

## Strategic Planning Draft

by the Faculty Subcommittee of the Strategic Planning Committee<sup>1</sup>

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### UC Hastings 2011: At a crossroads

UC Hastings must respond quickly to the changed circumstances of legal education. The state of California's de-funding of higher education, the increasingly heavy burden posed by UC's retirement plan, and the uncertain state of the legal job market threaten our viability as a large, high-tuition, publicly supported law school. Each year, we send a large class of JD's into a small Bay Area legal market. Our placement rate has suffered because of dramatic contraction in the markets that have traditionally absorbed many of our students. Our tuition has increased two-and-a-half times in the last decade, eliminating our cost advantage over other law schools that outrank us. Because of these structural realities, we cannot plan for a future of business-as-usual. As law firms and law schools all around us reinvent themselves, we must act boldly to ensure that we are providing an education that students, faculty, alumni, employers, and others will value and support.

In meeting these challenges, we can seize the opportunities offered by our history, location, and human resources. Neither our crisis of identity nor our market position can be resolved by a narrow vision, a shrewd marketing ploy, or superficial re-packaging. Instead, we must leverage our distinctive assets: a location in San Francisco, a gifted and dedicated faculty and staff, and many alumni who benefited from a high-quality, low-cost education at UC Hastings. We must give students the full set of tools they need to succeed, including opportunities for specialization, interdisciplinary understanding, real-world experience, comprehensive professional skills, and active mentorship. And we must ensure that we direct our limited resources to our highest priorities.

As UC Hastings' faculty, we are responsible for creating and sustaining an academic program that builds on our strengths, meets our students' and society's needs, and responds to our current resource challenges. To do this, we will need every faculty member to contribute to the next phase of UC Hastings' growth. We have a chance to reposition ourselves as a law school that understands the world today and provides the deliberately crafted professional education and engaged scholarship that it demands. The overriding question we must ask is: How can we serve our students, the institution, and the community at large best? The answer is three-fold. We must:

1. Offer a multifaceted, cutting-edge education that creates 21<sup>st</sup> century professionals ready to solve complex problems.
2. Make support for students a top institutional priority.

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3. Continue to produce engaged, rigorous scholarship that speaks to the challenges of our times.

Below we elaborate each of these principles and suggest how we might translate them into action. First, however, we offer two initial priorities that we believe should shape the choices ahead. The fiscal and legal education crisis requires that we prioritize our academic programs over property acquisition or physical upgrades in our current location – we must focus first on the education we provide, rather than the surroundings in which we provide it. We realize that preserving adequate space for our programs is essential, but we prefer alternatives to assuming additional debt for physical plant improvements. Second, and also responsive to the issue of space, we recommend a dramatic reduction in the size of our JD class. Cutting at least one section (80 to 90 students) from our incoming class is essential to improving our student experience, our academic programs, and our rankings. This reduction imposes costs for which we must plan, but it is essential to fulfilling our responsibility to our students.

**1. Multidimensional, cutting-edge education for 21<sup>st</sup>-century problem-solvers and decision-makers.**

Hastings has historically emphasized the quality of the education it offers its students. But like other law schools, we have for too long persisted in an approach to teaching that does not prepare our students for the modern life of a professional. Legal education must respond to three key developments in the practice of law in the 21<sup>st</sup> century: complexity, competitiveness, and compromise.

a. *Complexity of legal practice.* Legal questions facing students have been and will continue to increase in complexity. Managing law in the modern world requires an understanding of not only legal concepts relevant to a particular subject area, but familiarity with the contexts in which those concepts will be applied. For example, graduates heading into areas that will require corporate or business law need basic fluency in financial accounting, as well as a nuanced understanding of the industries and markets in which potential clients operate. Our programs should reflect the many roles that our graduates may play throughout their careers and the full range of skills they will need to play those roles. A forward-looking education must draw on research in other disciplines. Legal practice today is also growing in complexity on a geographical scale, and we must reckon with the global contexts in which law is practiced.

b. *Competitiveness of legal practice and education.* The legal profession has become increasingly competitive for our graduates. Potential employers expect their new hires to have not only knowledge of law and skills in legal analysis, but the judgment, work habits, and experience to hit the ground running. Experiential opportunities must be embedded in our curriculum, and we must consider ways to allow students to increase their marketability by tailoring their education toward specialized practice areas.

c. *Compromises of modern practice.* Modern legal education and practice faces a highly competitive marketplace that makes increasing demands on the time and

energy of attorneys and other professionals. In that environment, certain core professional values – to one’s client, community, and conscience – are more likely to be neglected or devalued. As such, it becomes critically important for UC Hastings to renew its commitment to teaching an ethical approach to the law and to instilling a spirit of public service in all our students, regardless of where they intend to work.

Demand for lawyers is at best stagnant, more likely in decline. But demand for legal education is still high and – if effectively redesigned – potentially growing. Law plays an undeniably critical role in virtually every sector of the economy, every corner of government, every social interaction. We must capitalize on the relevancy of law in contemporary life while distancing ourselves from the staid confines of the law school curriculum as previously defined. If we act boldly, we can attract aspiring attorneys and aspiring professionals in a range of fields to study and practice at UC Hastings.

This reorientation does not involve rejecting what we currently do in favor of a single model of pedagogy, nor does it favor one subject-area emphasis or center or joint venture over all others. Instead, it requires careful attention to our objectives in scholarship and teaching and a collaborative effort. That effort can build a multidimensional educational experience that produces students and scholarship capable of analyzing and solving pressing problems for individuals, businesses, governments, organizations, and societies. Working backward from these objectives, we envision creating educational opportunities that will allow students to develop a doctrinal and interdisciplinary knowledge base, enhance their analytical, cognitive, interactive and communicative skills, build their professional values and mindsets, and hone their contextualized problem-solving abilities.

A multidimensional professional education allows students to see how courses and opportunities for experiential learning fit together and select those that enable them to meet their goals. It encourages pervasive training in human relations, finance, business, negotiation, and ethics. It recognizes that law is inescapably interdisciplinary, that scholarly expertise and practice experience can be effectively integrated, that (as Geoffrey Hazard has suggested) adjuncts are a critical resource who may enable us to enrich each of our own courses, and that the professional training our students need is broad in scope and content.

*Potential implementation plan.* We propose to design the details of this multidimensional, innovative approach to professional education by placing each faculty member in at least one appropriate small working group and deputizing each group to help us revise our academic program. We need everyone’s help to do this, since it involves a significant commitment of time and energy. But we see the potential outcome as no less than dazzling: A curriculum responsive to 21<sup>st</sup> century standards of professionalism; an academic program that places students first; a model that not only sets, tracks, and meets its goals but can be adapted to virtually any subject area or specialization.

We believe multidimensional professional training should begin in the first year. We thus propose that one group of faculty explore the reconfiguration of Legal Writing

& Research and 1L Moot Court into a 1L Lawyering/Legal Profession course that would introduce students to a broader set of lawyering skills (in addition to research, writing and advocacy) and provide a grounded understanding of professional values and role conceptions, the economic and other realities of legal practice, and the realms in which legal knowledge is effectively deployed.

Throughout our curriculum, each faculty working group would be asked to identify the following:

- a. Courses we should offer to meet the needs of interested students.
- b. Ways to integrate into each course at least two of the following:
  - A comparative component that would provide a detailed understanding of approaches in other legal systems or cultures.
  - An experiential component that would enable students to engage in and reflect upon simulated or real lawyering activities.
  - A problem-solving component/exercises for developing judgment skills for solving clients' problems, rather than simply claim spotting.
  - Basic skills and knowledge outside of law, including information about the economic, social, institutional, cultural, political, and historical contexts that shape participants' interests, knowledge and behavior, important to the area.
  - An ethics component that would provide students a grounded understanding of common competing tensions in the area and skills/mindsets for effectively resolving them.
- c. Hot research topics and potential collaboration to engage them.
- d. Potential new programs, including summer, weekend, certificate, and degree-granting opportunities.
- e. Alumni and other donors, and potential ways to reach out to both groups and individuals, who would be interested in UC Hastings' contributions.

We envision not a standardized, routine curriculum, but one in which we work together, building on individual strengths and interests, to serve the needs of our students and our profession. In building such a curriculum, we recognize that we are not starting from scratch. Many of the innovations we mention above are already in practice across the College. We want those innovations to be shared, recognized, and replicated. We cherish the longstanding, distinctive collegiality of our faculty and aim to build upon it to become a faculty that actively collaborates on the joint project of reconstructing both our programs and legal education itself.

## 2. Support for students as a top priority.

Our large class size works against our efforts to provide a personalized, supportive educational environment for our students. In the past, student services have not been a top priority. We must address this head-on and create a more positive law-school experience for all of our students, not only our JD's. Our graduate and other students will be more numerous as our curricular offerings broaden. Prioritizing students requires both a reallocation of resources and a renewed commitment to recognizing students' welfare during law school as worthy of our time and attention as faculty members.

*Potential implementation plans.* We believe there are three primary areas in which students need additional support from UC Hastings: financial, faculty, and administrative. Below we offer suggestions regarding how we might start serving our students more effectively. Some of these measures can, and should, be implemented immediately:

- a. Financial support.
  - Increase scholarship funds.
  - Provide subsistence grants to students who spend their summers working in public interest and public sector fields who suffer financial hardship.
  - Ensure the continued viability of our loan forgiveness program.
- b. Faculty support. These are shortcomings in our current practices that we, as faculty, must directly address.
  - Create an effective advising system that supports and rewards participating faculty and enables students to choose their advisors.
  - Eliminate the "C", reduce the degree of stratification in the grading curve, and avoid stigmatizing the bottom half or quarter of the class.
  - Offer courses and modules on financial, business, and human relations skills.
  - Tailor summer school courses for working students.
  - Connect students to paid and unpaid work opportunities.
  - Engage with students both socially and intellectually.
- c. Administrative support.
  - Offer more extensive career counseling and broader support for alternative career paths.
  - Create more pathways to contacting and connecting with alumni.
  - Maintain a better web site and technical support.
  - Enhance community and quality of life through more social opportunities.

### **3. Produce engaged, rigorous scholarship that speaks to the challenges of our times.**

The collaborative enterprise we described above, in which we work together to respond not only to UC Hastings' current crisis but to the crisis of legal education more broadly, is only possible so long as our faculty continues to produce engaged scholarship of the highest quality. It is that scholarship, that investment in the pursuit of new knowledge and of sharper visions of the past, present, and future, that qualifies us to reconfigure the education we provide. It defines us as members of the legal academy, where we create not only professionals of the highest quality, but game-changing scholarship.

Our proposals regarding our curriculum and support of students do not ask that faculty members alter or neglect their research and writing. We hope, in fact, that the collaborative effort necessary to re-envision the education we offer will lead to much more scholarly, as well as pedagogical, interaction. We expect that working with colleagues in our areas of expertise to meet our educational goals will also enable more intellectual exchange regarding scholarship, increasing our collective ability to translate careful scholarly analysis into terms that can influence policy- and law-makers as well as students and academics.

UC Hastings' reputation and effectiveness as a law school depends, first and foremost, on having a faculty that is able to illuminate and persuade across a wide geographical and intellectual terrain. That is what we've been, it's what we are right now, it's what we value in our tenure standards.<sup>2</sup> It's what we expect to be in the future as well.

In order to meet that expectation, we must do better at educating the public—as well as the bench and bar—about the work that occupies as least as much time and energy as any other part of our profession: our research and writing. Public discourse would be impoverished without the intellectual integrity and leadership of the academy, yet we do little to correct the common impression that legal scholars are self-important, isolated individuals who write about arcane, irrelevant topics – and who care less about the world than other professionals. Nothing could be further from the truth. We believe that articulating a commitment to engaged, sophisticated scholarship counters this destructive myth.

We have a chance to become leaders in the legal academy and profession. We want to prepare lawyers and other professionals to succeed, and in the process, to improve the world. Yet we know that task is more difficult than in the past. Our graduates, whatever their chosen fields, will face a degree of complexity that can paralyze the uninitiated, a competitive market that can doom the unprepared, and conflicting interests that can undermine those without a professional compass to see their way through. We can guide our students only if, as a community, we continue to

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<sup>2</sup> We note in particular the definition in our tenure standards that describes a substantial scholarly work as one that is thoroughly researched and well written, has a central thesis, anticipates and addresses the major counter arguments likely to be raised against its thesis, and clearly makes a contribution to its field.

study issues that matter, challenge assumptions, investigate with rigor and imagination, and propose novel solutions. Our scholarship must be as innovative and responsive as our curriculum.