and generating new ideas and expressions. The complex concerns of the twenty-first century cannot be addressed with existing knowledge and systems. Our aim is a dramatic increase in these activities, requiring the interaction between committed, diverse faculty, staff, and students.

- **Leadership** through the preparation of capable and ethical leaders.

UT's diverse graduates have unique and enriched learning opportunities accruing from the university's comprehensive mission. We expect a large portion of graduates will take their places as leaders in the state of Tennessee and beyond.

The University of Tennessee College of Law

The University of Tennessee College of Law, located in Knoxville, enjoys a rich tradition of providing sound legal education and boasts the longest-running legal clinical program in the country. Founded in 1890, the college prepares tomorrow's lawyers through clinical and skills training, innovative classroom teaching, legal writing, and professional values.

UT Law is accredited by the American Bar Association and is a charter member of the Association of American Law Schools.

Mission

Our mission is:

1. To prepare students for the practice of law by integrating theory and practice across the curriculum, with emphasis on clinical and skills training, innovative classroom teaching, legal writing, and professional values.
2. To produce high-quality scholarship that examines, explains, critiques, and improves the law and the legal system; and
3. To serve the university, the profession, and the public by developing and sharing our talents and expertise.

MEMORANDUM

To: College of Law Faculty
From: Academic Standards & Curriculum Committee
Date: April 1, 2018
RE: Proposal for New Master of Legal Studies Program

I. Introduction

The Master of Legal Studies (M.L.S.) degree is an alternative to the typical three-year J.D. for students whose careers intersect with the law and who wish to gain a better understanding of the legal process but do not wish to devote the three years necessary to obtain a J.D. The M.L.S. is now a commonly-offered degree in legal education.¹ Over 50 American Bar Association-accredited law schools offer such a degree. Currently, three other law schools in the Southeastern Conference (Georgia, Alabama, and Texas A&M) offer such a degree. Of the University of Tennessee's eleven peer and aspirational institutions that have law schools, four - Georgia, Michigan State, Minnesota, and Nebraska - offer such a degree. The University of Tennessee would be the first university in the state to establish such a program.

The Innovation Committee presented the idea of a 30-hour M.L.S. degree at a forum in April 2017. The Committee presented several different possible models, including (1) a general M.L.S. program where, after completing certain required courses, students would have the flexibility to structure a course of study most beneficial to their needs; (2) a more narrow M.L.S. program involving certain designated concentrations (*e.g.*, Health Law); and (3) dual degree programs involving the M.L.S. (*e.g.*, a Master of Legal Studies/Master of Social Work).

There was strong support for the idea of attempting to develop a M.L.S. program:

- 83% of faculty attending supported or strongly supported the idea of attempting to develop a dual degree program (*e.g.*, a M.L.S./Master of Social Work);
- 75% of faculty attending supported or strongly supported the idea of attempting to develop a general M.L.S. whereby students would be free to choose their own electives after completing several required courses;
- 47% of the faculty attending supported or strongly supported the idea of attempting to develop a M.L.S. that involved designated concentrations (*e.g.*, Health Law). 41% of faculty attending were opposed or strongly opposed to this idea and 12% were neutral.

In March 2018, the Academic Standards & Curriculum Committee voted in favor the following proposed 30-credit hour, general M.L.S. degree. If the faculty approves this proposal, in the future it would be possible to develop a dual degree program.

¹ The degree is known variously as an M.L.S., Juris Master, Master of Jurisprudence, or Master in the Study of Law.

II. Accreditation Impact

The ABA does not currently accredit M.L.S. programs. Accordingly, the College of Law must only obtain “acquiescence” from the ABA after a showing that the M.L.S. program will not detract from the College’s ability to maintain a sound J.D. degree program. The new program will not require addition of a new organizational unit or require approval from the American Association of Law Schools (AALS). Approval from the Southern Association of Colleges and Schools (SACS) is required.

III. Proposed Curriculum

A. Structure of the Proposed Program

Consistent with SACS accreditation standards, the M.L.S. will be a 30-credit program. This is also consistent with what most other schools that offer such programs do. The curriculum for the program would consist of the following courses:

The Structure and Operation of the American Legal System (LAW 988) (distance learning optional)	2 Credit Hours
Legal Research, Writing, and Analysis for the Non-JD Student (LAW 990) (distance learning optional) ²	2 Credit Hours
At least two other courses from the required first-year JD curriculum (excluding LAW 805 ³ , 806, ⁴ 811 ⁵ , 816 ⁶ , 817 ⁷ , & LAW 820 ⁸)	at least 5 Credit Hours
First-year or upper-level JD courses (excluding experiential courses except with permission)	20 Credit Hours
M.L.S. Thesis	1 Credit Hour
Total Credit Hours	30 Credit Hours

The curriculum is designed to provide non-lawyers with the practical and theoretical grounding they need to better understand the legal system. Thus, every

² Another option would be to just include M.L.S. students in the regular Legal Process I class. But an asynchronous distance learning option might make the program more accessible.

³ Legal Process I

⁴ Legal Process II

⁵ Lawyering and Professionalism

⁶ Civil Procedure I (Experiential)

⁷ Torts I (Experiential)

⁸ Transactional Lawyering Lab

student would be required to take Structure and Operation of the American Legal System in the first year of study so that they would have a basic understanding of the common-law system and the court structure. This is the same course we created as part of the LL.M. program. SACS permits synchronous and asynchronous distance learning courses, so the course could be offered live and via distance learning, thus providing students with some greater flexibility. Similarly, every student would be required to take Legal Research, Writing, and Analysis for the Non-JD Student in the first semester of study because that course focuses on helping students learn basic legal analysis. Again, this is a course that was created as part of the LL.M. program. We could also offer this course via distance learning if we wanted.

Beyond these two required courses, the curriculum would vary depending upon a student's academic interests and the timeframe in which a student intends to complete his or her studies. Students would be required to take at least two first-year courses that are required of J.D. students. These courses serve as the foundation for upper-level electives. However, M.L.S. students would be permitted to pick which required courses they want to take based on their own needs and interests. Thus, for example, a student who is in the banking field might take Contracts and Property as the required courses.

While the curriculum is designed to ensure that students understand the basic nature of the legal system, the curriculum is also designed to provide students with the flexibility to structure a course of study most beneficial to their needs. Therefore, students will enjoy flexibility in choosing their other courses.⁹ For example, after completing the required first-year courses, a social worker pursuing the degree could take a number of electives (Family Law, Elder Law, Criminal Procedure, etc.) that would be of particular use in the student's profession. Students will be assigned a faculty mentor to help them make those curricular decisions. Finally, students would be required to write a thesis under faculty supervision on a topic related to the student's field of interest.

Where appropriate, students will have the ability to take some classes via distance learning. Given the interactive nature of legal education, this will only be an option for some classes, and most distance learning will occur through synchronous instruction. M.L.S. students would also have the option to enroll in summer classes.

C. Part-Time Study Permitted

While it is certainly possible that some students will want to complete the standalone M.L.S. program within one year, it seems more likely that working professionals will complete the degree on a part-time basis. Most of the other schools that offer such degrees allow students to complete the degree on a part-time basis up to three or four years. A sample curriculum for a part-time program is attached in order to provide an example of what a student's schedule might look like.

⁹ One issue to consider is whether students would be permitted to take up to six credit hours of courses from other colleges at the University, subject to the approval of the Associate Dean for Academic Affairs and the requirement that the courses are at the graduate level. J.D. students are permitted to take up to six hours of graduate-level coursework that "materially contribute to the study of law."

D. Other Policies

1. Grading

Consistent with the practice at other schools, M.L.S. students would take final exams anonymously along with J.D. students. But their exams would be graded separately and not against J.D. students. Their grades would not count toward any mandatory mean or curve and would not count toward the calculation of any class mean or median.¹⁰

2. Advising

Each student will be assigned an advisor.

3. Participation in Moot Court Teams, Journals, etc.

M.L.S. students would not be eligible to participate in extracurricular activities for credit such as moot court, mock trial, law journals, etc.

4. Restrictions on Registration

M.L.S. students will register for classes after J.D. students. M.L.S. students would not be eligible to take any upper-level class designated as an experiential class absent permission from the faculty member teaching the class and the Dean or the dean's designee.

5. Length of Program

Students can attend full-time or part-time, but must satisfy all requirements within three years of enrolling.

¹⁰ This will obviously mean that in a class that has only one MLS student, it may be impossible to truly preserve anonymity.

Sample Part-Time Schedule for a Student Interested in Social Work: Two-Year Plan

1st Year

Fall Semester (7 credit hours)

- The Structure and Operation of the American Legal System (2)
- Legal Research, Writing, and Analysis for the Non-JD Student (2)
- Criminal Law (3) (required first-year course)

Spring Semester (4 credit hours)

- Property (4) (required first-year course)

Summer Semester (4 credit hours)

- Constitutional Law (4)

2nd Year

Fall Semester (8 credit hours)

- Family Law (3)
- Race, Gender & Poverty Seminar (2)
- Contracts I (3)

Spring Semester (7 credit hours)

- Elder Law (3)
- Investigatory Criminal Procedure (3)
- M.L.S. Thesis (1)

UNIVERSITY OF TENNESSEE COLLEGE OF LAW

Minutes of the Meeting of the Faculty

April 4, 2018

Attending: Deans Long, Baxter, and Wilson; Professors Aarons, Amarante, Areheart, Bach, Blaze, Buck, Cosby, Heminway, Higdon, Jacobs, Krumm, Kuney, Kwon, Leatherman, Pulsinelli, Radice, Rohr, Rosenbaum, Schaefer, Stein, Stucke,¹ Vojdik, Wolitz, and Zhang.

Attending by Proxy: Professors Blitt, Goodwin, and White.

The Meeting began at 12:04 p.m.

Announcements:

- Professor Dana Brakman Reiser (Brooklyn) will be here on Monday, April 9, 2018 to give a workshop as a Distinguished Visiting Scholar. Her paper, *Disruptive Philanthropy*, has been distributed to the faculty and will be re-distributed later this week.
- The Clinic Banquet is tonight at 6:00 p.m. The Clinic Advisory Board meeting will take place before the banquet at 4:00 p.m.
- Dean Wilson reported that at the University budget meeting, it was confirmed that the 2.5% raise appears to be on track for final approval. In addition, it was reported that several units have been audited to ensure that state funds are being used properly.
- Dean Wilson reported that the College of Law class of 2017 currently has a 94% employment rate.
- Admissions has reported receiving 95 first deposits for the fall 2018 entering class. The goal is to enroll 130 students with the same credentials as last year's entering class.
- The first College of Law Field Day will take place on April 13.
- The Board of Trustees has approved our flexible schedule policy.
- Professor Stucke reported from the Faculty Senate on several policies recently approved by the Board of Trustees, including the new Board of Trustees approval requirement for early tenure applicants and the new post-tenure review requirements. Professor Kwon is willing to coordinate any response and comments from faculty regarding implementation of the post-tenure review process. Professor Stucke also noted the report from the Faculty Senate indicating that College of Law faculty salaries are only 80% of the average salaries of law faculty at peer institutions.

(1) Discussion of New York bar admission rule proposal

Professor Schaefer, as Chair of the Academic Standards & Curriculum Committee presented the proposal, which was distributed to the faculty in advance of the meeting. After discussion, the faculty voted in favor of the proposal unanimously by voice vote.

¹ Professor Stucke had to leave before the vote on the Master's degree proposal and he voted by proxy on that item.

(2) Discussion of Master's degree proposal

Professor Schaefer, as Chair of the Academic Standards & Curriculum Committee, presented the proposal, which was distributed in advance of the meeting. After discussion, the faculty voted in favor of the general concept of the Master's degree program unanimously by voice vote.

The Meeting adjourned at 12:58 p.m.

Respectfully submitted,

Teri D. Baxter

Faculty Roster Form

Qualifications of Faculty

Name of Institution: University of Tennessee Knoxville

Name of Department(s): College of Law

Academic Term(s) Included: Fall 2017, Spring 2018

Date Form Completed: 4/19/2018

1	2	3	4
NAME (F, P)	COURSES TAUGHT Including Term, Course Number & Title, Credit Hours (D, UN, UT, G)	ACADEMIC DEGREES & COURSEWORK Relevant to Courses Taught, Including Institution & Major List specific graduate coursework, if needed	OTHER QUALIFICATIONS & COMMENTS Related to Courses Taught
Aarons, Dwight (F)	LAW 809: Criminal Law (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (UCLA, 1989)	
Amarante, Eric F. (F)	LAW 990: Issues in the Law (6) (G) LAW 990: Issues in the Law (3) (G)	Doctorate degree: J.D. (Law) (Cornell, 2005)	
Areheart, Bradley Allan (F)	LAW 804: Contracts II (3) (G)	Doctorate degree: J.D. (Law) (Texas, 2005)	
Bach, Wendy A. (F)	LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (NYU, 1996)	
Barton, Benjamin H. (F)	LAW 804: Contracts II (3) (G) LAW 817: Torts I Experiential (3) (G) LAW 808: Torts II (3) (G)	Doctorate degree: J.D. (Law) (Michigan, 1996)	
Baxter, Teri Dobbins (F)	LAW 807: Torts I (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Duke, 1997)	
Blaze, Douglas A (F)	LAW 809: Criminal Law (3) (G) LAW 811: Lawyering & Professionalism (1) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Georgetown, 1984)	
Blitt, Robert Charles (F)	LAW 805: Legal Process I	Doctorate degree: J.D.	

Appendix C

1	2	3	4
NAME (F, P)	COURSES TAUGHT Including Term, Course Number & Title, Credit Hours (D, UN, UT, G)	ACADEMIC DEGREES & COURSEWORK Relevant to Courses Taught, Including Institution & Major List specific graduate coursework, if needed	OTHER QUALIFICATIONS & COMMENTS Related to Courses Taught
	(3) (G)	(Public International Law and Human Rights) (University of Toronto, 2003) Master's degree: Master of Arts (International Relations) (University of Toronto, 2000)	
Buck, Isaac (Zack) (F)	LAW 808: Torts II (3) (G)	Doctorate degree: J.D. (Law) (University of Pennsylvania, 2009) Master's degree: Master of Bioethics (University of Pennsylvania School of Medicine, 2009)	
Cornett, Judy M (F)	LAW 801: Civil Procedure I (3) (G) LAW 802: Civil Procedure II (3) (G)	Doctorate degree: J.D. (Law) (Tennessee, 1982)	
Heminway, Joan M (F)	LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (NYU, 1985)	
Higdon, Michael Jordan (F)	LAW 805: Legal Process I (3) (G) LAW 806: Legal Process II (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (UNLV, 2001)	
Jacobs, Becky L (F)	LAW 805: Legal Process I (3) (G) LAW 820: Transactional Lawyering Lab (0) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Georgia, 1987)	
Jewel, Lucille Anne (F)	LAW 805: Legal Process I (3) (G) LAW 808: Torts II (3) (G) LAW 990: Issues in the Law (4) (G)	Doctorate degree: J.D. (Law) (Tulane, 2000)	
Kuney, George W (F)	LAW 803: Contracts I (3)	Doctorate degree: J.D.	

Appendix C

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	(G) LAW 804: Contracts II (3) (G)	(Law) (Cal, Hastings College of Law, 1989)	
Kwon, Michelle Monique (F)	LAW 803: Contracts I (3) (G) LAW 990: Issues in the Law (3) (G)	Doctorate degree: J.D. (Law) (Texas Tech, 1998)	
Long, Alex Beckham (F)	LAW 807: Torts I (3) (G) LAW 988: Structure and Operation of American Legal System	Doctorate degree: J.D. (Law) (William & Mary, 1998)	
Plank, Thomas E (F)	LAW 810: Property (4) (G)	Doctorate degree: J.D. (Law) (Maryland, 1974)	
Pulsinelli, Gary A (F)	LAW 810: Property (4) (G)	Doctorate degree: J.D. (Law) (Berkeley, 1997)	
Radice, Ellen Joy (F)	LAW 809: Criminal Law (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Harvard, 2003)	
Reynolds, Glenn H (F)	LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Yale, 1985)	
Rivkin, Dean H (F)	LAW 990: Issues in the Law (3) (G)	Doctorate degree: J.D. (Law) (Vanderbilt, 1971)	
Rosenbaum, Briana Lynn (F)	LAW 802: Civil Procedure II (3) (G) LAW 990: Issues in the Law (1) (G)	Doctorate degree: J.D. (Law) (Cal, Hastings College of Law, 2004)	
Schaefer, Paula Rene Hicks (F)	LAW 816: Civil Procedure I Experiential (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Missouri, 1996)	
Stein, Gregory M (F)	LAW 803: Contracts I (3) (G) LAW 810: Property (4) (G)	Doctorate degree: J.D. (Law) (Columbia, 1986)	
Vojdik, Valorie Kay (F)	LAW 802: Civil Procedure II (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (NYU, 1986)	
White, Penny J (F)	LAW 813: Evidence (4) (G)	Doctorate degree: J.D.	

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1	2	3	4
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	LAW 920: Trial Practice – Plenary (0) (G) LAW 926: Negotiations – Plenary (0) (G) LAW 949: Judicial Externship (4) (G) LAW 990: Issues in the Law (2) (G)	(Law) (Tennessee, 1981)	
Wilson, Melanie D. (F)	LAW 854: Investigatory Criminal Procedure (3) (G)	Doctorate degree: J.D. (Law) (Georgia, 1990)	
Wolitz, David Israel Berman (F)	LAW 812: Constitutional Law (4) (G) LAW 855: Adjudicatory Criminal Procedure (3) (G) LAW 916: Federal Courts (3) (G) LAW 990: Issues in the Law (2) (G)	Doctorate degree: J.D. (Law) (Yale, 2001)	