Thank you for the opportunity to speak to you today about the newest public law school in Texas, the UNT Dallas College of Law.

We plan to open our doors to our first class in August 2014. In a minute, I will tell you about our progress to date. First, however, I must answer the question that everyone is asking me: Why a new law school and why now? Why in the face of declining law school enrollment? Why in the face of a stagnant job market? Why in the face of rising tuition costs? Why? Why? Why?

Let me get one thing clear at the outset. I agree that we do not need another law school, if it is going to be like every other law school presently in operation. I think a strong argument can be made, however, that we do need another law school, if it brings something new and different to the table. As I will explain, that objective is our goal at UNT Dallas College of Law. I say this with all modesty, because we have not even taught one law student one lesson. Still, we have a vision of how a law school can be different and what we can do to create it. And this vision is not simply something we dreamed up on our own. Thoughtful scholars like William Henderson of Indiana University School of Law and Debby Merritt of Ohio State Law School have been writing about a new and different vision for legal education in America for some time. In our view, now is the perfect time to put that vision to the test.

My starting reference point is an important report issued under the auspice of the American Bar Association, the accrediting institution for all of our nation’s law schools. It is entitled “Draft Report and Recommendations: American Bar Association Task Force on the Future of Legal
Education—September 20, 2013.” There are five general conclusions in the Task Force Report. I will discuss each one and their applicability to UNT Dallas College of Law.

**Conclusion One:** Law school education is funded through a complex system of tuition, discounting and loans. Each school has a standard tuition rate, but students with high LSAT scores receive substantial discounts from the standard rate, while students with lesser scores pay the full rate, almost always with borrowed funds. The net result is that students who are qualified for and admitted to a law school but who have lower traditional credentials incur large debt to sustain the school budget, enabling higher credentialed students to attend at less cost. In this first conclusion, the ABA states that these practices drive up both tuition and debt and are “in need of serious re-engineering.” (p. 1-2).

To highlight the problem, let us look at the average tuition increases for America’s public law schools for resident students over the last 27 years, as published by the American Bar Association Section of the Legal Education and Admission to the Bar on its website. In 1985, the average tuition was $2,006. In 2012, it was $23,214. This is an average increase of almost 10% per year for 27 years. In total, it is an increase of over 1,000%. Increases in private law schools, while not quite so dramatic, are dramatic enough. In 1985, the average was $7,526. In 2012, it was $40,634. Is it any wonder why the average student graduating from law school today owes over $100,000 in law school debt? Is it any wonder that this system needs “serious re-engineering?” For a further assessment of these statistics, I recommend Jerry Organ, Reflections on the Decreasing Affordability of Legal Education, University of St. Thomas School of Law, Legal Studies Research Paper Series, 2013.
As I will explain in a minute, the UNT Dallas College of Law has a plan to address the cost of legal education which both (1) reduces tuition and (2) changes the structure of tuition, in line with the ABA Task Force Report.

**Conclusion Two:** The ABA’s system of accreditation sustains a far higher level of standardization in legal education than may be necessary to turn out capable lawyers. Moreover, the ABA Standards of Approval of Law Schools impose requirements that add expense without incurring benefit. The second conclusion recommends that the ABA enable more heterogeneity among law schools by “dramatically” revising or repealing a number of Standards. (p. 2).

For UNT Dallas College of Law, this is welcome news. As I will explain, our law school intends to be different and now the ABA recognizes that different kinds of law schools have a place in legal education.

**Conclusion Three:** The ABA’s accreditation system should facilitate substantially more innovation in law school programs than it presently does. The recommendation here is that the ABA open its variance process to full public view and use the variance system energetically as an avenue to foster experimentation by law schools. (p. 2).

For UNT Dallas College of Law, this is music to our ears. While we plan to institute a robust and rigorous academic program, we also plan to approach some parts of our academic program with an insight that is different from more traditional programs. Being brand new, our law school can readily innovate and build change into our DNA.

**Conclusion Four:** The principal purpose of law school is to prepare individuals to provide law related services. Law Schools therefore need to do more to expand opportunities for skills training
and experiential learning. In his regard, the balance between doctrinal instruction and hands-on training needs to shift further toward the core competencies needed by people who will deliver legal services to clients. (p. 2-3).

Again, UNT Dallas College of Law welcomes this call for more experiential learning because we plan that clinics, externships, and mentorships will be a core part of our curriculum. We write on a blank slate and will thus have a great opportunity to address the issue of balance from the start.

**Conclusion Five:** State Supreme Courts, State Bar Associations, and admitting schools should devise additional frameworks for licensing providers of legal services, such as authorizing bar admission for people whose preparation is not in the traditional three year classroom mold. (p. 3).

Someday, such programs may be housed in law schools and the UNT Dallas College of Law is open to any directions to be given by our Texas Supreme Court.

I have said that UNT Dallas College of Law takes these five conclusions, along with their recommendations, to heart in order to build a different kind of law school. And, by the way, the ABA is not the only institution calling for law school reform. The Carnegie Foundation for the Advancement of Teaching issued a book-length report in 2007 entitled “Educating Lawyers: Preparation for the Profession of Law” and found that “efforts to improve legal education have been more piecemeal than comprehensive.” (p. 190). The Report concluded that “developing a more balanced and integrated legal education that can address more of the needs of the legal profession than the current model seems highly desirable.” (p. 202).

Our vision has many parts to it, but there are ten components that I wish to share with you.
**First:** Setting affordable tuition will be a core value of ours. In September of this year, our UNT Board of Regents approved tuition of $14,040 for resident students in our entering 2014 class. The Regents have also approved a $1,500 tuition waiver for each resident student as well, bringing net tuition for every resident student to $12,540 in 2014.

In 2012, the average tuition for resident students in public law schools in the United States was $23,214, as noted earlier. That figure has increased in 2013. It likely will increase again in 2014. Under these circumstances, the net tuition at UNT Dallas College of Law will likely be $11,000 less than the average law school tuition across the nation or about one half.

Not only do we intend to keep tuition affordable, we also intend to have a different structure for our tuition. According to the ABA Task Force Report, the “present practice in law schools is that students whose credentials are the weakest incur large debt to subsidize higher credentialed students and make the school whole.” (p. 21). We will choose a different practice and will decline to use one student’s tuition payment to discount the tuition payment of another student. Or, to put it another way, we will not follow the general practice to have the bottom part of the class pay full tuition so that “scholarships” can be given to the top part of the class. Instead, we will charge each student the same tuition, regardless of their GPA or LSAT score. That does not mean that scholarships won’t be given. They will, but from gifts that will be raised for that purpose. We are taking the ABA Task Force at its word and will “seriously engineer” our tuition according to a new paradigm.

As an aside, the personal challenge for me as Dean of UNT Dallas College of Law is to raise money for scholarships. The responsibility has my full time attention.
Second: Teaching will be our priority. Faculty scholarship is important, but we believe that it has become too narrowly defined and often does little to meet the needs of practitioners and judges. At UNT Dallas College of Law, a master teacher will be prized above all else. Because our students will come first, teaching will come first.

Third: Diversity will be another core value of ours. We will seek to widen access to legal education for those who can be superb lawyers but who cannot realistically access a legal education given such factors as costs, location, and the current dominance of the LSAT in the admissions process and in obtaining scholarships. The issue of access not only implicates matters of race and ethnicity; it also has implications based on age.

In 2005, the American Bar Association hosted a conference on diversity in the legal profession and then prepared a post-conference report entitled “Embracing the Opportunities for Increasing Diversity into the Legal Profession.” In its Executive Summary, the Report concluded that “The paucity of minorities entering the legal profession is one of the most significant problems facing the legal profession now and in the future.” (p. 10) Stark statistics support this conclusion. Moreover, unless something changes, this racial and ethnic divide will only become greater. It is estimated that, by the year 2050, the United States will nearly be a “majority minority” nation. (p. 10). In addition, the Latino population will exceed all other minority populations combined. (p.10). We are in the midst of a demographic sea change.

The problem is further amplified by a recent study from the U.T. El Paso Law School Preparation Institute in a yet-to-be-published article by Assistant Director Brent McCune, where researchers found that Mexican-Americans, with a U.S. population of over 31 million, only accounted for 630 students entering law school in 2009. (p. 19). Even if four times that number
enrolled, they would still be underrepresented according to their size in the general population. For Texas, with a very significant Mexican-American population, this is a concern that should be addressed.

Another access issue is age. While nearly 20% of law schools applicants are over the age of 30, a great majority of these are not accepted into law school, according to a study for the Law School Admission Council conducted by Kimberly Austin and Phil Handwork entitled, “Analysis of Law School Applicants by Age Group: ABA Applicants 2005-2009.” (p. 2). While older applicants have been out of school for longer periods and often score lower on the LSAT, they also bring attributes like maturity and broader experience to law school that can make their transition into the practice a more advantageous one. We will give older applicants a careful look.

UNT Dallas College of Law intends to do everything possible to address the issue of access for all of those underrepresented in law schools and in the legal profession. By doing so, we can build a diverse student body and add diversity to the Bar.

Fourth: We will utilize broader criteria to inform our admitting decisions. At present, the LSAT score drives an important part of the admission process in U.S. law schools because it provides 12.5% of the equation used by U.S. News and World Report to rank law schools, as reported on the U.S. News website. Whether we like it or not, the rankings matter, so LSAT scores matter. As a new law school, we will not be on the U.S. News radar screen, so we will not be tempted to use LSAT scores to drive our admissions process. All of our students will be required to take the test, but it will not play an oversized role in admittance to our law school.

Since the LSAT is so important in the ranking formula, it also serves to drive the scholarship decisions of law schools to such an extent that relatively few need-based scholarships are given.
Our law school intends to re-balance that perspective so that need-based scholarships are at least on par with any other scholarship decision. Of course, the total sum of our law school’s scholarship dollars depends upon my ability to secure contributions. How that turns out will eventually be a matter of record.

**Fifth:** My first four examples relate to matters outside the classroom. My next six involve the academic structure of the law school, now being developed under the expert direction of our Associate Dean for Academic Affairs, Ellen Pryor. Ellen needs little introduction. She is a master teacher and remarkable scholar, coming to our law school after teaching for over 20 years at SMU’s Dedman School of Law.

Both Ellen and I have set as one of our core values the goal to expand practice opportunities for our students. We believe that law schools can impart many of the basic competencies needed by lawyers to represent clients and we plan to do our utmost to achieve this aim. Moreover, there is a near unanimous demand from the practicing bar, as reflected in the ABA Task Force Report, that competency training begin now, not later and we think that law schools should respond affirmatively to that mandate. We cannot, of course, graduate practice-ready lawyers, but we can move our students further down the practice continuum by providing a robust program that includes lab components to classes as well as clinics, mentorships, and externships. We will have a strong emphasis on teaching by doing. It will take work and planning, but that is the direction we intend to travel.

As an aside, we do not interpret the recommendation from the ABA Task Force as a proposal to dilute the academic rigor in legal education in America. Indeed, we see it as an effort to bring better balance to the law school experience. And the Task Force is not the first to raise this
issue. In 2007, the Carnegie Report noted “the imbalance between the cognitive and practical apprenticeships of legal education,” with the latter playing second fiddle to the former. (p. 89). The Carnegie Report also called it a positive development that “education for practice is moving closer to the center of attention in the legal academy.” (p. 88). The reason is self-evident. “Making part of the standard legal curriculum students’ preparation for the transition to practice is likely to make law school a better support for the legal profession as a whole by providing more breadth and balance in students’ education.” (p. 88). At UNT Dallas College of Law, we intend to maintain a robust academic regime while also doing our best to educate our students in the competencies necessary to practice law. One does not exclude the other.

There is an additional aspect to competency training. Not only must we teach law students the competencies needed to practice in the legal world of today; we must also prepare them for the competencies needed in the legal world of tomorrow. Society is in the midst of rapid change and the legal profession is no exception. In his book “Tomorrow’s Lawyers,” Richard Susskind notes that while “law graduates are not well equipped for legal practice as currently offered, they are profoundly ill-prepared for the legal world” of the next decade or so. (p. 135.) He also observes that, in many law schools, the “law is taught as it was in the 1970s, by professors who have little insight into or interest in the changing legal market.” (p. 136).

Susskind’s concerns are our concerns, too. At UNT Dallas College of Law, we plan to do our best to follow the changing legal environment and to prepare our students to adapt to that change. For one thing, we will hire a faculty with broad experience in the practice of law. They will know what it means to counsel clients and to appear in court and they will be attuned to trends in the practice. An additional way to achieve this objective is to build and sustain a very close alliance
with practicing lawyers and the organized Bar. Susskind clearly believes that this is essential, by expressing the concern that “the academic and practicing branches of the legal profession are insufficiently dovetailed.” (p. 134). We agree. Finally, we agree with his “urgent requests of law professors the world over:” take an interest in the future of legal service, expose students to the likely future and “resist being (in the words of a Dean of a Canadian law school) at the ‘cutting edge of tradition.’” (p. 138). Susskind’s mantra will be ours as well.

Sixth: We will use periodic assessments as a part of our teaching protocol. Even today, most law schools in most cases give only one test per semester, at the end. There is little if any assessment throughout the semester. Therefore, a student can go through the entire semester, basically lost, with little hope of catching up. On the other hand, if periodic tests and other assessments are given throughout the semester, a student’s progress or lack thereof can be monitored, helpful interventions can be arranged and a student can realize his or her potential more fully. Such an approach follows good educational theory and will be implemented in every course. We don’t want to wait until it is too late to help.

Our approach is bolstered in the strongest possible way in the Carnegie Report’s chapter entitled “Assessment and How to Make It Work.” First, it is noted that the “end-of-semester essay examination holds a privileged, virtually iconic place in legal education.” (p. 14). In the language of educational theory, this practice is entitled “summative; although it measures achievement, its after-the-fact character forecloses the possibility of giving meaningful feedback” about the student’s learning. (p. 164). Under the circumstances, the “instructor loses a basis for a midcourse correction in teaching.” By contrast, formative assessment provides feedback “to support opportunities to improve learning as the course proceeds.” (p. 164). Using a nautical metaphor, the
Carnegie Report concludes that reliance on summative evaluation provides no “navigational assistance” until the voyage is over. (p. 164). To put it another way, the Carnegie Report opines that neither student nor faculty learning is likely to be optimized by such procedures.

The Carnegie Report acknowledges that, while the summative assessment system has serious drawbacks, law school faculties are heavily invested in it and are reluctant to change. (p. 165). Not only is our law school not heavily invested in the system; we in fact reject the system. Formative assessment will be one of our core values. We will be different.

**Seventh:** Each of our classes will be “mapped.” We will determine what competencies and what doctrines are to be learned in each course and then develop a curriculum to teach those competencies and doctrines from the start. This kind of coordination amongst faculty is not the norm in most law schools.

To a trial lawyer, as I was for 24 years, mapping makes sense, because that is what trial lawyers do. At the beginning of each case, we draft the final instructions to the jury which include each element of every cause of action, and then design our case from the start to ensure that the proof matches the final instructions. It is a successful approach in the courtroom and it will be a successful approach in the classroom.

We will also use “sequencing” to build expertise and specialization in particular subjects. For example, we will have Employment Law I, Employment II, and an Advanced Employment Law Seminar to minimize overlap and to allow the development of detailed understanding. Our faculty members will not be islands unto themselves. They will cooperate and coordinate to align courses in their proper sequence.
Eighth: As the Carnegie Report notes, the “signature pedagogy” in law schools today is the case-dialogue method. (p. 47). A course textbook assembles a series of cases which are relevant to a particular field of study. Then, the teacher employs the Socratic Method in dialogue with students to teach legal doctrines through an analysis of each case. The Report also acknowledges that most commentators believe the case-dialogue method is “over used” in law schools. (p. 57). Beyond the issue of overuse, however, the Report concludes that there are two missing components of the method. First, and most significant, “experience with the client” is missing. Second, the method lacks “ethical substance.”(p. 56-57).

We take this criticism to heart. While our first year courses will be taught using the case-dialogue method, because it is a good approach to teaching students to think like lawyers, we will minimize its use thereafter. Instead, virtually all upper level courses will have an applied element, designated as a “lab.” As a general rule, students in advances classes will be given two hours of instruction and one hour of lab, with the lab hour dealing with the real-world applications of doctrine, such as drafting an employment policy, negotiating a contract, or engaging in a client counseling exercise. Our view is that the more input our students receive from practicing lawyers, the better.

Ninth: Our law school intends to stress ethics and writing, to the end that these will be explicitly woven into most courses. This will be an insistence of ours.

Take ethics, for example. The Carnegie Report posits that professional education “aims to initiate novice practitioners to think, to preform and to conduct themselves (that is, to act morally and ethically) like professionals.” (p. 22). Therefore, professional education “is, then, inherently
ethical education in the deep and broad sense.” (p. 30). The UNT Dallas College of Law embraces this definition whole heartedly.

While we understand that teaching ethics is challenging, we also agree with the prescription set forth in the Carnegie Report, to the effect that students learn “not only from the courses they take but from the moral culture or atmosphere of their classrooms and of the law school campus more broadly.” (p. 140). Since they learn from the totality of their relationships and experiences, all of these things have “great potential to prepare students to practice with integrity and sense of meaning and purpose.” (p. 140). In order to realize this potential, however, law schools must take a systematic look at every experience that can contribute to a student’s moral learning. “If these building blocks are use well and intentionally integrated with each other, they will form the basis for a powerful developmental experience during the three years of law school.” (p. 140). In a word, cultivating the right culture is essential. This view advocated by the Carnegie Report will be our watchword for ethical teaching and ethical learning. It will be a centerpiece of the experiences we will design for our students.

The Carnegie Report also highlights the importance of writing instruction in law schools. Such instruction serves to accelerate the student’s progress in legal reasoning in the doctrinal courses, especially when it is linked to each course. (p. 108). Indeed, legal writing plays “an important role in helping students to cement basic patterns of legal thinking; it also serves as a bridge between the learning of legal thinking and their mastery of the skills demanded in order to practice law.” (p. 108). We will take writing instruction seriously, by placing it in every phase of our education process.
Tenth: Our library will be state of the art, with heavy emphasis on digital learning. In the past, the ABA required law schools to stock their libraries with lots of volumes. That requirement is changing, which will allow us to build a library for the future, not the past.

Now, let me share what we are doing to get UNT Dallas College of Law ready to open in August 2014.

Our admissions office, under the skillful and knowledgeable leadership of Assistant Dean and Director of Admissions Valerie James, with excellent assistance from Sheena Brooks, is now open for business, as of September 3, 2013, and we are receiving applications as we speak. Our goal is to enroll 80 full time students for the day program and 40 part time students in an evening division. We anticipate that most of our students will come from the North Texas region, which will be our primary area of service.

Our highly qualified Assistant Dean and Law Librarian, Edward Hart, is now on board and building our library. Our first major library gift comes from retired Chief Justice Jack Pope, who has donated his Southwestern Reporter series to us.

We have a very experienced fundraiser on our team, serving as our Development Director. Jeff Serrano comes to us from the Dallas Museum of Art and will be my right hand man as we work to raise scholarship dollars.

Ellen Pryor and I are fortunate to have an Administrative Assistant as smart and able as Mechelle Hogan, who was our very first hire.

Presently, we are taking applications for our first-year faculty and we are very encouraged by the quality of our applicants. We should be ready to make offers by late 2013 or early 2014.
Our law school is housed in a building at 1901 Main Street that was once a department store. The renovations have made the structure a beautiful addition to the east side of downtown Dallas. While this housing is adequate space for the next several, the law school will soon outgrow the facility. Our expansion is already in the works. The City of Dallas has agreed to donate to UNT its iconic Municipal Building, which is just across Main Street on Harwood, for an appropriate adaptive reuse as the permanent home of the law school. Although the City is also donating $15M for the redesign, this building will also require additional renovation. To finance that effort, we have placed before the Texas Legislature a request for tuition revenue bonds, to be considered in the 2015 legislative session. We are encouraged that our request will receive favorable consideration, with the result that the law school will have a two-building campus in the next several years, to meet our future requirements.

When we open in 2014, we will not be accredited. No start-up law school is ever accredited in the beginning. The American Bar Association has in place a process for accreditation that takes several years to complete. Nevertheless, our accreditation status has raised questions about our future. We expected as much and have a transparent response.

The initial accreditation process takes two years and, if all goes well, provisional accreditation can be achieved in year three. While we can make no representations that we will be accredited in the normal course of events, we can represent that we will do everything in our power to meet every accrediting requirement of the ABA. Moreover, we promise to keep you advised of our progress. No matter what, however, we are committed to be here for the long haul.

Not being accredited raises other issues. Chief among them is student financial aid. In two years, the law school will become affiliated with UNT Dallas. Until then, and while we are
unaccredited, our students will not be entitled to financial aid from public sources, like Title IV funds, but they will have available financial aid from private lenders. Fortunately, private lending in the context of student financial aid for graduate professional schools mirrors in almost all important details the availability of loans from the public sector. Under the circumstances, we believe our students will qualify fully for financial aid and we will work diligently to facilitate their application process.

Not being accredited raises another issue: the job prospects for our graduates. How will they find a place in the practice of law? I have several responses. First, we plan to be very open with prospective students. A graduate from a law school like ours without a track record and without alumni will not be likely to get an offer from Big Law. However, the fact is that Big Law is not hiring now as it did in the past and hires very little from outside of the top ranked law schools. In fact, even graduates from established law schools are now struggling to find employment in firms of all sizes. Our graduates will be no exception and, consequently, must be prepared to be pro-active about their careers.

Second, that being said, the UNT Dallas College of Law offers certain compensating benefits. We will keep tuition at an affordable level and thereby reduce the debt burden of our graduates, allowing then greater flexibility as they seek to find their way in the profession. We will also do everything possible to teach them the competencies that they need to hit the ground running in the practice.

Third, we will emphasize that there are great opportunities in the practice to earn a good living serving the most underserved part of our society—the middle class. In his “State of Judiciary” message to the 83rd Legislative Session of Texas Legislature on March 6, 2013, Chief Justice Wallace
Jefferson focused on this issue thusly: “But there is a dark secret that plagues our justice system as a whole... The sad fact is that the middle class and small businesses find our system unworkable and unaffordable.” (p. 7-8). In his book “Tomorrow’s Lawyers,” Richard Susskind concurs: “This legal exclusion or unmet legal need [of the middle class] is a grave social problem and is loosely referred to as the ‘access to justice’ problem.” (p. 85).

Without question, the “access to justice” problem is a pressing one for the legal profession as a whole. Failing to address it will leave too many of our citizens outside the rule of law and we know that story never ends as well. While we at UNT Dallas College of Law cannot solve the problem on our own, we can do our part, by emphasizing to our students that this challenge to the profession is actually an opportunity for them. There are a vast number of potential clients across every community looking for legal assistance at an affordable price. Our graduates can provide that assistance and, at the same time, provide themselves and their families with a decent living. Hardworking lawyers are making this happen right now, just not in sufficient numbers. In a small way, a looming problem for society can be addressed and an opportunity for enterprising lawyers can be seized. While all of our graduates will not chose this path, enough will, if we prepare them for it and encourage them in it. And when that happens, good things will follow.

We are all working hard to build a law school that our region and our state can be proud of. As Texas lawyers, even with our imperfections, we have built a great tradition of service to our clients, to our profession and to our communities. UNT Dallas College of Law will do everything in our power to graduate lawyers who will carry on that tradition ethically, responsibly and professionally. As noted in the Carnegie Report, lawyers “are unique among professionals in that they are officially sanctioned participants in making legal system work—officers of the court, as well
as advocates for their clients.” (p. 126). To be a lawyer is to embark on a high calling of the first order. To educate lawyers is thus a serious undertaking and we take it very seriously indeed. As noted in the Carnegie Report, it is a serious thing “to prepare future professionals with enough understanding, skill and judgment to support the vast and complicated system of law needed to sustain the United States as a free society worthy of its citizens’ loyalty...” (p. 202).

Finally, you can be of assistance. Here are the ways:

1. Help us find scholarships. All gifts are welcomes.

2. Help us find students. Many of you have legal secretaries or legal assistants who have long harbored a dream to be a lawyer. Send them our way and help them pay for their education.

3. When the time comes, volunteer to be a mentor to our students or to provide them with internships.

4. Talk to us about what else you might do to help, as an adjunct or as someone providing input to our professors.

Thanks again for the invitation. Come see us.

Royal Furgeson
Dean