

**WILLIAM S. BOYD SCHOOL OF LAW
UNIVERSITY OF NEVADA, LAS VEGAS
SELF STUDY**

I. INTRODUCTION

The William S. Boyd School of Law at the University of Nevada, Las Vegas opened in August 1998. It is the first state-supported law school in Nevada history, and the only law school in the state. As such, it has statewide responsibilities and support.

In carrying out those responsibilities, the Law School employs the services of an excellent and experienced law faculty, one which we believe is among the best in the country. As in the case of the faculty, we have also been fortunate to recruit an exceptional administrative team.

The faculty and staff are privileged to work with an excellent and diverse student body. We graduated our first class in May 2001 and enrolled our eighth class in September 2005. We are also privileged to have tremendous University and community support, which is described within and which includes major support from the State of Nevada, William S. Boyd, James E. Rogers, the Thomas and Mack families, Mike and Sonja Saltman, and the Nevada legal profession.

All of us at the Law School – faculty, staff, and students, as well as the University and larger communities that we serve – aspire to build a great law school, which includes the traditional core of legal education but also stresses community service, professionalism, dispute avoidance/resolution, and the skills, values, and responsibilities of lawyers. We also aspire to be a school in which students, faculty, and staff will come together as a supportive, collaborative community in which all work together to maximize the potential of the students and to serve the community through, among other ways, strong scholarship and educating excellent, ethical, and effective future lawyers and leaders.

A. History and Organization

The University of Nevada, Las Vegas (UNLV) is fully accredited by the Northwest Commission on Colleges and Universities. Founded in 1957 as the southern division of the University of Nevada at Reno, UNLV has grown from a few faculty and students in one building, which was then in the middle of the desert. UNLV now comprises a full-time faculty of approximately 850 (not including instructors and lecturers), a student body of more than 29,000, a beautiful campus (which, without relocation, is now in the middle of Las Vegas), several developing satellite campuses, and mature colleges and divisions of Business, Education, Engineering, Fine Arts, Health Sciences, Hotel Administration, Liberal Arts, Sciences, University College, and Urban Affairs. The Division of Health Sciences includes four schools: Nursing, Public Health, Dental Medicine, and Health and Human Sciences. Through collaboration among the Graduate College and individual disciplinary units, more than 4,800 graduate students enroll each semester in 88 masters level and 24 doctoral programs. In addition, a College of Extended Studies provides credit and non-credit distance learning

programs to the community, and an Honors College provides opportunities for especially talented and motivated undergraduates to maximize the rigor and richness of their educational programs.

UNLV is the only university in metropolitan Las Vegas, a burgeoning area of 1.6 million people that is the fastest growing metropolitan area in the country. UNLV and the Law School are well positioned to help the community and the state as they mature, grow, and diversify. For example, while growth has produced a vibrant economy, it also has significant implications regarding land use planning, environmental, natural resources, access to justice, and distributive issues. These are the sorts of issues with which the University and Law School can help as the community seeks to accommodate its rapid growth with the quality of life for Nevadans.

UNLV is part of the Nevada System of Higher Education, which consists of two universities – UNLV and the University of Nevada at Reno – four community colleges, one state college, and a research institute. The system, governed by an elected Board of Regents, is headed by Chancellor James E. Rogers, who is assisted by central staff located in Reno and Las Vegas. Chancellor Rogers is an attorney, businessman, and prominent philanthropist. Both before and since becoming Chancellor, he has been one of the Law School’s principal supporters and donors. Each campus is headed by a President, who at UNLV is Dr. Carol Harter.

Dr. Harter is an experienced educator and administrator who previously served as President of the State University of New York at Geneseo and as Vice President for Administration of Ohio University. She has played a major role in the creation and support of the Boyd School of Law. Indeed, creation of a great law school for UNLV and for Nevada has been at the top of Dr. Harter’s priority list since she arrived at UNLV 11 years ago.

B. Mission

In formulating the mission statement of the Law School, we sought to recognize our obligations and opportunities to serve Nevada, while also recognizing the unique opportunities that we enjoy to serve the legal profession and the legal academy of our country. We aspire to have a program that receives national attention for its excellence and that balances service to Nevada with service to the larger academic and professional communities. Thus, our mission statement provides:

The mission of the Boyd School of Law is to serve the State of Nevada and the national and international legal and academic communities by developing and maintaining an innovative and excellent educational program that will train ethical and effective lawyers and leaders for Nevada and for the legal profession; to stress community service, professionalism, and the roles, responsibilities, skills, and values of lawyers; to produce excellent scholarship for the benefit of the State, the profession, and the academy; to involve students and faculty in community service projects in ways that will benefit our State; and to provide leadership for Nevada on important issues of public policy, dispute resolution, the law and legal practice. In seeking to fulfill this

mission, the Boyd School of Law aspires to become a model community, one in which the people of the law school will deal with one another professionally, respectfully, and with a view to maximizing the potential of each participant in this exciting educational enterprise.

II. SELF STUDY

At the beginning of the Fall 2004 semester, the Dean appointed a Self Study Committee to prepare a new self study. The committee is comprised of Joan Howarth (Associate Dean for Academic Affairs and William S. Boyd Professor), Christine Smith (Associate Dean for Administration and Student Affairs), Annette Appell (Associate Dean for Clinical Studies and William S. Boyd Professor), Richard Brown (Professor), Bobbie Studwell (Director of the Law Library and Professor), Margaret Walsh (Business Operations Manager), and Steve Johnson (E.L. Wiegand Professor), chair.

Each section of the self study was assigned to one or more committee members to act as primary coordinators and drafters. The Committee, recognizing that the self study should reflect the considered judgment of the broader Law School faculty and administration, actively solicited input from other Law School committees and from Law School administrators throughout the drafting process. Thus, committees, such as the Curriculum Committee and the Clinic Committee, and administrators, such as the Directors of the Academic Success, Externship, Information Technology, and Legal Writing programs, assisted in drafting significant portions of the self study.

An initial draft of the self study report was circulated to faculty and administrators in May 2005 and was discussed at the May 12 faculty meeting. Additional drafts, revised to reflect comments and additional information, were circulated in August 2005. The faculty approved this self study report at its August 26 meeting.

This self study comes at an historic junction for the Law School. The early years of the Law School involved establishing the School, with all the tasks so formidable an enterprise entails. The actions of those years were guided by the vision of the founding faculty and administrators. That initial phase culminated in provisional, then full accreditation by the ABA, acceptance for membership in the AALS, and nationwide recognition as a quality law school.

The Law School is now entering a new phase. The foundation has been laid, and laid well. It is now time to define ourselves as a mature institution, to chart the directions we intend to travel in the future. A school the size of the Boyd School of Law cannot be all things to all persons. What, then, will we choose to emphasize? In what do we intend to excel? This process of self study is an important vehicle by which we will define the future of the Law School.

The Self Study Committee reviewed the Law School's previous self study reports, the previous reports of site evaluation teams, and the Findings and Conclusions of the Accreditation Committee. Our goal in the current self study process is to engage in seriously reflective institutional self analysis.

The current self study follows and has significantly benefited from two major, related planning processes, both undertaken in 2004 and 2005: the work of the Workload Policy Committee and of the Planning Committee. The work of those committees and its relevance for the self study process are described below.

A. Workload Policy Committee

UNLV has a workload assignment policy. Recognizing the great diversity among the University's units as to the specific nature of their work, the UNLV Workload Assignment Policy and Guidelines provide basic principles. Faculty members at the Law School are exempt from some of the principles in the UNLV policy and guidelines.

The Law School began to formulate its workload policy in 2004, creating for this purpose a Workload Policy Committee under the leadership of its chair, Professor Ann McGinley. The Committee identified areas of significance, researched practices at other law schools, and presented its work to the faculty via drafts and reports at several meetings of the full faculty. The Committee sought and received input from the faculty through informal consultations and at the faculty meetings.

Although creating a workload policy was mandated by the University, we saw the process as a significant opportunity for the Law School. Specifically, the process afforded the opportunity to identify what activities we think are important and how we will structure faculty roles to ensure that those activities are effectively performed.

The efforts of the Workload Policy Committee culminated in a detailed workload policy for the Law School. After amendment, the policy was approved by the Law School faculty and by the Dean in May 2005. Thereafter, it was approved by the Provost and the President of UNLV. The approved workload policy is attached as Exhibit 1. (The Law Library has a separate workload policy.)

The workload policy states that the Law School "is dedicated to excellence in teaching, scholarship and service to the University and to the local, state, national, and international communities." It then elaborates on these categories, establishes basic principles to advance them, and states more particular principles applicable to tenured faculty, untenured tenure-track faculty, and contract faculty.

A key thrust of the Law School's workload policy is reaffirmation of the centrality of scholarship to the mission of the School, particularly as to tenured and tenure-track faculty.

The Preamble to the policy states:

The most important endeavor of the faculty members at the William S. Boyd School of Law ("BSL") is scholarly research because it creates knowledge, informs the teaching of law students, and leads to meaningful law reform that benefits society. Because of the intrinsic value of this work and the unique

position of the academy to further scholarship, it is necessary that all tenured and tenure-track faculty members at BSL engage in scholarly pursuit and creative activity. A workload policy must assure that each faculty member have adequate time, apart from teaching, service, and administrative responsibilities, to further the faculty member's scholarly interests and to bring them to fruition through publication.

Full implementation of the specific principles of the workload policy will require time. The Law School intends to implement them as rapidly as resources and other needs permit. It also intends to dynamically obtain the needed resources and to create the other conditions needed for full implementation.

B. Planning Committee

1. *History of Planning Committee*

In August 2004, the Dean appointed a Planning Committee chaired by Academic Dean Joan Howarth consisting of faculty and administrators, joined by two students recommended by the Student Bar Association and appointed by the Dean. The Committee membership was designed to represent multiple constituencies of faculty (including Law Library faculty), senior staff, and students, and to include expertise in various aspects of the Law School's curriculum. The Dean charged the Committee as follows:

Identify goals and plans for program development and for enhancing reputation. Such strategies might include continuing education, certificate programs, joint degree programs, graduate programs, clinic expansion, foreign programs, distance education, new initiatives or centers, or other possibilities. Identify our resource needs and any possibilities for better allocation of existing resources, such as technology, personnel, office and classroom space. Work with the faculty and administration, as appropriate, to institute appropriate tools to assess law school programs.

The Committee began by reviewing several documents: the Law School's Mission statement; the faculty's 2001 articulation of strengths, weaknesses, opportunities, and threats; and the 2003 Law School Strategic Plan completed by then Associate Dean Mary LaFrance. In light of its size and its ambitious agenda, the Committee organized itself into several subcommittees to investigate areas of possible program development and to assess current conditions. In addition to more long-range planning, the Committee undertook a role facilitating faculty and senior staff discussion of possible priorities for the 2005-07 biennium budget. After considering possible approaches to strategic planning, the Committee administered a survey for faculty and senior staff to elicit faculty priorities, goals, and concerns about the future of the Law School.

2. *Survey Results & Committee Priorities*

The 24 faculty and five senior staff who completed the Planning Committee's survey

agreed almost unanimously that “this is a good year for the faculty to engage in some planning for the future,” and most faculty and staff preferred that the planning efforts be “focused.” The faculty surveys strongly suggested that the Planning Committee’s work should focus on considering possible new programs, although some faculty members preferred to concentrate on Law School vision/mission/identity issues, and others on day-to-day issues of the Law School’s operations. These latter two categories were more of a priority for the staff responders.

In light of the survey results, the Planning Committee created subcommittees to consider the program initiatives most often mentioned in the completed surveys. These included subcommittees on foreign study/exchanges, increasing the School’s presence in Northern Nevada, public relations/publicity, Gaming Law, LL.M and certificate programs, and Immigration focus. As the work of the Committee progressed, additional subcommittees were created on Podium Faculty Issues and Morale/Community Building.

The Planning Committee was structured to include voices from a wide group of faculty and senior staff. The Committee attempted to understand the biennial budget process and to facilitate faculty engagement with budget issues. The Committee discussed the budget as a committee and also led budget discussions at multiple faculty meetings. Additionally, the Committee considered a number of reports and recommendations brought to it by subcommittees involving particular program possibilities.

The Planning Committee led faculty discussions as part of four separate faculty meetings throughout the 2004-05 academic year. After the last of those discussions, the faculty adopted the following recommendations presented to it by the Planning Committee. Subsequent developments are described in brackets.

3. Recommendations

A. Although some new programs will be desirable or even inevitable, in general the Law School should improve by strengthening current programs and commitments, rather than by starting new ones.

This faculty and staff have achieved remarkable success in a very short time. We are, however, a relatively small law school trying to achieve excellence and prominence in research; create a rich learning environment and intellectual and professional community for our students; and serve the public well, at the community, state, national, and international levels. We are a new law school, so all of our programs are new, without extensive track records or history. For the most part we should focus on improving the programs and values to which we are already committed, rather than initiating additional programs or attempting to change or improve our current mission. The Committee makes several recommendations that are consistent with this perspective.

- 1. Each of the following recommendations is consistent with the Law School’s core goal of building and sustaining a culture of and national reputation for serious intellectual engagement and scholarly productivity.**

- a. **The Law School's Budget Should Include Specific Items Supporting Ongoing Research Support, Including Faculty Research Grants and Research Assistance.** The continuing availability of strong financial support for research is key to earning a national reputation for scholarly quality and productivity. For planning purposes and to institutionalize this commitment for the future, the Law School's commitment to scholarship should be reflected in budget categories identified and dedicated to research support. [Note: Beginning July 2005, the Law School's internal budget documents reflect these categories.]
- b. **The Associate Dean for Academic Affairs Should, Working with the Academic Enrichment Committee, Establish Regularly Scheduled Times for Internal and External Scholarly Presentations.** The Law School sponsors an admirable number of scholarly speakers and faculty presentations or workshops, but they have tended to be scheduled irregularly, and can be difficult to plan for. To establish traditions and habits of scholarly engagement, the Associate Dean should create a schedule of convenient, predictable times for scholarly discussions, such as First and Third Monday Faculty Quarter-Baked Lunches, or a Fourth Friday Scholarship Series. [Note: The Associate Dean for Academic Affairs has implemented a schedule for such activities in 2005-06.]
- c. **The Law School Should Establish More Distinguished Lectureships.** A significant aspect of building traditions of scholarly excellence is establishing well-supported, annual events. The annual Saltman Lecture and Phil Pro Lecture in Law and History are excellent beginnings. One or two additional annual lectures at other times in the academic year are possible and would enhance scholarly development. [Note: In addition to the Saltman Lecture and Pro Lecture, the Law School will sponsor a Distinguished Lecture by Texas Professor Jack Getman in January 2006.]
- d. **The Law School Should Establish Distinguished Visitorships.** An important way to enrich our scholarly culture is to bring scholars to the law school as distinguished visitors, whether for a year, semester, or shorter period. [Note: Texas Professor Jack Getman will be a Distinguished Visitor in the January 2006 Intersession.]
- e. **An Ongoing Commitment To Establishing Professorships Will Continue To Be Key to Recruitment and Retention of Faculty.** The Dean's impressive success in establishing Professorships has been very important to faculty recruitment and retention, and is likely to continue to be so in the future. [Note: As of July 2005, sixteen members of the faculty hold professorships. Six professorships were awarded to begin July 1, 2005, including the Judge Jack and Lulu Lehman Professorship to Elaine Shoben, William S. Boyd Professorships to Ann McGinley and Annette Appell, the Justice Myron Leavitt Professorship to Sylvia

Lazos, and Ralph Denton Professorships to Terrill Pollman and Jean Whitney. They joined Saltman Professor Jean Sternlight, William S. Boyd Professors Mary LaFrance and Joan Howarth, Ted and Doris Lee Professor Jeff Stempel, Gordon & Silver Professor Bob Lawless, Cobeaga Tomlinson Professor Chris Blakesley, E. L. Wiegand Professor Steve Johnson, James E. Rogers Professors David Tanenhaus and Rebecca Nathanson, and Cord Foundation Professor Doug Grant.]

- f. **The Law School's Commitment To Providing Competitive Salaries Is an Important Aspect of Recruiting and Retaining a Faculty of Excellent Scholars.** The Law School must regularly monitor salaries at peer and competitor institutions in order to attract and keep strong scholars and teachers. [Note: In Spring 2005, the Law School undertook a survey of faculty salaries at competitive and successful public law schools, which suggested that Boyd salaries need to be increased to be competitive with the law schools of the quality to which we aspire. As a result of that survey, recruiting and retention experiences, and goals for internal equity, the Law School requested permission from the University to make upward equity adjustments. Effective August 1, 2005, the University approved such adjustments for two Library faculty members, 15 other faculty members, and eight professional staff members. The total amount of the adjustments was \$98,000 in increased salaries. Those equity adjustments are in addition to merit and cost of living increases obtained by all faculty. Although upward equity adjustments for all faculty have not been budgeted, the Law School administration has undertaken to design a plan, probably including a tuition increase, to support faculty salary increases in the next biennium budget.]

- g. **Hiring a Professional Staff Person with Responsibilities for Publications Will Be an Important Step Towards Improving the Law School's Scholarly Reputation.** A crucial component of increasing the impact of scholarship is promoting it with multiple audiences, including the legal academy, the practicing bar and bench, other academic fields, and the public. Having a professional responsible for production of publications will greatly enhance these efforts. [Note: The Law School intends to create a position, Director of Communications, to fulfill these and related duties.]

- h. **Administrative Support for the Processes of Article Submission and Reprint Distribution Should Be More Systematic, Reliable, and Efficient.** Individual faculty have been left to deal on their own with the projects of article submission and reprint distribution, with administrative support of varying degrees of effectiveness. Article submission and reprint distribution are sufficiently important to the production of scholarship that administrative support for these processes should be centralized, systematized, and carefully overseen to ensure efficiency, reliability, and effectiveness. [Note: In Spring 2005, two of the faculty support positions were upgraded based on newly assigned responsibilities, including oversight of manuscript submission and reprint distribution. Effective implementation of systems for manuscript submission and reprint distribution is an important goal for the 2005-06 academic year.]

- i. **Faculty Participation in Academic Conferences Is an Important Aspect of Building a Scholarly Reputation, and Should Continue to Be Strongly Supported.** The Law School's commitment to supporting faculty participation in scholarly conferences, symposia, and other events has been key to building the law school's reputation, and should be maintained. [Note: The Law School continues to provide generous support for faculty participation in and attendance at a wide range of scholarly and professional events, including some international travel. Due to strong private support, the Law School has been able to grant virtually all faculty requests for scholarly or professional travel support.]
 - j. **The Commitment to Scholarly Excellence Includes a Commitment to Strong Library Resources.** Faculty scholarship is supported by library acquisitions, services, and facilities. The commitment to scholarly excellence supports baseline increases in library acquisition funding to accommodate inflation and adequate library staffing to support faculty research. It also requires ever-increasing attention to IT solutions for efficient access to research materials. The commitment to strong library resources is also central to our most important teaching goals. [Note: See Part VII.A for further discussion.]
 - k. **The Workload Policy Recently Adopted by the Faculty Is an Important Mechanism for Balancing Our Research, Teaching, and Service Responsibilities.** The Law School is trying to do something for which few models exist, namely to be a relatively small dual-division school that earns a national reputation for excellent scholarship. Careful attention to all aspects of our work, such as in implementation of the recently-adopted Workload Policy, is essential for us to realize our core ambitions. [Note: Implementation of the Workload Policy adopted in 2005 is likely to reduce the teaching loads for productive scholars from four to three courses each year. The Law School administration is attempting to move toward that goal for the 2006-07 academic year, in part by adding three faculty members. Full implementation of the three-course goal probably will require proposals for additional staffing in the next biennium budget, but the Workload Policy provides the structure for recognizing the central importance of the faculty's scholarly productivity.]
2. **Each of the following objectives is consistent with the goal of strengthening the J.D. program.**
 - a. **Boyd's Bar Passage Percentage Should Consistently Be Above the Overall Nevada Results.** Our graduates' success on the bar exam is sufficiently important that the faculty should regularly consider bar passage issues, and should establish careful, routine evaluation of all programs undertaken to improve bar exam passage rates. The Committee recommends that the law school emphasize such measures as improved student advising; Academic Success Program counseling and programs for current students and graduates; decanal and faculty outreach to graduates; targeted classes for students who have not achieved academic success; robust requirements for students on academic probation;

meaningful enforcement of law school rules limiting outside employment; first year teaching methods that allow for early diagnosis of problems in legal analysis; and extensive data collection regarding student behavior, the curriculum, and bar passage. Although responsibility for greater bar passage success is shared by the administration and the full faculty, the important role of our Academic Success Program in these efforts requires us to ensure that adequate resources are devoted to that program. [Note: Our efforts to improve bar passage rates may have had positive effect. On the February 2005 administration of the Nevada bar examination, our students for the first time passed at a higher rate than the average pass rate. However, we can be only cautiously optimistic at this point. The February administration of the bar examination is much smaller than the July administration and may be too small to produce a sufficient statistical base. The results of the July 2005 examination are not yet available.]

- b. **At Least for the Near Future, the Law School Should Not Pursue Graduate Law Programs.** The Committee does not recommend the pursuit of any LL.M or other graduate programs at this time. Boyd is a small law school with ambitions for a great J.D. program. The Committee prefers that the faculty and administration concentrate on improving the J.D. curriculum and already-established programs, such as the Thomas & Mack Legal Clinic and the Saltman Center for Conflict Resolution, rather than expanding to graduate law programs.
- c. **The Law School Should Increase Its Presence in and Service to Northern Nevada, but Should Not Pursue Degree Programs There.** The Committee concludes that a full degree program in Reno, whether a parallel J.D. program or an LL.M, is not currently feasible, and should not be pursued. Instead, assuming the availability of funding, the Committee recommends that the Law School improve its programs and presence in Northern Nevada by undertaking such initiatives as summer courses, new collaborations with UNR faculty, more CLE's, and more externships in Northern Nevada. (For a listing of various possible initiatives, see Howarth memo to Rogers of January 14, 2004.) [Note: The January 14, 2004 memo is attached as Exhibit 2. The Law School is actively pursuing these options. For example, as described more fully in Part VIII.B, one of the Summer 2005 courses was taught simultaneously to students in both Las Vegas and Reno; the latter students participated via fully interactive video and audio connections. Both Las Vegas and Reno students evaluated the course favorably.]
- d. **The Faculty Should Consider What Place Gaming Law Should Have in the Law School's Curriculum and Identity.** The Committee discussed various aspects of the Law School's actual and potential involvement with gaming law. The Committee recommends that the Dean appoint an ad hoc Gaming Law Committee for the 2005-06 academic year, the charge for which would include evaluation of our current Gaming Law offerings and consideration of such areas as curriculum, external relations, public service, and faculty appointments as they relate to Nevada's national and international leadership in gaming. The ad hoc

Gaming Law Committee should consider the advantages and disadvantages of linking gaming law to entertainment law, or of conceiving of gaming law as a particular theme for a general legal education, in addition to other possible conceptions. The Planning Committee also recommends that a list of appropriate and currently available courses be created and publicized for students who want to prepare for a career in gaming law. [The Curriculum Committee is being charged with considering the role of gaming in the curriculum.]

- e. **The Admissions Committee Should Carefully Monitor the Applicant Pool for the Night Program, Which Should Be Maintained in Its Current Design Only if the Applicant Pool Demonstrates Strength Equivalent to that of the Applicant Pool for the Day Programs.** The Committee considered the considerable extent to which the current efforts to offer high-quality day and night programs challenge the faculty and administration, and the significant service to the state from the availability of a high-quality night program. The Committee is asking the Admissions Committee to carefully monitor the quality of the pool of applicants for the night class, maintaining data related to the numbers of applicants to the night program, the number of students admitted to the night program who originally applied to the fulltime program, etc. The Planning Committee recommends that any significant reduction in the number or strength of the applicants for the night program trigger serious consideration of plans for scaling back the program, such as through biennial entering classes, or even elimination, if the applicant pool does not merit continuation of the program. [Note: As described more fully in Part III.C, the Law School has revised the night program curriculum. No other change has yet been made to the night program. The Law School is not currently considering eliminating the night program.]

- f. **The Law School Should Design a Number of Concentrations To Help Students Choose Appropriate Courses of Study.** The Committee considered and rejected the adoption of Certificate Programs, but does recommend that the faculty create a number of Concentrations which students could choose to follow. As envisioned by the Committee, “Concentrations” would be much more flexible than “Certificates.” The Law School would provide a list of courses to students interested in specializing in particular areas. These lists, an updated version of those already contained in the [Student] Handbook, would show students that for most if not all concentrations it is advisable to take numerous “core” courses such as Constitutional Law and Administrative Law. One advantage of the “Concentration” option is that it would not commit the Law School to offering particular courses on a regular basis. A Subcommittee has been established to develop these Concentrations, thereby improving the current Course Selection Guide. The Committee recommends that the 2005-06 Curriculum Committee consider issues related to Concentrations, including whether students would be permitted to “declare” a Concentration.

- g. **The Law School Should Adopt a Meaningful Program for Advising Students About Their Curricular Choices.** An improved program for advising our students is an important initiative for assisting our students to maximize the benefits from the education that we are offering. The entirely volunteer efforts for mentoring have not been successful. The faculty should discuss and adopt an advising program for which identified individuals have responsibility, and the administration and implementation of the advising program should be then recognized as part of those individuals' workloads. [Note: As described in Part VI.B, the Law School has reorganized duties to centralize student advising in the Dean for Student Advancement.]
- h. **Faculty and Administrators Should Undertake a Variety of Efforts To Strengthen the Intellectual and Professional Engagement of the Students in the Law School Community.** Class schedules, building improvements, support for student activities, and the like should be designed and implemented with the goal of creating a stronger intellectual and professional community for Boyd law students. The Committee recommends that an ad hoc Committee on Student Engagement be convened for the 2005-06 academic year. This Committee should contain broad representation of employers, alums, faculty, and students, and should be charged with considering whether current Law School policies and programs adequately encourage optimal student engagement in the Law School community. This Committee should consider the results of the Law School Survey of Student Engagement, among other things. [Note: See Part III.G for further discussion. In light of our goal to prevent proliferation of committees, the Dean charged the Curriculum Committee with making student engagement a priority in 2005-06.]
- i. **The Law School Should Continue Its Commitment To Making the Saltman Center a Nationally-Prominent Center for Scholarship, Service, and Teaching Related to Dispute Resolution.** The success and prominence of the Saltman Center is central to the Law School's aspirations. The infancy of the Saltman Center has been marked by ambitious and successful scholarly, service, and teaching initiatives. The next phase of the growth of the Saltman Center must build on this strong beginning by establishing appropriately ambitious infrastructures, including staffing and space. [Note: The Law School's plans as to space for the Saltman Center are discussed in Part VIII.]
- j. **The Law School Should Continue Its Commitment To Making the Thomas & Mack Legal Clinic a Strong, Nationally-Prominent Clinical Program.** The success of the Thomas and Mack Legal Clinic is central to the Law School's aspirations. The Thomas & Mack Legal Clinic has garnered national attention for its focus on children and families, its innovative inter-disciplinary practice and scholarship, its commitment to the integration of scholarship and clinical teaching, and its integration into the life of the law school. However, clinic administrators report that the clinics are not meeting current student demand, and the faculty who teach in the clinic have recommended the hiring of an additional senior scholar to more adequately staff the current clinics and to strengthen the policy leadership and scholarly development of the clinic and of the Law School.

- k. **The Law School Should Continue Its Commitment To Making the Lawyering Process Curriculum a Strong, Nationally-Recognized Program.** The faculty has chosen to dedicate a substantial portion of the required J.D. curriculum and a significant number of faculty positions to the Lawyering Process Program, an innovative and ambitious curriculum designed to introduce legal values and ethics while teaching legal analysis, legal writing, legal research, interviewing, counseling, negotiation, and oral advocacy, among other skills. The success of the Lawyering Process Program depends on attracting and retaining a fine faculty, and managing the faculty-student ratio to enable intensive, one-on-one teaching. Both of those goals require continuing attention to ensure that the LP faculty size is sufficient to sustain an excellent program. The Lawyering Process faculty have recommended that additional LP faculty be hired.
- l. **The Law School Should Capitalize on Areas of Faculty Strength.** Boyd is a relatively small law school committed to providing a high-quality legal education to students with diverse professional and intellectual goals. We can and should aspire to become nationally prominent in some select areas. We have attracted unusually strong faculty in certain areas, and we should plan academic symposia, dedicated professorships and other honors, lectureships, and other initiatives to highlight and develop these strengths.
- m. **Additional Faculty Positions Are Needed.** The Planning Committee concludes that, even without any significant new program initiatives, offering an excellent J.D. program requires enlarging the permanent faculty. The recently-enacted Workload Policy recognizes various kinds of teaching that previously were undertaken as unacknowledged overloads. For this and other reasons, implementation of the recently-enacted Workload Policy is likely to require additional faculty, even if the Associate Deans are able to manage class enrollment more efficiently. The Planning Committee also recognizes that our core goal of strengthening the J.D. program supports enlarging the Lawyering Process faculty and hiring a senior scholar whose teaching would include clinical teaching.

B. The Law School's Administration Should Expand To Ensure Continuing Success.

In the short life of the Law School, Boyd administrators have created from scratch and are now managing effective departments, a remarkable set of achievements. The survey results from Senior Staff suggested consistent worries about burn-out from trying to handle too much. The following recommendations are responsive to the goal of ensuring continuing administrative success.

1. The Committee recommends the hiring of a new professional staff person to concentrate on external relations, including oversight of production of Law School publications.

2. The Committee recommends that another professional IT staff person be hired to oversee and conduct data collection and database management for the law school.
3. The Committee recommends that the administrative leadership review the current administrative structures with an eye toward providing sufficient support for effective administration of the law school, including alumni support and development, with due attention to adequate space.

[Note: As described in Part VI, the Law School is implementing each of these recommendations.]

C. The Law School Should Institute a Variety of Assessment Measures for Routine Evaluation of All of Our Programs.

The first phase of the Law School was its remarkably successful creation. The next phase, as we grow into our ambitions, must include the institutionalization of effective, routine, meaningful assessment mechanisms to evaluate the strength and weaknesses of our programs and practices. The following recommendations relate to the goal of instituting effective assessment practices.

1. The Committee recommends that the Law School participate annually in the LSSSE survey of law student experience. [Note: This Committee recommendation has been implemented, starting Spring 2005.]
2. The Committee recommends that the bar passage data base be adequately staffed to enable meaningful, reliable data related to our students' educations.
3. The Committee recommends that surveys should be designed and administered to graduates, employers, and others to assess law school programs.
4. The Committee recommends that assessment mechanisms be implemented for all Law School programs that are outside of the regular student evaluation system, including Intro to Law, Community Service, and the Academic Success Program, among others.
5. The Committee's recommendation that an IT staff person be hired to handle databases is highly relevant to the success of law school assessment efforts. [Note: The Law School intends to move forward to hire a consultant to design a database.]

D. Even Without Plans for Significant New Programs, the Law School Needs To Plan Now for Additional Space.

Remarkably, the Law School already faces challenges in fitting its current programs and personnel into the available space, and recommended staff and faculty hires and scheduled library acquisitions are simply going to increase the space pressures. There is a current need for additional offices on the fourth floor, additional offices in the clinic, additional administrative offices, including in student services, additional small seminar rooms, dedicated Saltman Center

space, a faculty lounge, a moot court room, and more comfortable spaces for informal faculty and student interaction, such as a law school living room. Some of these spaces are currently being planned. The clinic is running out of office space in part because the current design requires faculty who teach in the clinic to have two offices. Faculty who teach in the clinic could have single offices if the clinic were to be moved to the fourth floor, a move that would also bring more students to the fourth floor. The proposed faculty lounge and Saltman Center offices are likely to reduce the current amount of library footage, a reduction that could be ameliorated by movable shelving, except that the third and fourth floors, the current site of the library, apparently were not constructed to withstand the weight of the movable shelves. The Planning Committee concludes that the Law School needs to plan now for additional space. The benefits of a unified, coherent facility suggest the advisability of pursuing space in the lower portions of the Rogers Building for Administration and Justice. [Note: As described in Part VIII, the Law School plans to provide space for the Saltman Center that will not encroach upon the Library.]

III. PROGRAM OF LEGAL STUDY

A. Introduction

The Law School offers a full-time program of legal study, which leads to the Juris Doctor degree in three years. The majority of our students are enrolled in the full-time program. The Law School also offers a part-time program, which leads to the Juris Doctor degree in four years. While most of our part-time students are enrolled in the evening program, a number of part-time students are enrolled in the part-time day program.

B. Revision of Full-Time Required Curriculum

During the 2003-04 academic year, the faculty undertook a review and reconfiguration of the required curriculum. The project began in the fall with a full faculty meeting on curricular reform. After the faculty meeting, which provided the Curriculum Committee with a relatively good sense of the faculty's views, the Committee set about gathering additional information from several sources. The Committee consisted of faculty, staff, and student members.

First, the Curriculum Committee surveyed the first-year curricula from 56 other law schools, including schools that had five or more people take the last Nevada bar examination, schools with part-time programs, public law schools in the Mountain West region, and schools that were included in a survey done within the last two years at the University of Missouri-Columbia in conjunction with their curricular reform effort. Second, the Committee consulted with Pavel Wonsowicz, the Law School's Director of the Academic Success Program, to get his input on the impact of potential first-year curricular changes on students in general and at-risk students in particular. Third, the Committee reviewed the subject coverage of the Nevada Bar examination. Fourth, and most importantly, the Committee surveyed our own faculty to obtain its thinking on curricular reform.

After gathering background information, the Curriculum Committee distilled from that information and from its own discussions several goals that it hoped to achieve with a reformed first-year curriculum. These goals were as follows:

--- Move Constitutional Law I into the first year and require Constitutional Law II.

The Curriculum Committee received requests from quite a few faculty members who wanted the Constitutional Law I course (covering the structures of the three branches of government) to be moved into the first year. Many faculty members also suggested that Constitutional Law II be required. The rationales were that (1) Constitutional Law I is foundational for many other public law courses (Administrative Law, Conflicts of Law, Immigration Law, Land Use Regulation, Labor Law, etc.); (2) Constitutional Law I is foundational for Constitutional Law II, which is itself foundational for other courses; and (3) both Constitutional Law I and Constitutional Law II are crucial for the general knowledge of our students, both as citizens and as future leaders of Nevada, and it is best that they learn this material as early as possible.

---Move Criminal Law into the first year.

There were several reasons for moving Criminal Law, which had been offered in the second semester of the second year, from the second year to the first year. Students were taking courses such as Evidence and Professional Responsibility, which presume a basic understanding of the differences between criminal and civil law and a working knowledge of some basic criminal law doctrines, without adequate preparation. Judges on the criminal bench who have hosted law student externs expressed concern that students arrive (often in the summer after their first year) without a basic working knowledge of criminal law. Students who wish to go into a criminal law practice and may want to take a full menu of related courses, including two semesters of Criminal Procedure, Evidence, Juvenile Law, International Criminal Law, a White Collar Crime course, a criminal clinic (either Juvenile Justice or Capital Defense), and other criminal law courses, get too late a start by having the basic Criminal Law class deferred until the end of their second year. Finally, Criminal Law is particularly well suited to the first-year curriculum. The facts of criminal cases are interesting and accessible to students in their first year, and because criminal law is statutory in most states, it often allows for early exposure to and instruction in close reading and interpretation of statutes.

---Add a course on legislation in the first year.

The Committee received input from quite a few faculty members urging that we put a statutory or legislation course into the first year. Two arguments were made: (1) our students need to know more about how legislation is made and how statutes are interpreted prior to taking upper-level statutory courses and (2) students need to be made aware, from the beginning of their law school education, that much of the law in our country derives from statutes, rather than common law. The traditional curriculum is slanted toward private law in a way that may have made sense in the 1800's but no longer makes sense today. The proposed legislation course would introduce students to both the legislative process and the basics of statutory interpretation.

---Experiment with formats different from our current six-credit, two-semester format.

The Committee sensed from the Fall 2003 faculty meeting and from subsequent communications from faculty members that there was a widespread sentiment that our existing

format, which assigns six credits spread over two semesters to all first-year courses, warranted serious review and that many, or all, first-year subjects could be covered in less than six credits. The proposal that launched the curricular reform effort, made by Professor Keith Rowley, would have reduced the required credits for Contracts, Civil Procedure, Property, and Torts from six credits to five and offered each of those courses in a single semester. While the Committee concluded that most (but not all) of these subjects could be covered in fewer than six credits, it was less certain that five credits were necessarily either required or sufficient for each of these subjects. While Contracts and Property were reduced to five credits in the Committee's proposal, Torts was reduced to four credits and Civil Procedure/ADR remained at six credits. Given the fact that we aim to teach students not only the basics of civil procedure but also the most basic aspects of alternative dispute resolution, the Committee accepted the argument of the civil procedure professors that it would not be possible to cut civil procedure back to five credits.

The Committee was also intrigued by the suggestion in the Rowley proposal that teaching first-year classes in a more intensive, immersion fashion (by offering them as five-credit, single semester courses) might be pedagogically beneficial. On the other hand, we were concerned that there were pedagogical risks to that approach, particularly for at-risk students who might more easily fall behind and whose difficulties might not be recognized (by either student or teacher) until too late. Therefore, we opted for a more cautious approach that experiments with a five-credit, single-semester offering in one subject (Contracts) and a four-credit, single-semester offering in another (Torts), while leaving Civil Procedure and Property as two-semester courses.

The proposal submitted by the Curriculum Committee and adopted by the faculty is outlined below. It achieved our goals of adding Constitutional Law I and Criminal Law to the first-year curriculum and adding Constitutional Law II as a required course (although not in the first year). The addition of Constitutional Law I and Criminal Law to the first year were made possible by reducing the credits previously given to Property and Contracts from six credits to five and to Torts from six credits to four. The revised curriculum will be implemented beginning in the 2005-06 academic year. Unfortunately, the Committee was unable to fashion an acceptable scheme that also achieved our goal of incorporating a legislation course into the first-year curriculum.

FULL-TIME PROGRAM

Fall (Year 1)

LP I	3
Torts	4
Prop 1	3
Criminal Law	3
Civ Pro/ADR I	<u>3</u>
	16

Spring (Year 1)

LP II	3
Prop II	2

Contracts	5
Civ Pro/ADR II	3
Con Law I	<u>3</u>
	16

(Year 2)

Con Law II*	3
LP III**	3

*All students would be required to complete Con Law II before the end of their second year (for full-time students) or third year (for part-time students).

**Must be taken before the final semester

PART-TIME PROGRAM

Fall (Year 1)

LP I	3
Criminal Law	3
Civ Pro/ADR I	<u>3</u>
	9

Spring (Year 1)

LP II	3
Con Law I	3
Civ Pro/ADR II	<u>3</u>
	9

Summer

LP III*	3
---------	---

Fall (Year 2)

Prop I	3
Torts	4
Elective	<u>3</u>
	10

Spring (Year 2)

Prop II	2
Contracts	5
Elective	<u>3</u>
	10

(Year 3)

Con Law II**	3
--------------	---

* Must be taken before the final semester

**Must be taken before the end of the third year

In addition to the required curriculum just described, all students must take the Professional Responsibility course before graduation. Students also must complete an upper-level writing requirement. The writing requirement is satisfied by researching and writing a scholarly paper in conjunction with a seminar, another course in which a full-time faculty member elects to allow a supervised paper in lieu of an exam, a faculty-supervised directed research, or a Law Journal submission which is approved by the Law Journal Editorial Board and the faculty supervisor. The paper ordinarily must be a minimum of 25 pages (not including footnotes or endnotes) with at least one redraft. During the semester in which the writing requirement is met, the student must attend an academic writing workshop and a refresher course on avoiding plagiarism.

C. Revised Night Program

Our goal from the beginning has been to insure that the quality of the part-time program remains essentially equal to that of the full-time program. As a result, the bulk of the courses in our evening program are taught by the same permanent faculty who teach in the day program. While the quality of evening instruction is equal to that of the day program, we recognize that, given the significantly smaller size of the evening program and the more limited hours available to schedule classes at night, the range of electives available to evening students is, and will continue to be, more limited than that available to day students.

At its May 2005 meeting, the faculty discussed a proposal from the Admissions Committee to consider a more structured night program. By “more structured,” the Committee meant fewer electives, more required courses, and sequencing of courses determined by the Law School, not the students. The faculty discussion focused on the historic commitment of the Law School to offer a part-time program, the resource inefficiencies from operating two parallel programs, and the need to address the apparent dwindling of the applicant pool for our night program. The faculty asked Associate Deans Howarth and Smith to solicit faculty input and draft a plan for a more structured program, to be discussed informally over the summer and formally at the August faculty meeting.

A proposal for a more structured night program was distributed to the faculty in July 2005. See Exhibit 3. Under that proposal, night students will be required to take all courses required of full-time students plus Evidence; Legislation; Wills, Trusts and Estates; Administrative Law; Federal Income Tax; Business Organizations; Commercial Law; Family Law; ADR Survey; Conflicts; Criminal Procedure; Remedies; and either an Externship or Clinic.

Following several weeks of email and hallway discussion of the proposal, a substantial portion of the August 26th faculty meeting was devoted to discussion and action on this issue. The chief rationales for creating a more structured night program were the educational benefits from providing every night student with a solid, core legal education, and the administrative efficiencies that would result from having a predictable and more limited set of course offerings. The faculty considered that routinely combining some courses for the third and fourth year students would allow us to enroll a somewhat smaller night class. After discussion, the faculty unanimously approved adopting a more structured program beginning with the night class that will enter in 2006. The Curriculum Committee was charged with refining the course selection

and sequencing in the proposal created by Deans Howarth and Smith. Following straw polls that revealed the faculty to be evenly split on the desirability of a Friday-Saturday part-time program, the faculty also asked the Curriculum Committee to pursue further consideration of a possible Friday-Saturday part-time curriculum.

D. Distinctive Programs

Three elements of our required program are distinctive and warrant further description: the Introduction to Law Program, the Community Service requirement, and the three-semester Lawyering Process program. These programs are described below.

1. *Introduction to Law Program*

The Law faculty decided at our first faculty retreat in February 1998, to begin the law school experience with an Introduction to Law Program. Over the years, the program has been subject to continued (and continuing) tweaking. During the program, students participate in two classes taught by Professor Wonsowicz, Director of the Academic Success Program: “Preparing to be a lawyer — introducing the study of law and law school” and “Developing the skills to be an effective lawyer.”

The Law School organized its 2004 four-day Introduction to Law program around Anthony Lewis’s GIDEON’S TRUMPET, the story of *Gideon v. Wainwright*, the 1963 decision that recognized the constitutional requirement for states to appoint counsel for indigent criminal defendants. GIDEON’S TRUMPET was selected by the faculty because it is very well written; it introduces several important themes about the judicial system; it portrays lawyering in a variety of settings; and, perhaps most importantly, it emphasizes professional and constitutional principles related to access to justice.

In 2004, the entering students heard from three outstanding Nevadans about GIDEON’S TRUMPET. On the first evening, Nevada’s Federal Defender Franny Forsman provided perspectives on the impact of *Gideon v. Wainwright*, presented a dramatic reading of portions of the *Gideon* oral argument before the United States Supreme Court, emphasizing the federalism issues that confronted the court, and demonstrated what the newly appointed attorney’s interview with Clarence Gideon might have looked like prior to the re-trial.

On the second evening, Ninth Circuit Judge Johnnie B. Rawlinson spoke to the entering class about the honor of our profession, and about the crucial message of GIDEON’S TRUMPET that a single person can make a huge difference in our system of justice. On the third evening, United States Senator Harry Reid also focused on lessons from GIDEON’S TRUMPET. Senator Reid told the students about some of his earliest cases as a lawyer in Nevada, representing indigent criminal defendants. In his descriptions of that lesser-known part of his career in public service, Senator Reid emphasized the personal satisfaction, professional growth, and life lessons he received from representing people who needed his legal abilities.

The themes of GIDEON’S TRUMPET were carried through two other important parts of the orientation, a dinner in which small groups of students discussed the book with faculty members who had volunteered to act as mentors or advisors to groups of students, and a sample class,

taught by Professor Ngai Pindell, based on *Gideon v. Wainwright*, which introduced students to the Socratic method of class discussion.

The 2004 Introduction to Law program also featured other components designed to prepare the students to succeed in law school. The Director of our Academic Success Program, Professor Pavel Wonsowicz, taught two classes for the students to prepare them for such tasks as case briefing and course outlining. Incoming students discussed issues of civility and professionalism with faculty, alums, and upper-level students. The last part of the Introduction to Law program took place the day after the first day of classes, when Professor Robert Correales and Professor Richard Brown met with their Torts and Property classes, respectively, and de-briefed the students on what had happened in their first law school class. These de-briefings were assisted by Professor Wonsowicz and Professor Terrill Pollman, Director of our Lawyering Process Program, each of whom had sat in one of the first classes to observe.

Another innovative aspect of the 2004 Introduction to Law was the *Amazing Res Judicata*, a scavenger hunt designed to introduce new law students to the Boyd community and to our facility. The contest required each team to locate books in the Library, forms from the registrar's office and from the Law School's web site, faculty offices, and vital support equipment such as the student lockers and the soda machines. The winning team won lunch with Nevada Supreme Court Chief Justice Miriam Shearing. Prizes were awarded for the best class slogan (the faculty voted "Diverse Backgrounds, Common Goals" as the winner, beating out "What Happens in Vegas, We'll Litigate in Vegas" and other contenders), and for the best description of the United States Supreme Court, using only nine words, each of which started with the same letter as the name of a current justice of the U.S. Supreme Court. (The winner was "Simple black garbs keenly safeguard the sanctity of rights.")

The faculty and staff planned the Introduction to Law program as the first step in a lifetime devoted to the study and practice of law, to the values of our professional community, and to service.

Given the success of the 2004 Introduction to Law program, as measured by student and faculty evaluations and reflection by the Introduction to Law Planning Committee, the 2005 Introduction to Law program has been planned as a slightly changed, and we hope improved, version of the same program based on GIDEON'S TRUMPET. The changes include expanding the time devoted to learning how to prepare for class, including requiring the students to prepare a brief of the *Gideon* case, and focusing the introductions of first-year faculty on professionalism issues. The program for the 2005 Introduction to Law is attached as Exhibit 4. As in prior years, we invited leading members of the profession to address incoming students on professionalism issues. They include Barbara Buckley, Nevada Assembly Majority Leader and Executive Director of Clark County Legal Services; Vince Consul, President of the State Bar of Nevada; Bryan Scott, President of the Clark County (Nevada) Bar Association; James Rogers, Chancellor of the Nevada System of Higher Education; and Franny Forsman, Federal Public Defender.

2. Community Service Program

A major part of the Law School's mission involves serving the community through educating ethical and effective lawyers. In keeping with this mission, the Law School has a distinctive community service requirement. The purposes of this requirement are to cultivate (or enhance) in the students the habit of pro bono service, and to show them the need for legal services that exists in our community.

The community service requirement, which is not credit-bearing but which is required for graduation, is satisfied by full-time students during the spring semester of their first year and by part-time students during the summer session that concludes their first year and the fall semester that begins their second year. In each case, the student devotes 20 hours to community service under the supervision of a faculty coordinator. The community service opportunities, and the supervision of the students in them, were developed by Associate Dean Christine Smith and Professor Mary Berkheiser in conjunction with the Honorable Barbara Buckley, a well respected lawyer and legislator who is Executive Director of Clark County Legal Services. The program is currently overseen and administered by Associate Dean Christine Smith, two attorney program supervisors (a half-time employee of the Law School and a full-time employee of Clark County Services), and an administrative assistant who devotes approximately ten percent of her time to this program.

To provide community service, the students are organized into three to five-person teams, each of which is responsible, under faculty supervision, for developing substantively sound educational programs for unrepresented people on basic procedures in family court or small claims court and on guardianship, paternity/custody, immigration, and (before Fall 2005) bankruptcy. Such programs are presented at Clark County Legal Services, at the Law School, at community centers, and at the women's prisons. These presentations provide information that will be useful to the population served, but individual legal advice is not offered by the students. At each student session, representatives of Clark County Legal Services or of the Law School are available to provide referrals to persons seeking specific legal advice.

Since the start of this program in 1998, Boyd Law students have provided legal information to over 14,000 people in our community who otherwise would not have access to legal information.

In their second and third years, Law School students can continue providing service to the community by participating in a pro bono program, "Partners in Pro Bono." In this program, a student is assigned to work with an attorney on a pro bono case in an area of law of interest to them. This program is another partnership between the Law School and Clark County Legal Services Pro Bono Project. The Clark County Pro Bono Project Director selects attorneys to serve as mentors to the law students. Each interested law student (approximately 20 students a year) is teamed with an attorney mentor. Participants in this program have been recognized for their fine work at the annual Clark County Pro Bono Awards Luncheon.

Some students are now permitted to fulfill the community service requirement through the Nevada Immigrant Resource Project, a part of our immigration clinic. Students work on a number of assignments to support the work of the Project, such as designing and drafting information pamphlets and PowerPoint presentations, and assisting the Director and other Project lawyers at “Know Your Rights” and other community presentations. In addition, up to ten students will be permitted to meet the requirement through working as volunteer mediators with the Neighborhood Justice Center.

Based on student and faculty reactions, the community service requirement has been a success. Students report that they have learned of the vast need for legal services in our community and that participation in this program has sparked their interest in additional service programs, such as the clinical program and “Partners in Pro Bono.” We are currently exploring expanding community service opportunities for our students to Northern Nevada.

3. *Lawyering Process Program*

a. Overall Goals and Objectives of the Lawyering Process Program

The three semester Lawyering Process (LP) program continues the emphasis on skills, values, and responsibilities of lawyers that the Law School’s earlier self studies described. The goal of the program is to prepare students to be thoughtful, reflective lawyers who (1) analyze legal issues logically and thoroughly, (2) communicate clearly and carefully using the conventions of legal discourse, (3) grasp the basics of interviewing and negotiating skills that all lawyers must possess to be effective practitioners, and (4) have an introductory understanding of the basic principles involved in the lawyer/client relationship, as well as the roles lawyers play in our society and the responsibilities those roles carry with them.

b. Overview of the Lawyering Process Curriculum

The program consists of three separate courses. Students take the first two in sequence in their first and second semesters. Principles of academic freedom allow that LP faculty choose the particular emphasis and method of instruction for the classes they teach. However, due to the nature of the workload for students in LP classes, in the first two semesters all LP professors require the same number of major assignments, use relatively the same difficulty level for major assignments, and allow students the same amount of time to work on major assignments. In addition, all LP professors teach the following topics in the first two semesters:

LP I: Research: manual and electronic research (primary and most secondary sources);
Reasoning and Analysis: introductions to careful reading of authorities, formulating rules using multiple authorities, effective use of rule-based, analogical, and policy-based reasoning;
Writing: analysis assignments with emphasis on conventions of organization, interoffice memos and the staged assignments supporting them, letters, research exercises, reflection papers;

Skills: introduction to interviewing;
Professionalism: introduction to the roles of attorneys and the adversary system.

LP II: Research: manual research and electronic research (legislative history, administrative law, court rules, cost-effective research);
Reasoning and Analysis: basic statutory interpretation, continued work on first semester skills using more complex problems;
Writing: counseling plan, settlement agreement, letters, simulated Multistate Performance Test, motions, appellate brief with emphasis on persuasion;
Skills: introduction to client counseling and negotiation, introduction to oral argument;
Professionalism: billable hours, usually with an ethics problem embedded in the assignment.

In the third semester of the program, which the students may elect to take any time after their first two semesters and before their last semester, students choose from a menu of courses, including advanced legal writing, drafting, advanced advocacy, and judicial opinion writing. Additional information on the content of the third semester appears in the next section, which details recent changes in the program.

c. Recent Changes in the Lawyering Process Program

Originally the program included three semesters which the students completed in lockstep. The program was successful, but the LP faculty were showing signs of stress in the effort to maintain rigor in an ambitious writing-intensive program at the faculty-student ratio of 1 to 45-50. In the school year 2002-03, the LP faculty proposed changes that would maintain rigor and facilitate timely feedback by lowering the faculty-student ratio. The proposed changes provided students with options to customize the third semester to their individual needs or career plans. It also allowed LP faculty to design courses based on individual interests and strengths. The Law School faculty adopted the changes in Spring 2003, making them applicable to the class that entered that fall. Although the LP faculty originally believed the change would affect the second semester of the program, the first two semesters of the program remain substantially the same.

For the third LP course, students choose from a menu of courses that meet the requirements developed by the Curriculum Committee for the program's third semester. The program also allows students flexibility as to when they take that course. Students may take it any time after their second and before their final semester. The plan improves the faculty-student ratio by capping enrollment at 15, and sometimes using tenured or tenure-track faculty, visitors, or adjuncts to teach the course. The course is, however, still primarily taught by LP faculty.

Students choose from classes under the general headings of drafting, advocacy, general advanced legal writing, or judicial opinion writing. Under each of those headings, faculty may design a general course or a context-specific course. The new program has been in place for only about a year, but already the choices have become varied. For example, we

have thus far offered two drafting courses: one in general drafting and one in drafting in the family law context. Advanced advocacy courses have been offered at both the trial and appellate levels. Choices currently in the planning stage include advanced legal research (with a significant writing component), advocacy in the employment law context or in the administrative law context, and a course on drafting in the intellectual property law context. Thus far, the general advanced class has been limited to a remedial course offered to students on probation and taught by the Director of the Academic Success Program or another faculty member.

Credit for the third semester was reduced from four to three credits in an effort to make the workload involved in the third semester more in line with the earlier two semesters. The entire faculty remains committed to awarding course credit that realistically reflects the time that we expect students to spend on the class. Moreover, LP faculty remain aware that teaching nearly ten percent of the credits necessary for graduation carries with it an obligation to teach a serious and worthwhile course of study.

d. Lawyering Process Faculty

The Lawyering Process Director, Professor Terry Pollman, supervises the program. She reports to the Associate Dean for Academic Affairs. Professor Pollman is nationally prominent. She serves on the Board of Directors of the Association of Legal Writing Directors, is the chair of the Scholarship Committee of that organization, and recently facilitated a Board of Directors meeting of the Legal Writing Institute. Professor Pollman is tenured and holds an endowed professorship at the Law School.

The Director is assisted by an Associate Director, Professor Jean Whitney. Professor Whitney also holds an endowed Professorship but is a contract employee. The other four Lawyering Process faculty members also are contract employees. Lawyering Process faculty receive one-year contracts in their first three years of teaching, but are eligible for three-year contracts thereafter, upon the recommendation of the Associate Dean of Academic Affairs and the Director of the Lawyering Process Program, and the approval of the Dean and the University Provost and President. The first three-year contract was awarded in the school year 2004-05 to the Associate Director of the program.

Lawyering Process faculty are as nearly integrated as possible with the tenured and tenure-track faculty, with integrated offices, committee service, and voting rights on everything but decisions about hiring and promotion for tenure-track faculty. Most of the LP faculty teach in other subject areas as well, which provides some relief from the writing program's relentless grading responsibility. Further, most LP faculty teach regularly in the summer session. This provides a good opportunity to supplement LP faculty's salaries, which are lower than tenured or tenure-track salaries. It also relieves many other faculty members of teaching duties, allowing them to devote summers to scholarly research and writing. Although some of the LP faculty produce scholarship and might produce more if time allowed, their primary focus remains on teaching and service.

The six members of the Lawyering Process faculty meet weekly. The focus of the meeting is primarily on teaching, with LP faculty reporting the success of various teaching methods or assignments, discussing legal writing or professionalism scholarship, addressing problems that arise, and planning new strategies for the program. This exchange of ideas and the collegiality it encourages among the LP faculty is vital to the program.

e. Lawyering Process Program Challenges

The Lawyering Process Program is a strong and successful program. Although we are well aware of the limitations of such rankings, we were gratified that our LP Program was ranked as seventh in the country in the most recent *U.S. News & World Report* rankings.

We anticipate that the program will likely face challenges in three areas in the period between this and the next inspection. The challenges include first seeing that the changes recently made to the program are successfully implemented. Related to this task is the second goal of finding resources and creative solutions that keep faculty-student ratios low enough for LP faculty to stay productive and to avoid the burnout that can result from labor-intensive teaching. Third, the program must continue to attract well qualified and talented teachers by keeping pace with the national trend to increase status and salaries for legal writing professors.

Monitoring the effects of changes in the program: The Director and Associate Director of the program have the duty of supervising the program as it changes. Both must be especially engaged and vigilant because the changes expand both the legal writing curriculum and the people teaching in the program. The LP faculty is currently developing new courses. Meetings of LP faculty sometimes focus on whether the courses being developed meet the standard set out by the Curriculum Committee and are consistently useful, interesting, and rigorous. Time is in short supply, and the Director and the Associate Director have to find time to make multiple visits to new courses.

Use of adjuncts in the LP program has been limited, and the Associate Director has assumed responsibility for supervising them. We recognize that using adjuncts in a required course demands extensive training and supervision. Currently we are testing a system in which we hire an adjunct for a semester of training. During that time the adjunct observes and co-teaches with our full-time legal writing professors and attends the weekly LP meetings. We have had one adjunct complete this training, and she has proven to be an excellent part of the program. The problem remains, however, that some adjuncts we might like to hire might not have as much time to devote to training. It remains unclear whether using adjuncts will prove to be a viable option or perhaps will work only in rare circumstances. Coordinating with tenured or tenure-track faculty who teach in the LP program may also present delicate issues of consistency within the program and academic freedom. On the whole, we believe the changes will enhance the program, but we intend to monitor the progress carefully.

Low faculty-student ratios and maintaining LP faculty enthusiasm for teaching: Faculty-student ratios of around 1-to-35 or fewer are critical to the overall success of the

program and, specifically, are important to creating a job in which LP faculty can take satisfaction and excel. The labor-intensive nature of legal writing teaching requires that the program maintain a low faculty-student ratio and create other opportunities that rekindle enthusiasm for teaching. Currently the LP program has addressed the problem through requests for another faculty position in the future and requests for a workload policy that allows time for professional development opportunities. Last year, the Law School granted an LP faculty member's request for a leave of absence to clerk for a judge on the Ninth Circuit Court of Appeals. This is precisely the sort of opportunity that will refresh the faculty member and enhance the program. Other foreseeable professional development opportunities are requests for "teaching relief time" in order to do pro bono work in the community, engage in scholarship including empirical studies that will help us evaluate the program, or exchanging visits with legal writing faculty at other schools. Finding resources for these purposes will continue to be a priority.

Continuing to attract and retain excellent faculty in light of the trend to better status and salaries for legal writing professors: Surveys conducted by the national legal writing associations (the Association of Legal Writing Directors and the Legal Writing Institute) show a decided trend toward better status and better salaries for legal writing professors. When the Law School began hiring full-time legal writing professors in 1999, it was in the forefront as to both salary and status. In the past six years, other schools have begun to equal or exceed our job conditions. Resources are not the only impediment. The University does not have a job category that would give legal writing faculty a "tenure-equivalent" for job security. Creating one would require policy changes at the University and Regential levels. Although the Law School remains very interested in implementing these changes, the University leadership has raised serious questions about moving farther in this direction than the expansion from one to three years contracts that was implemented in 2003. The Law School is currently communicating with the Provost's Office about the possibilities of longer contracts or some new employment status with a presumption of continuing employment. In addition, if we are to increase job security, standards need to be developed for review of LP faculty for purposes of long-term contracts or a presumption of continuing status.

We recognize that these challenges must be met because attracting and retaining excellent LP faculty is vital to the success of the program. As a small step in this direction, LP contract faculty received a modest (\$2000) equity adjustment as of August 1, 2005.

E. Upper-Level Curriculum

1. *General Upper-Level Curriculum*

With the exception of Professional Responsibility, Constitutional Law II, Lawyering Process III, and the upper-level writing requirement, the upper-level curriculum is entirely elective. As the School has matured, the range and depth of the upper-level elective offerings has grown. Since the last self study, the following new courses have been added to the upper-level curriculum:

Advanced Advocacy (LAW 718)

Advanced Intellectual Property Seminar (LAW 733)

Advanced Legal Analysis & Writing (LAW 610)
Alternative Dispute Resolution Survey (LAW 670)
Capital Defense Clinic (LAW 774)
Commercial Law: Concepts in Secured Transactions & Payment Systems (LAW 668)
Death Penalty Law (LAW 790)
Education Clinic (LAW 769)
Federal Taxation (LAW 661)
Immigration Clinic (LAW 775)
Income Taxation of Trusts & Estates (LAW 734)
International Business Transactions (LAW 672)
Judicial Writing (LAW 671)
Legal Drafting (LAW 669)
Natural Resources Field Seminar (LAW 776)
Securities Regulation
Special Topics: (LAW 790)
 Estate Planning
 Legal Education & Assistance to Prisoners
 Media Law
 Perspectives: Foundations of Law
U.S. Taxation of International Transactions (LAW 735)

2. *Clinic*

a. Clinic Background

The clinical program is central to the mission and vision of the Law School. Thus, preparation for the Clinic began before the School opened its doors. The initial planning culminated in a comprehensive plan for the Law School's clinical program in Spring 2000. That plan contemplated an academic institute for children and family justice, the center of which would be a vibrant, interdisciplinary in-house clinical program focusing on legal and social issues affecting children and families. The plan provided for a clinical social worker and four in-house clinics which would be taught by eight tenured or tenure-track professors (two per clinic) who would rotate in and out of the clinic to teach traditional classroom courses and have relief from the demands of clinic teaching and case coverage.

This plan was, in part, the product of a planning grant, which funded a substantial study of clinical programs and opportunities and engaged the services of consultants from New York University, New Mexico, Tennessee, and Northwestern law schools. During the planning process, the School developed an advisory board of professors and administrators in other UNLV departments whose teaching, research, or service relate to children, families, and the local community. See Exhibit 5 for the members of the advisory board. The board advised the clinic planners about opportunities for, and barriers to, interdisciplinary teaching and research collaboration, as well as the development of specific in-house clinics.

In Fall 2000, Professors Appell and Berkheiser offered the first in-house clinical courses at the School of Law, one in Child Welfare and one in Juvenile Justice. In 2001, the

Nevada Legislature funded the expansion of the in-house clinic program in support of the Law School's Clinical Program Plan. That support included additional faculty lines for clinical teaching plus the full-time social worker. In October 2001, the Thomas and Mack families, two prominent Las Vegas families and UNLV donors, endowed the in-house clinical programs with \$2 million. The donors chose the clinic because of its focus on professionalism in service to children and families.

Under the leadership of clinic donor Tom Thomas, Dean Morgan and the Clinic created the Thomas & Mack Legal Clinic Community Advisory Board and invited leaders from the bench, bar and business communities, and several elected representatives. The current board roster is attached as Exhibit 6. This board, chaired by Senior Federal District Court Judge Lloyd George, meets quarterly to learn about the clinical programs and provide feedback. The board serves a vital role in providing community education about, and support for, the Clinic and its work.

In 2001, the School hired Professors Pamela Mohr to co-direct the Child Welfare Clinic and Joan Howarth to direct a Capital Defense Clinic which began in the 2002-03 academic year. Like the Child Welfare and Juvenile Justice clinics, the Capital Defense Clinic clients experience abuse, trauma, educational issues, prenatal problems, and exposure to drugs and alcohol – all of which may be mitigating factors for persons charged with capital crimes. The mitigation befits the child and family theme of the Clinic in that much of mitigation work involves looking back to the defendant's childhood and family life and engages social science to understand and explain behavior. Thus, clinician and student expertise in one clinic or on one case can inform clinicians and students in other clinics.

In Spring 2002, the Clinic hired Ina Dorman, a social worker for the Clark County School District who developed innovative programs to keep homeless children in school. In her capacity as clinic social worker, Dr. Dorman assists on clinic cases and serves as field placement supervisor for Masters of Social Work students. An average of eight Masters of Social Work students each academic year are placed in the Clinic and work along side law students as members of the legal team representing Clinic clients. Generally two social work students are assigned to each Clinic so that they can develop working relationships with the law students and the Clinic law professors can oversee all aspects of client representation.

In the 2002-03 academic year, the School hired David Thronson as an associate professor of law to develop and direct the fourth planned clinic, the Immigration Clinic, and to teach other Law School courses. At the time of his appointment, Professor Thronson was teaching at New York University's Lawyering Program. He also had significant experience in representing children and in immigration and international law. His scholarship addresses immigrant children's experiences in the immigration and family law systems. This focus complements the overall Clinic mission directed towards families and children.

That same academic year, the School hired Kate Kruse as an associate professor to co-direct the Juvenile Justice Clinic and teach other Law School courses. Professor Kruse is an experienced clinical teacher and scholar who had previously taught at the University of Wisconsin School of Law and the American University Washington College of Law. A

leader in the clinical community, Professor Kruse was, and still is, on the board of the CLINICAL LAW REVIEW.

The following year, 2003-04, the School recruited Professor Leticia Saucedo from the Mexican American Legal Defense and Educational Fund (MALDEF) in San Antonio, Texas, to co-direct the Immigration Clinic. Professor Saucedo, a 1996 graduate of Harvard Law School where she served as managing editor of the HARVARD LATINO LAW REVIEW, had also worked for the Chief Justice of the Texas Supreme Court and as an associate at Fried, Frank, Harris, Shriver and Jacobsen in New York City.

The discussions regarding collaboration between UNLV's School of Education and the Child Welfare and Juvenile Justice clinics that were just beginning during the previous self study, have since produced two very rich interdisciplinary programs for the Clinic. One is the addition of the expertise of Special Education Professor Rebecca Nathanson and graduate-level education students in special education matters; she and her practicum students assess and advocate for the many Clinic clients who have special education needs.¹ The other program arises out of Dr. Nathanson's research regarding children with serious emotional disturbance and children's testimony. Using a research-based model she and colleagues at the University of California, Los Angeles developed, Dr. Nathanson and her students run the Kids Court School out of the clinic. The model, which does not involve any discussion of the child's substantive testimony or the events the child witnessed, introduces children to the court process and teaches them cognitive devices to recall and organize their narrative and to understand question form. The Kids Court School receives referrals from the Clinic, district attorneys, child protective services, and public defenders. Education and social work students work with Dr. Nathanson on the school and related research. Eventually, law students may work with the Kids Court School as well. Dr. Nathanson recently received a UNLV planning initiative grant to bring the Kids Court School to Washoe County, Nevada (the Reno metropolitan area). She will work with University of Nevada at Reno students and with local attorneys and judges to make the Kids Court School available to children, the judicial system, local law offices, and children's services agencies.

In light of the fit between Dr. Nathanson's research and teaching and the Law School, the School gave her a joint appointment at the Law School. This joint appointment, Dr. Nathanson's education practicum, and her ongoing research through the Kids Court School have made Dr. Nathanson an important, consistent, and integral part of the Clinic and the larger Law School.

In Fall 2003, Professor Thronson taught the inaugural Immigration Clinic. That clinic was offered again in Spring 2004 under Professor Thronson's direction. He and Professor Saucedo covered cases over the summer of 2004 until the start of the Fall 2004 semester when Professor Saucedo taught the Immigration Clinic. This clinic in particular tapped a huge and desperate community need and received much positive press attention. With nearly no free legal services in Southern Nevada in immigration and asylum law, the Clinic received

¹ Starting in Fall 2005, Ph.D. candidates in UNLV's Education School, Education Psychology Department must participate in a practicum at the Clinic.

an extraordinary number of referrals, calls, and walk-in clients. In addition, community groups and businesses representing or employing Nevada's large, growing, and diverse immigrant population, and even the local Citizenship Immigration Services office (formerly INS) have approached Professors Thronson and Saucedo and other Law School professors with immigration law expertise to provide training, information, and assistance regarding immigration law.

To help meet that demand and to provide case coverage for the Immigration Clinic, the School sought and received a federal appropriation to create the Nevada Immigrant Resource Project. The Project was also designed to be part of the Law School's community service program and to provide support to recent Boyd graduates practicing pro or low bono immigration law in the community. The Clinic conducted a national search for the Project director and in Summer 2004 hired Yolanda Vazquez, a legal services lawyer and former public defender with significant immigration expertise. The Project began in September 2004. In Summer 2005, the Project began publishing a newsletter. The initial issue of the Newsletter is attached as Exhibit 7. The Project is housed in, and is a part of, the Clinic. In Spring 2005, the Project began to take first-year students for their community service requirement. Director Vazquez also provided immigration clinic case coverage over the 2005 summer, freeing Professors Saucedo and Thronson to devote the summer to legal research.

In 2003, the Clinic established its clinic fellowship program and hired its first clinical fellow, Geneva Brown, an experienced public defender from Wisconsin who was just finishing her Masters degree in Criminal Justice. The fellowship program has two primary aims. One is to assist in covering Clinic cases. The other is to provide an opportunity and resources for a legal practitioner seeking to enter the academy permanently or temporarily to experience clinic teaching and engage in scholarly or policy research. The two-year fellowship program is designed to introduce a fellow to clinical pedagogy, eventually teaching a full clinic, and, particularly for those fellows interested in remaining in academia, to provide support, guidance, and time for scholarly research. The fellow is not a voting member of the faculty but is involved in Clinic governance and receives faculty benefits of research support, conference attendance, and other aspects of academic enrichment. Fellows who wish to do so also sit on faculty committees. Professor Brown provided case coverage for the Child Welfare Clinic, taught the Juvenile Justice Clinic in Fall 2004, and had research leave in Spring 2005.

The Clinic has hired its second fellow, Dina Haynes, who began her fellowship in August 2005. The Clinic faculty chose Professor Haynes because of her extensive experience in international and immigration law and considerable experience in clinic teaching. Her experience will provide significant support to the immigration clinic and professors. Indeed, because of her experience, we view Professor Haynes as more of a visiting professor than a fellow. Nevertheless, she will still receive the benefits of the fellowship program in terms of research support and conference attendance. Professor Haynes joins the Law School from the American University Washington College of Law, where she was a practitioner in residence, and from the Georgetown University Law Center fellowship program before that.

Most recently, the Clinic has added another discipline – clinical psychology. Starting as a pilot project in Summer 2005, a clinical psychology Ph.D. student has been placed in the clinic for her year-long practicum. This student is supervised by Professor Michelle Carro, Ph.D., Associate Director of Clinical Training in the Psychology Department of the UNLV School of Liberal Arts, and serves as a consulting expert on the Clinic’s legal team. The pilot project has been very successful, and the Clinic hopes to expand it to additional students in future academic years.

The Clinic also made some administrative changes since the last self study in response to the growth and increased complexity of the program in terms of personnel, faculty rotation, multi-disciplinary work, research, academic content, and continued development of the Clinic. To provide more continuity and breadth of oversight, the Clinic moved from a director model to an associate dean model and from an office manager to an operations manager to assist the associate dean in all aspects of the clinical programs, not merely the management of the law office. Current Associate Dean for Academic Affairs Joan Howarth was the inaugural Associate Dean for Clinical Studies in the 2004-05 academic year. When she became academic dean in 2004-05, Professor Appell was appointed clinic dean. Near the end of the Fall 2004 semester, the Clinic hired an operations manager, Joe Honrath, an experienced manager who worked for over a decade at UNLV as Director of Disbursements. He manages the Clinic office, coordinates budget and personnel, supports faculty, and assists the clinical dean in all aspects of the clinical program.

The Law School also modified the student/faculty ratio in Clinic courses from 8-to-1 to 6-to-1 since the last self study. The change reflects the heavy institutional workload Boyd faculty, particularly those who teach in the Clinic, continue to bear; the undeveloped and changing legal and social landscapes in Southern Nevada, which do not afford stable or accessible procedures, information, models, or resources and therefore produce a consistently high learning curve; the wide range of student abilities, with many students requiring heavy supervision to reinforce the basic research and writing skills they learned in Lawyering Process and to develop the more advanced skills needed for actual practice; and the addition of social work and education students to the Clinics and seminars.

b. Current Program and Future Direction

The current in-house clinical program is a robust interdisciplinary and multi-doctrinal teaching and learning project. The program consists of seven (3.5 FTE) law professors, a social worker, a fellow, the director of the Nevada Immigrant Resource Project, an education professor with a joint appointment at the Law School, graduate students in education and social work, and law students, all working together to represent clients or, in the case of the community service students, to provide education and outreach to immigrant communities. All of these students, professional staff and faculty, and support staff are part of the law firm and must follow the Nevada Supreme Court’s professional rules of conduct regarding the practice of law, including of course confidentiality and loyalty. The Clinic incorporates these requirements into its administration and pedagogy.

The four clinics are offered twice each year, usually in the Fall and Spring semesters, with one clinic offered in the Summer. The course syllabi are attached as Exhibit 8. Each clinic generally enrolls at least six, and often more, law students, some of whom continue in the clinic for an additional semester. The associate deans teach half loads, which is equivalent to approximately three law students and additional non-law students. Law students take the clinic for a range of credits, from one to six, depending on whether they are continuing students and what their own time commitments are. This range, and the fact that we try to offer the clinic seminar late in the day or in the early evening, particularly serves to accommodate part-time students. The clinics include approximately two 85-minute seminars per week of course work in substantive law and policy, lawyering skills, and professionalism.² Both part-time and full-time students have enrolled in these clinics. Because the clinics involve litigation and work with governmental agencies, night students generally must have some flexibility in their daytime schedules to obtain the full value of the clinics. Social work students attend one or two of the seminars each week. Some education students attend the clinic seminars while others attend a seminar offered by Professor Nathanson. Approximately four times each semester, the entire Clinic – all four clinics and all the social work and education students – meets for seminars which are typically co-taught by the Clinic faculty (the social worker, education professor, fellow, and regular law faculty). The Clinic also holds a day-long orientation for all students prior to each semester. All faculty teaching in the Clinic that semester participate in the orientation. Other Clinic faculty also participate when they are available.

During the semester, students generally work in teams conducting legal and factual investigation and analysis. Students draft court pleadings and briefs; appear in court, administrative, and education proceedings; engage in advocacy outside court, including work on legislative and other policy issues; and facilitate services and agreements to protect client goals and legal interests. Students seek to protect their child clients' substantive and procedural rights in a legal system that has not been accustomed to recognizing those rights. Students work with social workers, parents, relatives, and other service providers to insure that client needs and desires drive decisionmaking and service delivery.

In addition to the interdisciplinary work, the various clinics frequently work together when clients have legal needs that multiple clinics can address. For example, child clients in the Juvenile Justice and Child Welfare clinics may have both child protective and juvenile justice issues. Clients in the Child Welfare Clinic may have immigration issues that the Immigration Clinic can address. In these cases, the professors and students from each clinic may co-counsel. In other cases, the clients are primarily served by one clinic with the consultation of the other clinic. Professor Mary Berkheiser has dubbed these phenomena "interclincity."

Three of the four clinics have co-directors who rotate in and out of the clinic. In the Juvenile Justice Clinic, Professors Berkheiser and Kruse rotate each semester. Professors Thronson and Saucedo are on a yearly rotation, but hope to move to a different model over the next few years so that they can work with each other, develop distinct immigration

² In Fall 2005, because of a scheduling problem, some seminars will meet for only 60 minutes twice per week.

specialties, and teach clinics every year, each semester, albeit with fewer students. Professors Mohr and Appell have rotated in and out of the clinic on a yearly basis. To accommodate Professor Mohr's and Appell's different interests in child welfare and to address the significant challenges that arise out of the multi-year representation required in child welfare proceedings, these professors plan to split the Child Welfare Clinic into two separate clinics starting in Summer 2005. Professor Mohr directs an Education Clinic that serves the considerable education issues that arise for the clients in our other clinics, represents new clients on other time-limited educational issues, and provides outreach and policy work. Professor Appell will continue to direct the Child Welfare Clinic but will take on shorter projects and co-counsel with other child welfare law offices. These changes will free Professors Appell and Mohr from year-round and year-to-year case coverage and will permit more flexibility regarding when to offer these clinics.

Finally, in Summer 2005, the Child Welfare Clinic offered a pilot course called Legal Responses to Violence in a Post-Conflict Society: Nicaraguan Service Learning Project. Professor Aldana (who does not normally teach in the Clinic) and Professor Saucedo organized and taught the course in which Law School students worked in Nicaragua at a law office (which itself grew out of a health clinic) regarding legal responses to domestic violence. The classroom component of the clinic was conducted at the Law School and the experiential component in Mulukuka, Nicaragua, as part of collaboration with the Maria Luisa Ortiz Cooperative and Women's Center. The course was coordinated with and as part of the UNLV International Programs Office. The Law School will assess whether this pilot should be part of the Law School curriculum and, if so, whether it should be offered through the Clinic.

c. Clinic Challenges and Opportunities

Boyd's clinical program was ranked twenty-second in the country in the most recent *U.S. News & World Report* rankings. Such rankings, of course, have well known limitations. Described below are important issues the Law School is considering as to its clinics.

The interdisciplinary work of the clinics continues to be tremendously successful but provides some challenges in terms of supervision, continuity of supervision models, and coordination of schedules among four schools – law, education, social work, and liberal arts (psychology). We have attempted to structure the program to ensure that various professional obligations are recognized and accommodated, but it is a cumbersome process. The multi-disciplinary faculty meet regularly to address these issues. However, the rotation system, in which different law faculty direct clinics each year or semester, and the youth of the clinics, make it difficult to develop a cohesive model for integration of the disciplines. For the non-law faculty and their students this means, in part, that they must discern different law faculty styles and adjust each semester or year. For the law faculty, there can be frustrations about supervision of, and accountability for, the work of the non-law students who are, under the present model, members of the legal team and subject to attorney rules of professional responsibility. As the Clinic settles into itself, now that it is almost fully staffed and all of the Clinic faculty have taught in the Clinic for at least one year, the Clinic should

be able to work through these complexities. The Clinic has a retreat every year in which these questions continue to be addressed and resolved.

“Interclincity” also poses several challenges and many rewards. Each clinic has its own paper and electronic filing and case management systems and may be staffed by different legal secretaries. Providing legal services through multiple clinics, concurrently or consecutively, has proved beneficial to our clients, students, and co-directors. However, the mechanics of case management and, sometimes, inter-clinic communication lapses have led to some minor difficulties for students and staff. Many of these difficulties should be resolved as the clinic adopts a clinic-wide case-management system during Summer 2005, and develops other clinic systems under the leadership of our new Clinic Operations Manager. Clinic faculty will continue to work to improve communication among each other to avoid confusion for the students.

The Clinic also continues to embrace and struggle with the rotation system. The Clinic plan contemplated the Clinic rotation to reduce the Clinic teaching load for Clinic faculty who have the same scholarship and service standards, obligations, and aspirations as faculty who do not teach in the Clinic. The Law School also established the rotation system to enlarge the number of faculty who teach in the Clinic overall and who share teaching and research interests. Unfortunately, some of the Clinic faculty find it jarring, physically and intellectually, to move into and out of the Clinic. Staying engaged in the Clinic while teaching in the classroom can be difficult, making reentry to the Clinic more difficult. Moreover, clinicians miss the chance to work with their co-directors and the ability to develop long-term, more complex projects. The rotation system also heightens the burdens of support staff, students, and non-law faculty, who must accommodate the different styles and approaches of clinic co-directors. The rotation also, of course, is particularly troubling for clients whom the Clinic serves across semesters.

We began to address many of these issues at our annual day-long Clinic retreat in December 2004 and in subsequent follow-up meetings. Each of the three clinics with co-directors developed different solutions that meet their particular situations and interests. The Juvenile Justice Clinic directors will continue to rotate on a semester basis, but will meet with each other regularly and include each other on larger, ongoing Clinic matters. As noted above, the Child Welfare Clinic directors have already addressed many of these rotation challenges by each taking responsibility for ongoing clients and splitting the clinic in two. They also hope to teach their clinics throughout the academic year when possible as full or half loads, depending on other School demands. Moreover, they will structure their clinics in ways that minimize long-term primary responsibility for clients. The Immigration Clinic directors hope, after the 2005-06 academic year, to each teach half clinics each semester. Nevada Immigrant Resource Project director Yolanda Vazquez will continue to provide case coverage over the summer and intersessions. The clinic fellow will co-teach and then teach the Immigration Clinic when Professors Saucedo and Thronson are on their pretenure research assignments next academic year. Finally, Dean Howarth's co-counsel on her capital defense cases is now an adjunct professor who co-teaches the Capital Defense Clinic.

The Clinic continues to face two primary challenges regarding students. One is to continue to expand the clinic opportunities for night students. The clinics have regularly enrolled night students. The Capital Defense, Child Welfare, and Education clinics particularly are accessible to night students since much of the advocacy, including habeas, appellate, policy, and outreach work, can be performed in the early morning or evening hours. The clinic seminar is offered in the evenings when there is any student need for that. The Clinic hopes to offer more appellate clinic opportunities in the future. Permitting students to enroll in the clinics for less than six credits also may continue to make clinics more accessible to night students.

The Clinic is developing a more formalized program for clinic students who continue in a clinic past one semester for additional credits. Currently, students may continue in clinic to complete cases begun in the first semester and/or to perform more advanced work. Not all of the clinics have developed a regularized classroom component for these students. So, to promote a sufficiently rigorous experience for continuing students, the Clinic Committee, in 2005, developed an informal policy regarding advanced students. The policy states in relevant part:

In appropriate circumstances, and in the discretion of the faculty member directing the clinic in which the student will be enrolled, students may enroll in a clinic for a second semester for one or more credits. These students are called “advanced students.”

Any advanced students taking three or more credits will attend class an average of one time per week and will be given special projects or duties. Examples of special projects include development of community outreach materials and training, such as the Special Immigrant Juvenile Status project. Examples of special duties include mentoring, orienting or training first time enrollees in that clinic (“basic students”).

Possible classroom models include offering two types of seminars each week: basic and advanced. The basic students would attend seminar twice each week (the basic and advanced seminar) and the advanced students would attend just the advanced seminar which might include case rounds and substantive, policy or theoretical materials not covered in the basic seminar.

Before the beginning of the semester, faculty teaching in the clinic in the upcoming semester would meet to coordinate and discuss whether the joint classes should be advanced or basic and which seminar non-law students would attend.

The Clinic faculty will also consider adding a formal “Advanced Clinic” course that would place all continuing students in one seminar, though under supervision of individual clinic directors for their case or project work.

The Clinic faces a shortage of clinical faculty. Two of our clinic directors are administrators who carry half teaching loads. Thus the Capital Defense and Child Welfare Clinics are, during the semesters they are offered, open to only three law students each semester (though in fact they also enroll additional continuing students). Moreover, most of the faculty teaching in the Clinic are untenured, so much of the Clinic leadership and development is borne by the tenured faculty, two of whom are already engaged in administration. For these and other reasons, the Clinic is hoping to complete its Clinic plan by adding the eighth (fourth FTE) Clinic faculty member. The Clinic hopes during the upcoming hiring season to recruit a lateral faculty member who is an established teacher and scholar in an area that complements the current Clinic work, expands the Clinic's interdisciplinarity, and/or creates additional opportunities for night students. Such a hire could be a second or third director for one of our existing clinics, *e.g.*, capital defense or immigration; augment current clinics, *e.g.*, habeas or appeals; or serve as a bridge among the clinics, *e.g.*, domestic violence or policy/legislation. Ideally, this person might have a Ph.D. in a discipline such as sociology or psychology.

If this wish comes to fruition, and in light of our tremendous development, the Clinic will be out of space. The Clinic is housed on the first floor of the main Law School building while the faculty offices are on the fourth floor of the other Law School building. Thus, the Clinic has satellite offices for law faculty when they are teaching in the clinic, generally one office for each clinic. But as co-directors teach simultaneously and the Clinic adds other faculty and projects, it needs offices. The education professor and the Nevada Immigrant Resource Project director are housed in the Clinic, as is the Kids Court School and the Immigration Project. Moreover, the Child Welfare Clinic and Education Clinic utilize a satellite office. Future office needs include a second satellite office for the Immigration Clinic directors, and one for the additional faculty member the Clinic hopes to hire. Ideally, the Clinic would be located near the faculty offices to eliminate the need for six or more satellite offices and to facilitate better ongoing contact among faculty teaching in and outside the Clinic each semester. The Clinic and larger Law School administrations are working together to respond to these and other new demands on space. The goal is not to allow space to determine or limit the School's programs.

3. *Externships*

a. History

The Law School has expressed its strong support for experiential learning and community service since its inception. The School has formulated its externships programs in a measured fashion, preferring thoughtful standards and careful development. In 1999, the faculty approved a relatively comprehensive set of externship policies to facilitate program quality. Faculty and administrators were cognizant of the program's importance and experiences of historical neglect in many other law schools.

Consistent with these goals, the School committed to hiring a full-time, experienced Director to develop its externship programs. After a national search in 2001, the School hired Martin Geer, a highly experienced clinical teacher, practitioner, and former Clinical Director at the University of Baltimore School of Law. Professor Geer's resume is attached as Exhibit 9. The program thereafter developed from a limited summer offering to year-round courses including Judicial, Government & Public Interest, Congressional, and Legislative offerings.

The primary goals of the program include: developing an ethic of public service, entry into and exploration of practice interests and jobs, instilling a deeper understanding of the judiciary and the role of lawyers, development of professional ethics, enhancing writing and research skills, training in the doctrine of "reflective lawyering," and development of self-evaluation skills. Externship course syllabi are attached as Exhibit 10. Other faculty members have offered to become involved in the program in supervising placements tied to their teaching and scholarship interests. In March 2002, the faculty amended the Law School's externship policies, which meet or exceed the requirements of ABA Standard 305. Student evaluations have been very favorable.

b. Program Structure

Under the Law School's externship policies, students are permitted to apply up to a maximum of 12 externship credits towards their graduation minimum. Students may not take the same externship course more than once. The field hour component requires 44 hours of field work for each credit. Students are required to attend an Orientation, attend approximately seven classes throughout the semester, and complete required readings. Students are required to submit weekly time sheets describing their work, which are reviewed and signed by their field supervisor. They also submit weekly reflective journals to the Externship Director; a Goals Memorandum based upon their readings and a reflective memo entitled "Looking Forward/Looking Back," using a structure discussed in their required text (Ogilvy *et al.*, "LEARNING FROM PRACTICE" (West 1998)). Students arrange a related exit interview with their field supervisor and prepare a placement evaluation. Students also meet individually or in a small group with Professor Geer to discuss the placement at the end of the term. The course is graded on a "Pass/Fail" basis and students must complete all the delineated requirements to pass the course.

A TWEN site posts all related course documents, and students use the site effectively to communicate among themselves and with faculty and administrative staff. Students are required to check the site daily.

The Law School's externship policies provide for an approval process for placements through the Director and Clinic Committee. The policies are attached as Exhibit 11. The Externship program is subject to the oversight of its Director, the Clinic Committee, and the Associate Dean for Clinical Studies.

c. Program Resources

Professor Geer's primary year-round responsibility is to teach and administer the externship programs. Placements and each student are evaluated by Professor Geer.

In Fall 2004, Professor Geer served as a Senior Fulbright Lecturer and Scholar in Pune, India. During that semester, his responsibilities were met by Professor Mary Berkheiser, a tenured faculty member whose primary teaching responsibilities include clinical teaching, and Jennifer Sandoval, a Boyd graduate who was a former extern and extern program assistant. Ms. Sandoval, as well as a student assistant, was hired by the Law School to assist Professor Berkheiser in Professor Geer's absence.

In the Summer 2005 semester, Professor Geer was joined by Adjunct Professor Michele Juan to assist in student and site evaluation due to high enrollment. With regard to site visits, in Summer 2005, Professors Geer and Juan, with the assistance on several out-of-state sites by Dean Howarth and Professors Brown and Mohr, visited 40 of the 41 placements sites.

The Law School provides an Externship Program Assistant to assist with the program administration as well as secretarial and technical support. Other faculty and Library staff are involved in the teaching and supervision. For example, each semester, Librarian Jennifer Gross teaches a required class on research for externs. Professor McGinley has often taught the required class on ethics for judicial externs and judicial opinion writing. Professor Steve Johnson has served as the faculty supervisor for students placed with the Las Vegas office of the Internal Revenue Service Chief Counsel. The assistance of other faculty in Fall 2004 and Summer 2005 has been described above. The Associate Dean for Clinical Studies is available for consultation on program operations, and the Clinic Committee has been a valuable resource for support and discussion of externship matters. The administrative staff of the clinical programs are assigned to assist the Externship Director. Funds are made available for program-related travel and costs related to Informational Meetings open to all students each semester.

d. Recent Expansion

Significant growth has occurred in Boyd's externship offerings since the last report in 2002. Externships are offered in each semester in four course offerings: Judicial, Government & Public Interest, Congressional (federal), and Legislative (state). Placement opportunities and overall enrollment have increased each semester. For example:

Summer 2004 (65) (increase of 4 from Summer 2003)

Government & Public Interest Externship- (15)

Special Public Defender (1); Clark County Public Defender (1); Clark County District Attorney (2); Federal Public Defender (1); Henderson City Attorney (1); Nevada Legal Services (1); IRS Chief Counsel (1) (new); National Labor Relations Board (1)(new); New York City Legal Aid, Juvenile Defender (1)(new); City Attorney's Office, Utopia, Utah

(1)(new); Pima County, Arizona Public Defender (1)(new); Nevada Attorney General (1)(new); Clark County Legal Services (2).

Judicial (48) Bankruptcy Court, Reno (1), Las Vegas (2); Immigration Court (2); United States District Court, Las Vegas (10), Reno (1); 8th District Court (Las Vegas) (22); Family Court (4); Washoe County Family Self-Help Center (1); Washoe County District Court, Reno(3) (Judges Hardesty and Berry, new); Carson City District Court (2).

Congressional Externship (2)

Senator Harry Reid (1) (Las Vegas); Congresswoman Shelley Berkley (1) (new).

Fall 2004 (15) (increase of 4 over fall 2003)

Government & Public Interest-(4)

Special Public Defender (1); Clark County Public Defender (3).

Judicial (9)

U. S. District Court (1); 8th Judicial District Court (7); Family Court (1).

Congressional (2)

Senator Harry Reid, Las Vegas Office.

Spring 2005 (43) (increase of 6 over spring '04)

Judicial (19): U.S. District Court, Las Vegas (7); U.S. Bankruptcy Court, Las Vegas (1); U.S. Immigration Court (1); 8th District Court, Las Vegas (6); Family Court (3); Alaska Supreme Court (1).

Government & Public Interest (22): Clark County District Attorney (4); U.S. Attorney's Office, Las Vegas (4- 3 Criminal Div., 1 Civil Div.); Senior Citizens Law Project (2); Clark County Legal Services (1); Federal Public Defender (1); Clark County Public Defender (2); U.S. Department of Homeland Security, Immigration Trial Unit (1); Washoe County Family Court Self-Help Center, Reno (1); Nevada Attorney General's Office (3- 1 in Carson City, 2 in Las Vegas); Alaska (Anchorage District Attorney's Office (1).

Congressional (2):Senator Harry Reid, Las Vegas (1); Congresswoman Shelley Berkley, Las Vegas Office (1).

Summer 2005 (64) (decrease of 1 from summer 2004)

Congressional (5)

Sen. Harry Reid, Las Vegas (2), Washington, D.C. (1); Congresswoman Shelly Berkley, Las Vegas (1), Washington, D.C. (1).

Government & Public Interest (12)

Clark County Public Defender (1), Nevada Attorney General (2), Clark County District

Attorney (2), U.S. Attorney (2), Federal Public Defender (1), Nevada Gaming Control Board (1), One World, Inc. (S.F.) (1), Clark County Legal Services (1), Clark County School District (1).

Judicial (47)

Illinois Commerce Commission (1), Illinois State Court of Appeals (1), Santa Barbara County Superior Court(California)(1), Port Townsend (Washington) District Court (1), Bankruptcy Court (Reno) (1), Bankruptcy Court (Las Vegas) (2), U.S. Court of Appeals for the Ninth Circuit (1), U.S. District Court (Reno) (1), Washoe County (Nevada) District Court (2), Nevada First District Court (Carson City)(1), U.S. District Court (Las Vegas) (8), Immigration Court (1), Nevada Supreme Court (2), Nevada Eighth District Court (17), Family Court Division (7).

During Summer 2004-Summer 2005, new Government & Public Interest externship placements

During Summer 2004-Summer 2005, new Government & Public Interest externship placements were created at the Department of Homeland Security (Immigration Trial Unit); Senior Citizens Law Project; UNLV General Counsel's Office; the National Labor Relations Board; the Internal Revenue Service Chief Counsel's Office; Nevada Immigrant Resource Project; Institute for One World Health in San Francisco; Washoe County Family Court Self-Help Center in Reno; Nevada Attorney General's Offices in Reno and Las Vegas; Nevada Gaming Commission; and Nevada Gaming Control Board. In Fall 2005, a placement exists with the Securities and Exchange Commission in Washington, D.C.

In addition, a joint venture with Clark County Legal Services, Nevada Legal Services, and the Clark County Family Law Self-Help Center was established to assist the Self-Help Center and Legal Services. Students in the "Ask a Lawyer" program have been placed working under the supervision of Clark County Legal Services attorneys by assisting *pro se* litigants with legal advice at the Self-Help Center. Students also worked on domestic violence cases. Through an existing grant, Clark County Legal Services was able to offer partial tuition reimbursement. The program was highly successful in its goal of attracting more Boyd students to extern in the civil legal services programs. The program recently received a National Association of Counties Achievement Award. The program was recognized as innovative, easily duplicated in other counties, and contributing to government in the United States.

Congressional placements have expanded to Senator Harry Reid's Washington, D.C. Office and Congresswoman Shelly Berkeley's offices in Las Vegas and Washington, D.C. It is expected that students will participate in the Nevada State Legislative session when it meets again in Spring 2007.

Judicial externships have developed with new placements locally and nationally. In Summer 2005, students were placed outside Las Vegas in Reno and Carson City, Nevada in both state and federal courts as well as Chicago, Santa Barbara, and Port Townsend, Washington.

e. Expansion and Program Quality Concerns

The School has recognized the strong interest of students to extern with judges in the summer after their first year. In Summer 2005, the number of applications reached a record of over 80 for all three externships, with the Judicial offering being the most popular. Students who have completed their first year are only eligible for the Judicial and Congressional offerings. The School committed extra teaching resources for the 2005 summer program to better accommodate the student demand and insure program quality. As previously noted, Adjunct Professor Michele Juan was hired for the 2005 summer semester to assist Professor Geer. With the assistance of a program assistant, Professor Geer is better able to provide program oversight and develop the program while providing adequate student supervision and compliance with the site-visit requirements of ABA Standard 305(e)(5). Similar summer faculty support will be provided if high enrollment continues in the future.

Oversight and training of field supervisors remains a salient issue. Currently, field supervisors are evaluated by students and the Externship Director. In larger offices, a liaison to the Law School externship program is identified to assist in quality control with field supervisors. Supervisors are required to meet formally with each student to discuss their programs goals and memo, and at the end of the placement to discuss their reflective memo and their experience during the semester. All field supervisors are provided a copy of the course syllabus which describes the program's goals and receives confirmation from the liaison that these goals will be met. In some settings, small groups of field supervisors have met with the Externship Director to discuss program development and efficiency. The Director's inquiries have revealed that requiring training seminar participation would be counter-productive. The Director is experienced in formal field supervisor training programs in other schools with "semester in practice" programs.

Until 2004, the University permitted only renewable one-year contracts for faculty, such as the Externship Director, not on tenure track. In 2004, the Law School successfully advocated for a change in University policy to permit an award of a three-year contract after strong performance in three one-year contracts. The three-year contract is renewable, but has no formal presumption of renewal. The current Externship Director is serving in his second year of a three-year contract. Mindful of ABA Standard 405(c) and of our desire to provide greater job security for our excellent professors who are not on tenure track, the Law School continues to pursue University policy changes to allow for greater security of appointment than is currently available under the three-year contracts.

f. Future Directions

The School is exploring ways to encourage more students to seek placements in Northern and rural Nevada, including assistance in finding housing and tuition assistance. Site visits and student feedback showed these placements to be very high quality, which developed great ties with the more rural Nevada legal communities. It has the benefit of opening employment possibilities in legal communities which are underserved by the bar. We have some students from these communities who desire to return there to practice after graduation.

Visions and planning for the future include: expanding out-of-state placements, exploration of “semesters in practice,” development of new placements with a broader substantive law scope to encompass non-litigation practice, creating expanded opportunities for evening students, and review of potential summer placements abroad. Professor Geer also plans to develop externship placements that are tied to substantive course offerings and which would involve other faculty members in both supervision and tutorials.

Continuing challenges include further development in the training of field placement supervisors as well as experiential opportunities for part-time evening students. The latter remains an important concern and needs to be addressed as a Law School-wide issue. Experience has shown that independently expanding externship offerings does not readily address this need. These students likely have the greatest need for these experiential learning opportunities. Due to the generally limited access these students have to the legal community as a whole, Professor Geer and Dean Smith have discussed the creation of additional externship opportunities for part-time students with local legal services organizations.

4. *Co-Curricular Activities*

a. NEVADA LAW JOURNAL

Faculty and students have worked together to develop the NEVADA LAW JOURNAL, a publication devoted to scholarly research on subjects of interest to the legal community at large and on subjects of particular interest to the bench and bar in Nevada. Academic credit is awarded for participation in the LAW JOURNAL (one credit per semester for staff members and two credits for editorial board members per semester of editorial board service).

b. Society of Advocates

The Society of Advocates (“SOA”) is the Law School’s moot court program. It is an “umbrella” organization administering both internal and external competitions in appellate advocacy, client counseling, and negotiations. We also hope that SOA will field competitors in future mock trial competitions. There is a faculty advisor to SOA and a Board, composed of students who administer the program.

Students earn invitations to join SOA based on their performance in Lawyering Process II and their performance in an internal competition co-sponsored by the Clark County Bar Association and the Law School. The students enjoy a high level of guidance and feedback in Lawyering Process II as they write appellate briefs involving unresolved issues of federal law. Representing appellants and appellees before a mock federal appeals court, the students argue their clients’ positions before a panel of local attorneys and SOA members. The argument is graded solely by their Lawyering Process professors. Students who wish to join SOA must volunteer to argue both sides of an issue in the Clark County Bar Competition, with finalists arguing before a panel of Nevada federal and state court judges and justices. Both full-time and part-time students are chosen based on the following formula:

Score on the Brief	65%
Score on Oral Argument in LPII	20%
Score on Oral Argument in Clark County Competition	15%

As described below, beginning in 2005-06, there will be a different means of access to membership for those who wish to compete in the ABA Negotiation and Client Counseling competitions.

There are approximately 24-28 members of SOA each year. Once invited to join SOA, students are eligible to apply for paid positions on the Executive Board. Executive Board members assist in the administration of Lawyering Process Oral Arguments, the Clark County Bar Association's Moot Court Competition, and the Clark County Bar Association's Client Counseling Competition for first-year students. They also assist traveling teams with preparation and logistical arrangements.

Typically, SOA fields teams in five competitions: the Association of the Bar of the City of New York's National Appellate Advocacy Competition, the ABA's National Appellate Advocacy Competition, the ABA's National Negotiation Competition, the ABA National Client Counseling Competition, and the Jessup International Law Competition. In 2005-06, SOA also will send two teams to the ABA Representation in Mediation Competition.

Boyd teams have performed very well in past competitions. Successes include a team that placed first in the nation in the 2004-05 ABA National Client Counseling Competition, a team that placed second in the nation in the 2000 ABA National Negotiations Competition, a team that qualified for the National Finals of the National Appellate Advocacy Competition in 2003, and numerous team and individual brief and orals awards in regional competitions.

The Law School also hosts advocacy competitions. In Fall 2003, we hosted the regional competition of the ABA National Negotiation Competition. In Spring 2006, we will host the regional competition of the ABA National Client Counseling Competition. It is likely that we will host the regional competition of the National Appellate Advocacy Competition in Fall 2006.

Faculty members volunteer to coach teams participating in external competitions. Students receive two units of pass/fail credit for the semester in which they compete. The faculty coach is responsible for notifying the program administrators if students fail to spend adequate hours of preparation to justify a passing grade.

The system has worked well. One challenge we face is that it is difficult for faculty, already severely overloaded with service work, to find time to volunteer to coach teams. Since the last ABA site inspection we have worked to make SOA more of a student-run and controlled organization albeit with faculty oversight. Thus, most of the ministerial work is currently performed by SOA Board members who are paid and other SOA members who are required to donate 20 volunteer hours to the organization per year. In the upcoming year, there is a plan to make additional use of students who have already competed in competitions

to serve as student coaches. Each team will continue to have a faculty member as a coach, but the student coach will take much of the strain off already over-burdened faculty members.

We are also planning to have the new Associate Director of the Saltman Center for Dispute Resolution organize and run the internal Client Counseling and Negotiation competitions. These competitions will be open to both first and second-year students. The winners of these competitions will become members of SOA and will participate in the ABA Negotiation and Client Counseling competitions.

Finally, we are investigating the possible use of adjuncts to act as coaches for SOA. We have a number of graduates who are former members of SOA and whose work we hold in esteem who could serve as excellent coaches.

F. Developments

1. *Saltman Center*

From the founding of the Law School, the Law School's mission has included an emphasis on alternative dispute resolution and conflict resolution. A generous initial contribution by Michael and Sonja Saltman to fund a Center for Conflict Resolution has greatly enhanced our ability to enrich the Law School's offerings and service in this area. The Saltmans are committed to contributing additional funding in the near future and to helping us raise additional funds from the community to further the work of the Center.

The establishment of the Saltman Center was approved by the University in 2003. As stated in the founding documents, the work of the Center addresses conflicts arising out of regional, national, and international concerns, and involving both the public and private sectors. Recognizing that a sophisticated understanding of conflict necessarily requires insights derived from disciplines other than law, the Center will place particular emphasis on interdisciplinary approaches to understanding and resolving disputes.

The vision of the Saltman Center mirrors the tripartite mission of the School of Law – research, teaching, and public service. In keeping with that mission, the Saltman Center aspires: (1) to stimulate scholarly research and exchanges on the nature of conflict and the methods for avoiding and resolving disputes, (2) to provide law students with a high level of professional training in the theory and practice of dispute resolution, and (3) to provide information and educational opportunities to facilitate the resolution of public and private sector disputes imbued with the public interest.

The Center is currently staffed by its Director, Saltman Professor of Law Jean R. Sternlight, and its Associate Director, Professor Raymond Patterson. In addition, the Center receives administrative support from an administrative assistant.

Professor Sternlight directs the Center while also engaging in the other activities of a “regular” law professor. Specifically, she teaches courses in the dispute resolution area and

also does all her research with respect to dispute resolution. Until the recent hiring of Associate Director Patterson, Professor Sternlight also administered all the Center's activities. Her work has included bringing in guest professors to teach courses, hosting outside speakers and conferences, soliciting articles for law review symposia, co-sponsoring several mediation trainings, and designing brochures and other publicity on behalf of the Center. In recognition of Professor Sternlight's administrative responsibilities, she taught just three courses in 2003-04 and two courses in 2004-05. In 2005-06, Professor Sternlight is again scheduled to teach three courses.

Raymond Patterson commenced his work as Associate Director of the Center in June 2005. His job combines teaching, administration, networking with the local dispute resolution community, and engagement in dispute resolution. Professor Patterson holds a J.D. from Cardozo Law School and is an experienced mediator. Prior to joining the Saltman Center, he was the Director of Communications and Dispute Resolution at New York City's Civil Complaint Review Board, where he administered the largest civilian-police mediation program in the United States while also supervising the agency's media relations and report writing. In addition, Professor Patterson also has substantial experience teaching mediation and negotiation as an adjunct at both the Cardozo Law School and the New York University Continuing Education program.

It is anticipated that Professor Patterson will teach several courses in alternative dispute resolution each year; coach students participating in regional and national competitions in the areas of client counseling, negotiation, and mediation advocacy; and help run in-house competitions in some of these areas. The Center and the Law School may eventually establish a mediation clinic, allowing students to participate in live mediations involving real clients. The students would participate in such mediations as the neutrals (mediators) with a mentor supervising their work. If such a clinic is established, it will be run by Professor Patterson.

As Associate Director of the Center, Professor Patterson is taking over much of the day-to-day administration of the Center from Professor Sternlight. Specifically, he will redesign the Center's web site, revise its brochure, and help to organize and publicize Center events. Professor Patterson will also help design the new physical space for the Saltman Center, currently in the planning stages.

Professor Patterson will spend a substantial amount of time networking with the dispute resolution community in Las Vegas, in the rest of Nevada, and throughout the country. By meeting with neutrals and advocates involved in various forms of dispute resolution, Professor Patterson will learn more about how the Saltman Center can be of assistance to the community and how the Boyd law students can learn from the local community. The Center has already engaged in a number of collaborations with local courts and groups, and Professor Patterson's presence will allow the Center to build substantially on these initial efforts.

Finally, it is anticipated that Professor Patterson will help involve the Law School and interested students in actual dispute resolution. Certainly there are many local disputes in

need of resolution. As an experienced mediator, Professor Patterson is well equipped to help disputants reach mutually satisfactory solutions in a peaceful manner. Once he gets a better sense of the local dispute resolution scene, he will be able to determine how he and the Saltman Center might best be of practical assistance to the community.

With respect to curriculum, the Law School typically offers a survey course in alternative dispute resolution, as well as separate courses in negotiation, mediation, and arbitration. At times, the School also offers more specialized ADR courses. Some of these have been or will be taught by eminent professors from other law schools, including Russell Korobkin (UCLA), Lela Love (Cardozo), Sharon Press (Director of the Florida Dispute Resolution Center), Michael Moffitt (Oregon), Andrea Schneider (Marquette), and Jack Getman (Texas). For example, in 2005-06, it is anticipated that the Law School will offer two sections of mediation, two sections of negotiation, a course in client counseling, a course in labor arbitration, and another specialized intersession course to be taught by Professor Moffit.

In the last two years, lectures have been given at the Law School by law professors Robert Mnookin (Harvard), Nancy Welsh (Penn State-Dickinson), Carrie Menkel-Meadow (Georgetown), and Jennifer Robbennolt (University of Missouri-Columbia), among others. Both Professors Mnookin and Menkel-Meadow have written or will soon write articles for the NEVADA LAW JOURNAL that will form the base of a symposium issue of the LAW JOURNAL.

The Center also has hosted or co-hosted two conferences. In October 2004, the Center hosted an event in Las Vegas entitled "Islam and the West: A Clash of Civilizations?". The lead speaker was well known commentator Dinesh D'Souza, and remarks were also given by Professor Chris Blakesley (Boyd Law), Imam Mujahid Ramadan, and Professor Sternlight. The event was moderated by the Chief Judge of the U.S. District Court for the District of Nevada, Philip Pro. Also in October 2004, the Center co-hosted an event with the Harvard Program on Negotiation, in Cambridge, Massachusetts. Entitled "The Past, Present and Future of the Jewish West Bank and Gaza Settlements: The Internal Israeli Conflict," this multi-day conference brought together an interdisciplinary array of scholars from the U.S. and Israel.

In Fall 2005, the Center will host a conference based around a talk to be given by the Honorable Richard Goldstone, a former justice of the South African Constitutional Court who has also served as prosecutor for the former Yugoslavian and Rwandan war crimes tribunals. The tentative title for his talk is "International Criminal Courts: Peace v. Justice." Also participating in the conference as panelists or moderator will be Professors Raquel Aldana (Boyd Law), Professor Chris Blakesley, Professor Wole Soyinka (UNLV English, Nobel Laureate), and Professor Thomas Wright (UNLV History).

In Spring 2006, Professor Chris Guthrie (Vanderbilt Law) will give a lecture at the Law School relating to psychology and dispute resolution. His talk will form the basis for a symposium issue of the NEVADA LAW JOURNAL.

Law students at Boyd have founded a Saltman Dispute Resolution Society, a student organization focused on dispute resolution. This group has co-sponsored several events with the Center, and also organized special mediation trainings for Boyd students, provided by the Clark County Neighborhood Justice Center (“NJC”). The mediation training was a great success in Summer 2004 and was repeated in Summer 2005. In return for free training, the students make a commitment to serve as volunteer mediators in conjunction with the NJC.

Boyd students also compete in several ABA-sponsored ADR competitions. In the fall we typically send two teams to the negotiation regional competition, and in the spring we send two teams to the interviewing and counseling regional competition. In Spring 2005, one of our interviewing and counseling teams won first place in the national competition and went on to advance to the semi-final round of the international client counseling competition. With the hiring of Professor Patterson as Associate Director, we hope to be able to sponsor in-house competitions in these areas, and we have added the mediation advocacy competition to our repertoire.

The Saltman Center has begun to collaborate with local ADR practitioners and courts that are providing alternatives to litigation. For example, Professor Sternlight serves on a committee that governs mediation connected to the local family court, and also serves on a subcommittee focusing on education for Nevada Supreme Court settlement judges. Professor Patterson will serve on the ADR committee for the Federal Bar Association. Also, numerous ADR practitioners and lawyers have been actively involved in the Law School as guest speakers and coaches for student teams.

In conjunction with the School’s Law Library, the Saltman Center has also begun to develop what will become one of the premier collections of library materials devoted to conflict resolution. This diverse array of research materials is available for use by students, academics, legal practitioners, and the public.

In the near future, the Center will pursue additional opportunities to sponsor or co-sponsor continuing education programs and public forums on topics in conflict resolution that are of particular interest to the legal community and the larger community. Possible topics include application of dispute resolution techniques to public land/water disputes, application of dispute resolution techniques to employment issues, Native-American models of dispute resolution, and application of dispute resolution techniques to disputes involving families/children.

The Center would like to collaborate, where possible, with appropriate schools or other institutions from Northern Nevada (such as the University of Nevada at Reno and the National Judicial College) and from other states and countries. These outreach programs may include continuing legal education programs that satisfy the requirements of the State Bar of Nevada and the bars of other states.

The Saltman Center was ranked fifteenth among ADR programs in the most recent *U.S. News & World Report* rankings. Despite the significant limitations of such rankings, we were gratified by this recognition. Answering space constraints will be an important part of

the Center's upward trajectory. The Saltman Center currently has no dedicated physical space, other than the offices of Director Sternlight and Associate Director Patterson, and a display case in the Boyd building. However, plans are being made to build Saltman Center space as part of the Law School expansion that also includes a new moot court facility and Law School "living room." According to tentative plans, the new space would include a reception area, offices for the Director and Associate Director of the Center, and several conference rooms that could be used to host mediations, arbitrations, or meetings.

2. Academic Success Program and CASE

The objective of the Law School's Academic Success Program is to provide a comprehensive network of presentations, activities, tutorials, and workshops designed to stimulate learning and amplify the classroom experience. The Academic Success Program supplements the required curriculum with a host of opportunities to enhance learning skills and develop more efficient and effective methods of studying, comprehending, and writing in the law school environment.

Professor Pavel Wonsowicz, who began teaching at Boyd in 2003, runs the Academic Success Program. He has been named Professor of the Year at the Law School as well as at Vermont Law School, and he is on the Executive Committee of the American Association of Law Schools' Academic Support Committee. Under his supervision, the Academic Support Program schedules over 500 appointments per year with over 150 students and runs a bar review program for both current students and alumni.

The Academic Success Program supervises the Center for Academic Success and Enrichment (CASE). In CASE, selected students, who have been trained by the faculty to facilitate learning and academic success in law school, assist students with class preparation, outlining, and exam-taking skills, including practice exams. Tutoring is available in individual subject areas. CASE is open to all students who desire mentoring, advising, or tutoring and includes a resource area with sample examinations and materials on study skills, learning theories, and learning styles. CASE schedules over 200 appointments yearly with approximately 100-125 students.

3. Dual Degree and Joint Degree/Certificate Programs

a. JD/MBA Program

The Law School and the UNLV College of Business adopted a dual JD/MBA degree program in 2003. The JD/MBA program requires the completion of 80 Law School credit hours and 33 business credit hours. Fifteen credit hours of law courses can be applied to the MBA degree, and nine credit hours of business courses can be applied toward the JD degree. Applicants must apply for, and be admitted to, the Law School's JD program and the College of Business MBA program.

The JD/ MBA curriculum is as follows:

MBA Core Required Courses: 33 credits

Statistical Analysis	3
Law, Regulations, and Ethical Issues	3
Organizational Behavior	3
Accounting Management	3
Applied Economic Analysis	3
Financial Management	3
Market Opportunity Analysis	3
Supply Chain Management	3
Information Systems Management	3
International Business and Cross-Cultural Perspectives	3
Strategy Formulation Processes	3
(to be completed during final semester of MBA course work)	

Required Law Courses: 44 credits³

Civil Procedure/Alternative Dispute Resolution I	3
Civil Procedure/Alternative Dispute Resolution II	3
Constitutional Law I	3
Contracts	5
Criminal Law	3
Lawyering Process I	3
Lawyering Process II	3
Upper-level writing-intensive course (one of various courses)	2-3
Professional Responsibility	3
Property I	3
Property II	2
Torts	4
Constitutional Law II	3
Third Semester Lawyering Process Course	3

Directed Electives at Law School: 18 credits

Students in the JD/MBA program must successfully complete at least 18 credits from the following list:

Advanced Contracts (Sales and Leasing)	3
Advanced Issues in Tax	3
Antitrust	3
Banking Law	3
Basic Bankruptcy	3
Business Bankruptcy	2-3
Business Organizations I	3
Business Organizations II	3
Commercial Law:	
Core Concepts of Secured Transactions and Payment Systems	3

³ First-year required courses are prerequisites to all upper-level law courses.

Cyberlaw	3
Economics and the Law	3
Employment Discrimination Law	3
Employment Law	3
Federal Income Tax	3
Health Care Organization and Finance	3
Insurance Law	3
Intellectual Property I	3
Intellectual Property II	3
International Business Transactions	3
Labor Law	3
Payment Systems	3
Real Estate Finance	3
Secured Transactions	3
Securitization	3
Taxation of Business Entities	3
U.S. Taxation of International Transactions	1-3

Free Electives at Law School: 18 credits

Students in the JD/MBA program must complete 18 other credits of “free” electives at the Law School. These free electives may come from the list of directed electives or from any other elective offered at the Law School.

b. JD/MSW Program

The William S. Boyd School of Law and the UNLV School of Social Work offer a dual Juris Doctor/Master of Social Work (JD/MSW) degree program that allows students admitted to both programs to pursue the two degrees concurrently.

Pursued individually, the JD degree requires the completion of 89 credit hours and the MSW degree requires the completion of 60 credit hours. The JD/MSW degree would require the completion of 80 law credit hours and 51 social work credit hours, as 9 hours of law courses are accepted toward the MSW degree and 9 hours of social work courses are accepted toward the JD degree.

Applicants to the JD/MSW degree program must apply for, and gain admission to, both the Boyd School of Law JD program and the School of Social Work MSW program. Admission requirements are the same as those listed under the regular JD and MSW programs. While applications from current students in either program will be considered, students normally should seek and satisfy admission to enter both programs upon entering the university. However, petitions requesting admission to the dual JD/MSW program from students at more advanced stages in either program will be considered.

The JD/MSW Curriculum is as follows:

Required Law Courses: 44 credits

Civil Procedure/Alternative Dispute Resolution I	3
Civil Procedure/Alternative Dispute Resolution II	3
Constitutional Law I	3
Constitutional Law II	3
Contracts	5
Criminal Law	3
Lawyering Process I	3
Lawyering Process II	3
Professional Responsibility	3
Property I	3
Property II	3
Third Semester Lawyering Process Course	3
Torts	4
Upper-Level Writing-Intensive Course (One of various courses)	1-3

Required MSW Courses: 51 credits

Social Policy I and II	6
Social Work Research I and II	6
Social Work Practice I	3
Social Work Practice II	3
Human Behavior I and II	6
Cross Cultural Competence	3
Foundation Field Practicum I & II ⁴	6
DP, APP OR CW Concentration Field Practicum I & II ⁵	6
Advanced Practice Required Courses	12

Directed Electives at the Law School: 12 credits

Students in the JD/MSW program must successfully complete at least 12 credits from the following list:

Administrative Law	3
Alternative Dispute Resolution Survey	3
Bill of Rights in Law and Regulation	2-3
Bioethics and the Law	2-3
Business Organizations I	3
Capital Defense Clinic	1-6

⁴ Foundation Field Practicum at Thomas & Mack Legal Clinic (in Child Welfare, Juvenile Justice, Capital Defense, or Juvenile Justice).

⁵ Law Externship accepted for Social Work Field Practicum at approved sites including Congressional, Judicial, and Legislative sites.

Child, Parent, and the State	2-3
Children in Society: Selected Problems	2-3
Child Welfare Clinic	1-6
Civil Rights Litigation	3
Congressional Externship	6
Criminal Procedure I	3
Criminal Procedure II	3
Disability Law	3
Domestic Violence and the Law	3
Education Law and Policy	2-3
Employment Discrimination Law	3
Employment Law	3
Family Law	3
Federal Income Tax	3
Feminist Jurisprudence	2-3
First Amendment Rights	3
Government & Public Interest Externship	1-12
Health Care Liability and Quality Regulation	3
Health Care Organization and Finance	3
Immigration Clinic	1-6
Immigration Law	3
International Human Rights Law	2-3
Interviewing, Counseling, and Negotiations	3
Judicial Externship	3-6
Juvenile Justice Clinic	1-6
Juvenile Law	2-3
Land Use Regulation	3
Law and the American Indian	3
Law and Social Justice	3
Legislative Externship	1-12
Mediation	2-3
Negotiation	2-3
Seminar in Race, Gender, Sexual Orientation & the Law	2-3

Free Electives at Law School: 24 credits

Students in the JD/MSW program must complete 24 credits of “free” electives at the Law School. These “free” electives may come from the list of directed electives or from any other elective offered at the Law School. Students anticipating practice in a certain area are encouraged to refer to the Course Planning Guide in the Law School Student Policy Handbook for suggested course sequences.

MSW Electives: 9 credits⁶

Principles of Public Administration	3
-------------------------------------	---

⁶ Students can choose from elective courses outside the School of Social Work, as well as courses which are required in other School of Social Work concentrations.

Personnel Administration	3
Fiscal Administration	3
Cross Cutting Issues in Child Welfare	3
Legal and Ethical Issues in Social Work	3
Child Welfare Policy and Services	3
Child Welfare Administration and Supervision	3
Advanced Practice with Children	3
Advanced Seminar in Policy	3

The University has had significant problems implementing dual degree graduate programs because of lack of administrative support required to make the necessary changes in the outdated University Student Information System. University approval of the JD/MSW program was delayed while those problems were addressed, but the JD/MSW program is now being implemented.

G. Challenges and Opportunities

Having planned for, created, and achieved the fundamentals of a solid J.D. program, the faculty has turned its attention to strengthening the program. Two significant challenges have been identified.

1. *Resource Management in the Upper Division*

The somewhat ungainly and imprecise title of this subsection refers to an interrelated nest of issues. We are concerned both about the efficient utilization of faculty resources in the upper division and the educational experience provided to our students by our upper-division offerings.

Offering a broad and rich upper-division curriculum to both day and evening students, while maintaining reasonable class size in upper-division offerings are significant challenges. We are smaller than most dual-division law schools and must spread a modestly sized faculty over both a small day division and a very small evening division. In order to meet the needs of part-time students, many courses, even courses without large enrollments, must be offered twice in any given year, once during the day and once in the evening, stretching our faculty resources. This need to maintain duplicate upper-division curricula contributes to a phenomenon of concern to many faculty members: very small enrollment in some specialized upper-division classes. Some faculty members are finding that classes enroll only a handful of students, requiring a last-minute readjustment of the teacher's pedagogical approach. On some occasions, classes have been cancelled because of lack of enrollment.

The phenomenon of too many very small classes is not simply a consequence of our dual-division format. Our students allocate their elective credits among a variety of types of upper-division offerings, including seminars, skills courses, clinical courses, and externships. Given the fact that the pass rate on the Nevada bar is typically among the lowest in the country, and the fact that the Nevada bar exam tests on an unusually large number of

subjects, many of our students feel obliged to take an unusually large number of bar-exam courses.

The Law School faculty and administration are attentive to these concerns and are implementing several measures to manage enrollment more successfully. First, the administration is reducing the number of electives offered, particularly in the evening division, in order to provide reasonable enrollment in the classes that are offered. Similarly, the administration has begun scheduling primarily bar-related courses in the summer program, which should reduce the competition between bar and non-bar courses during the academic semesters, and reduce the number of electives that students choose simply because they are available in the summer. The administration also is imposing caps on some bar courses and attempting to establish a regular two-year cycle of expected courses. Finally, faculty attention to the design of the night program is likely to have a significant, positive impact on these issues.

2. Student Intellectual and Professional Engagement

The faculty has become concerned about the level of engagement of our students in the intellectual and professional life of the Law School. We are located on a commuter campus, and many of our students have always juggled school, work, and significant family responsibilities. We know that law student engagement is an established issue of national concern, and we know that we face particular pressures in creating a culture of student intellectual and professional engagement in a new law school. Part of this issue is our concern that too many of our students are employed too many hours. We believe that the availability of night courses might unduly permit our full-time students to arrange their coursework around their jobs, instead of making their education their highest priority.

Our first step in addressing this issue was to sign onto the Law School Survey of Student Engagement (LSSSE), which was administered to our students in for the first time in Spring 2005. We intend to study the results of that survey and use it annually to measure progress in meeting these challenges. The Law School counsels full-time students not to work more than 12 hours per week. We actively enforce ABA standard 304 (that forbids students from working more than 20 hours a week) by requiring all registering students to certify that they will not work more than 20 hours per week when enrolled in 12 or more units. The certification also warns that failure to comply will be considered an honor code violation. (A copy of the certification is attached as Exhibit 12.) The administration intends to prosecute any violation as an honor code violation. No such violations have thus far been identified.

The administration has scheduled this year's first-year classes to be more spread out throughout the week, to attempt to instill habits of presence at the Law School. The Law School's Career Services office is attempting to educate employers about the importance of adhering to the 20-hour limitation. The addition of a Law School "living room" is intended to create more inviting space to encourage additional informal faculty-student interaction and to encourage students to comfortably spend the day at the Law School. In the short term, efforts are being made to put more comfortable furniture in various places in the Law School

and to establish coffee service in a commons area on the first floor of the Rogers building. Finally, understanding that solutions to student engagement issues are likely to relate to the curriculum, co-curricular activities, program administration, faculty advising, Library use, and student services, the Dean has charged the Curriculum Committee to consider issues of student engagement as a priority in 2005-06.

IV. FACULTY

A. Faculty Size and Qualifications

An outstanding faculty is one of the greatest strengths of the Law School. In recent years, we have continued to improve, both quantitatively and qualitatively, our already excellent faculty.

1. *Faculty Size*

Forty-one faculty members currently call the Boyd School of Law home, including the Deans, the Externship and Academic Support Directors, the Assistant Director of the Saltman Center, the Law Library faculty, and the Lawyering Process faculty. Most recently, we have been joined by Professors Elaine Shoben, Michael Guttentag, and Ray Patterson.

Elaine Shoben was the Edward W. Cleary Professor at the University of Illinois School of Law and is a scholar and teacher of national prominence. She joined our faculty in 2005 and holds one of our named professorships: the Judge Jack and Lulu Lehman Professorship. Michael Guttentag joined the faculty in 2005 as an Associate Professor, after receiving an M.B.A. from Harvard and a J.D. from Yale, and serving as a Fellow at the Center for Law, Economics, and Organization at the University of Southern California Law School. Raymond Patterson joined the faculty in June 2005 as Associate Director of the Saltman Center on Dispute Resolution. Before joining Boyd's faculty, Professor Patterson was an adjunct clinical professor at Cardozo University's law school. He also served for eight years as the director of communications and dispute resolution at the New York City Civilian Complaint Review Board, where he administered the largest civilian-police mediation program in the United States.

Lawyering Process Professor Jennifer Anderson rejoined our faculty in 2005, after a one-year leave of absence during which she clerked for Judge Johnnie Rawlinson of the United States Court of Appeals for the Ninth Circuit. In the coming academic year, we anticipate hiring as many as three additional faculty members, to join the faculty by August 1, 2006.

The Law School currently has two jointly appointed faculty members. David Tanenhaus is tenured in UNLV's Department of History. Rebecca Nathanson is a tenured Associate Professor in the Special Education program of UNLV's College of Education. At the Law School, they are, respectively, the James E. Rogers Professor of History and Law and the James E. Rogers Professor of Special Education and Law. One of our faculty

members, Lynne Henderson, is visiting at the Santa Clara University School of Law in the 2005-06 academic year. She is expected to return to the teaching faculty by August 1, 2006.

Taking into account Professor Henderson's leave, our present faculty complement is 41, including two joint appointees. This compares to a complement of 28, including two joint appointees, at the time of our 2002 self study report. If we are successful in our hiring efforts and with the anticipated return of Professor Henderson, our faculty complement will rise to 45 as of August 1, 2006.

2. Student-Faculty Ratio

The student-faculty ratio at the time of our 2002 self study was slightly over 17:1. We viewed this ratio as too high and established a goal of reducing it. Since then, the Law School increased its faculty size as described above and held the size of the student body essentially constant. The Law School's current student-faculty ratio is approximately 13.2:1. Since we anticipate modest additional growth in the faculty without significant expansion of the student body, this ratio may continue to decrease slightly.

3. Faculty Qualifications

The Law School faculty is, by any standard, well qualified, and it surpasses the quality of law faculties at many other fully accredited law schools. Resumes for the current members of the Law School faculty are included as Exhibit 13.

a. Education

Members of the Law School faculty hold J.D./LL.B. or advanced law degrees from the the law schools of Cardozo University, Columbia University, Duke University, Georgetown University, Harvard University, Indiana University-Bloomington, New York University, Northwestern University, Pace University, Stanford University, Wayne State University, William Mitchell College of Law, Yale University, and the Universities of Arizona, California (Hastings), California (Los Angeles), Colorado, Illinois, Kansas, Miami, Michigan, Nevada (Las Vegas), Pennsylvania, Southern California, Texas, Utah, and Wisconsin.

Members of the Law School faculty served on the editorial staffs of the ARIZONA LAW REVIEW, COLUMBIA HUMAN RIGHTS LAW REVIEW, DUKE LAW JOURNAL, ENVIRONMENTAL LAW JOURNAL, HARVARD BLACK LETTER JOURNAL, HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW, HARVARD HUMAN RIGHTS JOURNAL, HARVARD JOURNAL ON LEGISLATION, HARVARD LATINO LAW REVIEW, HASTINGS LAW JOURNAL, INDIANA LAW JOURNAL, LAW AND POLICY IN INTERNATIONAL BUSINESS (now the GEORGETOWN JOURNAL OF INTERNATIONAL LAW), MICHIGAN LAW REVIEW, NEW YORK UNIVERSITY LAW REVIEW, NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS, SOUTHERN CALIFORNIA LAW REVIEW, STANFORD LAW REVIEW, TEXAS LAW REVIEW, UCLA LAW REVIEW, UNIVERSITY OF CHICAGO LAW REVIEW, UNIVERSITY OF COLORADO LAW REVIEW, UNIVERSITY OF ILLINOIS LAW REVIEW, UNIVERSITY OF MICHIGAN JOURNAL OF

LAW REFORM, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, UTAH LAW REVIEW, WAYNE LAW REVIEW, WISCONSIN LAW REVIEW, YALE LAW & POLICY REVIEW, and YALE LAW JOURNAL.

Twelve members of the Law School faculty graduated Order of the Coif from their respective law schools. Nine are members of Phi Beta Kappa.

b. Judicial Clerkships

Four members of the Law School faculty have clerked for the United States Court of Appeals for the Ninth Circuit. Members of our faculty also have clerked for the United States Courts of Appeals for the Fifth, Seventh, and D.C. Circuits. Three members of our faculty have clerked for the United States District Court for the Eastern District of Pennsylvania. Members of our faculty also have clerked for the United District Courts for the Central District of California, Northern District of California, Southern District of New York, Eastern District of Virginia, and Western District of Wisconsin, and for the Supreme Courts of Arizona, Minnesota, and Texas.

c. Prior Teaching Experience

The Law School has assembled the bulk of its faculty by recruiting them away from established, fully accredited law schools. Current members of the Law School faculty have previously taught at the Brooklyn Law School and the McGeorge School of Law, and at the law schools of Arizona State University, Boston College, College of William and Mary, Cleveland State University, Florida State University, Georgetown University, Golden Gate University, Indiana University-Bloomington, Louisiana State University, New York University, Northwestern University, Ohio Northern University, St. Thomas University (Miami), Santa Clara University, Southern Illinois University, Stetson University, Syracuse University, Temple University, Wayne State University, and the Universities of Baltimore, Colorado, Idaho, Illinois, Miami, Michigan, Missouri-Columbia, Montana, North Carolina, Pittsburgh, San Francisco, San Diego, South Carolina, Utah, Wisconsin, and Wyoming.

Members of our current faculty have taught as visitors or as adjuncts at the Chicago-Kent College of Law, Franklin Pierce Law Center, Mississippi College School of Law, and William Mitchell College of Law, and the law schools at American University, Cardozo University, Emory University, Golden Gate University, Hofstra University, Loyola University (Los Angeles), Ohio State University, Santa Clara University, Seton Hall University, Stanford University, Syracuse University, and Washington University (St. Louis), and at the Universities of California (Berkeley), California (Davis), California (Hastings), Colorado, Illinois, Miami, Michigan, San Diego, San Francisco, and Utah.

d. Prior Practice Experience

Most members of the Law School faculty have post-law school private practice experience, ranging from solo practices to national and international law firms, including Covington & Burling; Davis, Graham & Stubbs; Fried, Frank, Harris, Shriver & Jacobson;

Gray, Cary, Ames & Frye; Jones, Day, Reavis & Pogue; Lewis & Roca; Meyer Hendricks Victor Osborn & Maledon; Munger, Tolles & Olson; Snell & Wilmer; Sonnenschein, Nath & Rosenthal; and Willkie Farr & Gallagher. They also have served in corporate in-house positions with many corporations, including General Electric Company, MGM Interactive, Quantum Health Resources, Time Warner Interactive, and Warburg Pincus.

e. Governmental and Public Service

Members of the Law School faculty have practiced in various agencies of state and federal government, including the Equal Employment Opportunity Commission; Internal Revenue Service Chief Counsel's Office; U.S. Department of Justice, U.S. Department of State, Office of the Legal Advisor; Office of the (California) State Public Defender; Pima County (Arizona) Public Defender; Minnesota Attorney General's Office; Minnesota Department of Corrections; the Office of the Public Guardian of Cook County (Illinois); and the Office of Public Counsel (Los Angeles).

Members of the Law School faculty also previously practiced public interest law for the ABA Center on Children & the Law, ACLU Foundation of Southern California, Alliance for Children's Rights (Los Angeles), Arizona Center for Law in the Public Interest, Center for Advocacy, Research & Planning (New Haven, Connecticut), Center for Justice and International Law, Clark County (Nevada) Legal Services, Empowerment Legal Services Program, Inc. (Baltimore), Welfare Law Center, Legal Aid Society (the Bronx), Massachusetts Coalition for the Homeless, Manhattan Mediation Center, and Reginald Heber Smith Community Law Fellows program.

f. Bar Admissions

Collectively, the members of the Law School faculty are admitted to practice in 16 states, Puerto Rico, and the District of Columbia, and before approximately 20 U.S. District Courts, ten U.S. Courts of Appeals, the U.S. Bankruptcy Court, the U.S. Tax Court, the Court of Federal Claims, and the U.S. Supreme Court.

B. Recruitment and Retention

1. *Faculty Recruitment*

a. Process

Faculty recruitment is the province of the faculty, which acts in the initial stages of the process through the Appointments Committee, whose members are appointed by the Dean. This Committee develops and places job notices, solicits interest from possible candidates, and attempts to develop a large, excellent, and diverse pool of faculty candidates.

Following background checks and scholarship reviews, the Committee determines which candidates to interview. The Committee initially interviews most candidates at either the AALS Faculty Recruitment Conference or at the AALS Annual Meeting, although some

candidates are brought to campus for interviews without going through a “screening” interview at one AALS function or the other. Campus interviews include individual and small-group meetings with the faculty, a presentation to the faculty, meetings with students, tours of the facility and Library, and, in some cases, meetings with University administrators. Following these campus interviews and, in many cases, further background calls, the Committee makes appointment recommendations to the full faculty. If the faculty approves a recommended appointment by a two-thirds (2/3) vote, the Dean forwards the faculty’s recommendation, together with the Dean’s own, to the Provost, who approves the offer.

Thus far, we have had little difficulty with the appointments process. Our University administrators have been understanding and flexible in dealing with Law School appointments, and we have had good success, as our faculty roster shows.

b. Academic Year 2005-06 Recruitment Efforts

The budget the Dean created for the Law School out of funds appropriated by the Nevada Legislature provides for three additional faculty hires. The Appointments Committee, in collaboration with the faculty and administration, is determining the subject areas in which such additional faculty members will be sought.

Thus far, the Law School has been generally successful in securing appropriations to expand the faculty. It is unclear how long that favorable environment will continue. Currently, Nevada’s economy, and therefore state revenues, is growing at an impressive rate. However, unpredictable economic and political developments may cause future state appropriations to flatten, crimping or eliminating the opportunity to further enhance the faculty.

c. Joint Appointments

Philanthropist Jim Rogers has expressed his intention to help us fund four joint appointments with other departments of UNLV. Our first such appointment was David Tanenhaus, then an assistant professor in UNLV’s History Department, whose joint appointment was effective August 1, 2002. Our second such appointment was Rebecca Nathanson, a professor in UNLV’s School of Education, whose appointment was effective August 1, 2003. The Appointments Committee and faculty will continue to discuss other UNLV or University of Nevada, Reno faculty that would be appropriate candidates for the other joint appointments. Mr. Rogers has agreed to fund the joint positions by providing \$25,000 per position, per year to compensate the home department for sharing its colleague with us to teach at least one law course per year, to supplement that colleague’s salary for overload teaching, or to provide or supplement summer research funding for the jointly appointed faculty member.

d. Visiting Faculty

In its early years, the Law School had three visiting professors: Professor Scott Burnham of the University of Montana School of Law (Fall 1998), Professor Joseph Thome

of the University of Wisconsin School of Law (Spring 1999), and Douglas Blaze, Art Stolnite Distinguished Professor and Director of Clinical Programs at the University of Tennessee School of Law (Summer 1999). For years thereafter, the Law School did not avail itself of visiting professors, principally because of its success in filling permanent positions and in staffing classes with permanent faculty and some adjuncts.

Recently, the Law School has resumed employing visiting professors, in part as a way of bringing to the School teachers of exceptional knowledge, reputation, and skill. In Summer 2004, Professor Russell Korobkin of UCLA Law School taught an ADR course at the Law School. In 2004-05, Professor Katherine Porter, now of the University of Iowa School of Law, taught Bankruptcy and Commercial Law courses here. In Spring 2006, Professor Rafael Guzman of the University of Arkansas (Fayetteville) School of Law will teach two sections of Criminal Law here. He also will work with Professor Wonsowicz, the Law School's Academic Success Director, to offer optional bar examination preparatory sessions.

In the Intersession period in January 2006, the Law School will host two visiting professors from the University of Texas School of Law. Professor Julius Getman, the Earl E. Sheffield Regents Chair at Texas, will teach a course here on Labor Arbitration. In addition, Terri LeClercq, Senior Lecturer and Fellow, Norman W. Black '55 Professor in Ethical Communications Law at Texas will teach a course here in Writing for Social Justice.

The faculty is working to develop a sabbatical visitors program, in which faculty on sabbatical leave from other institutions could visit and teach at the Law School. The program would attempt to bring leading figures in legal education to UNLV, with their home institutions covering a substantial portion of their salary and benefits. Such an arrangement would enable us to achieve the maximum result with limited funding. In addition, the Law School sometimes hires visitors to augment our clinical program.

2. Faculty Compensation

To recruit and retain an excellent and well reputed faculty, the Law School must pay competitive salaries and benefits, generously fund summer research leaves, year-round research assistance, and travel related to scholarship and teaching, and adequately compensate new faculty for the expenses of relocating to Nevada.

a. Salary and Benefits

Thus far, our salary and benefits have proven adequate to enable us to hire most of the candidates to whom we have made offers. However, our salary and benefits packages are not competitive with many of the schools with which we, as an institution, aspire to compete. This fact, coupled with a comparatively long tenure track and reluctance at the University level to accelerate tenure review, may make it difficult for us to land the most attractive pre-tenure candidates and to retain those we do land when other schools are able to offer them higher pay, better perks, and quicker tenure than we can.

A challenge has developed as to housing costs. In general, Nevada has a relatively low cost of living, in part because the state does not have an income tax. In recent years, however, property values have risen sharply in Las Vegas. This is good for the Law School's current faculty (most of whom are homeowners), but high home prices can be problematic for prospective new faculty members. In the past year, housing costs affected our ability to expeditiously hire qualified Library faculty, and housing costs emerged as a concern in some of our discussions with other potential faculty hires. In 2005, the state enacted legislation capping annual property tax increases at 3%. Again, though, this benefits present, not prospective, homeowners. There are some indications that housing price increases may slow. Thus, it is unclear how significant this concern will be in the future. Nonetheless, the Law School is consulting with the University and others about possible approaches so that recruiting efforts will not be hampered by area housing costs.

An extremely encouraging development is the Law School's success in recent years in securing private funding to support endowed professorships for current senior faculty and for faculty prospects at the highest levels of experience and excellence. The Law School's first such professorship was established in 2001. Now, 16 of our faculty members hold professorships. Securing private funding for yet more professorships remains a significant priority. It is probable that additional professorships will be created in the 2005-06 year.

b. Research Support

The Law School has made a priority of funding research support for all faculty who will make productive use of the support. Such support includes summer research grants to faculty and paying for research assistants and travel to professional conferences. The Law School supports these activities through private contributions and available salary savings from state appropriations.

The Law School has been able to fund these activities more substantially than some other law schools can. Thus far, all faculty members applying for summer research grants have received them. The Law School Workload Policy provides that each tenured and each untenured, tenure-track faculty member should be eligible to receive research grants each summer. The amount of a full summer grant rose from approximately \$9000 in 2001 to \$12,000 in 2005, and partial grants are available for those who choose to teach summer courses while also pursuing research projects.

Each faculty member may spend up to \$3500 per year on research assistants, paid for by the Law School. At the current \$12 per hour rate of compensation, this translates into approximately 290 hours per year of research assistance for each faculty member. That limit is administered with flexibility so that professors who need more research assistance have been provided with it.

Faculty members wishing to travel in order to attend professional conference must receive approval from the administration. In recent years, every such request has been granted, regardless of whether the faculty member was a featured speaker at the conference

or was attending simply as a member of the audience. The Law School expects this tradition to continue.

3. *Faculty Retention*

In its early years, the Law School lost no tenured or tenure-track faculty to another law school. We have been somewhat less fortunate recently. Some degree of turnover is perhaps inevitable as the size of the faculty increases. Nonetheless, retaining its high-quality faculty members is a key objective of the Law School.

Two professors surrendered their tenure at the Law School for among the happiest of reasons: their appointment to the federal bench. Professor Jay Bybee began an indefinite leave of absence effective December 1, 2001 in order to serve as Assistant Attorney General of the United States for the Office of Legal Counsel. He was expected to return to the faculty after that service. However, in 2004, he was nominated by the President and confirmed by the Senate for a judgeship on the United States Court of Appeals for the Ninth Circuit. Also in 2004, Professor Bruce Markell was selected as a judge of the United States Bankruptcy Court for the District of Nevada. The Law School is grateful that, despite their busy dockets, both Judge Bybee and Judge Markell have chosen to continue to teach here. Judge Bybee has assumed the role of Senior Fellow in Constitutional Law, and Judge Markell the role of Senior Fellow in Bankruptcy and Commercial Law. Both Judge Bybee and Judge Markell will teach classes at the Law School in the 2005-06 year and, it is expected, in the years to follow.

Since 2001, tenured professor Carl Tobias and tenure-track professor Chris Bryant left the Law School to teach at other law schools. In addition, one Lawyering Process professor left for another law school, and two Lawyering Process professors left the profession of law teaching. Most of these departures were influenced by personal or family considerations. New colleagues were hired to fill the vacancies, and the Law School's complements of tenured, tenure-track, and Lawyering Process faculty all have grown.

C. Faculty Diversity

Since its inception, the Law School has been committed to faculty excellence and diversity. Our colleagues are diverse in terms of experience; jurisprudential, political, and educational philosophy; and, increasingly so, gender, race, and ethnicity. In its early years, the diversity of the Law School's faculty was not fully satisfactory. It has improved in recent years although further improvement remains an objective.

Currently, 20 of the Law School's 41 faculty members are female. This includes 11 of the 20 tenured faculty, and four of the nine tenure-track faculty. Since 2001, three female faculty members have been hired with tenure from other law schools, and three others received tenure through the promotion-and-tenure process here. One female faculty member will be considered in Fall 2005 for promotion with tenure.

Seven of the Law School's 41 faculty members are members of racial or ethnic minorities. This includes three of the 20 tenured faculty, and four of the nine tenure-track

faculty. All of the three received tenure here since 2001: one was hired with tenure from another law school, and two received tenure through the promotion-and-tenure process here. Two racial-or-ethnic-minority-group faculty members will be considered in Fall 2005 for promotion with tenure.

Eight of the Law School's 41 faculty members self-identify as gay, lesbian, bisexual, or transsexual. This includes six of the 20 tenured faculty, one of the nine tenure-track faculty, and one of the Lawyering Process faculty. Four of the six were hired with tenure from other law schools (two after 2001), and one received tenure through the promotion-and-tenure process here.

The faculty and the Appointments Committee are sensitive to the desirability of achieving greater diversity among its faculty members and are actively seeking excellent candidates who will add to our diversity. Our efforts to attract diverse faculty candidates have not been limited to identifying and interviewing those who elected to include themselves in the AALS Faculty Recruitment registry. We have also reviewed the *Directory of Law Teachers* and sought recommendations from colleagues at other schools.

D. Faculty Responsibilities

As described in Part II, the Law School faculty and administration adopted a Workload Policy in May 2005, which was approved by the President and the Provost of UNLV. The Workload Policy is attached as Exhibit 1. The Law School intends to implement the new policies as rapidly as possible. Because of the need to staff courses and other important endeavors, it may not be possible to fully implement all the new policies immediately.

The Workload Policy sets out several tiers of policies. They range from basic principles; to principles generally applicable to all faculty members; to general principles particular to each category, *i.e.*, tenured faculty, untenured, tenure-track faculty, and contract faculty; to specific principles. These policies are described below under the functions of teaching, scholarship, and service.

1. *Teaching*

While all of our faculty must be accomplished in other ways as well, teaching is at the heart of our enterprise, and all faculty are expected to do it well and enthusiastically. Moreover, we want our faculty colleagues to care about the students, to mentor them and help them grow, and to be good role models for the professionalism and community service that we are committed to teach here at the Law School. Student and peer evaluation of teaching plays an important role in tenure and promotion decisions, annual faculty evaluations, and merit pay allocations.⁷ In addition, members of the law faculty are eligible

⁷ All students are given the opportunity to evaluate each professor in each course. In general, these evaluations have been very positive, and informal student comment has been very positive as well. Because our student evaluation instruments require written responses, rather than numerical ones, it is impossible to produce statistical data regarding them. The responses are, however, available for inspection, and we are proud of the

for yearly University-wide teaching awards. Professor David Tanenhaus, one of our jointly appointed faculty members, was one of five recipients University-wide of this year's UNLV Foundation Distinguished Teaching Awards. Previously, Lawyering Process Professor Jean Whitney received a University-wide faculty award.

a. Teaching Loads

The standard teaching load under the University's Workload Policy is three courses of three credits each per semester for all full-time, tenure-track faculty. However, faculty members at the Law School are exempt from this standard requirement. This exemption recognizes the unique nature of teaching in professional schools and is in accordance with Board of Regents policy.

The teaching loads set by the Law School's Workload Policy are as follows:

(1) Tenured Faculty: The average tenured faculty member not on research or other leave should teach 10-12 credits (or equivalent) per academic year. The minimum for tenured faculty members is nine credits (or equivalent) per year, barring unusual circumstances. The Deans may assign additional teaching to faculty members if they are not satisfying minimum scholarly production goals. These goals are described in the Scholarship section below.

(2) Untenured, tenure-track faculty: Each faculty member will be expected to teach seven to nine credits in her or his first year at the Law School. She or he will teach only one section of one course during either the Fall or Spring semester of that first year. After the first year, each tenure-track faculty member should teach 10-12 credits (or equivalent) per academic year, barring unusual circumstances. However, each such faculty member is eligible for a full-semester research leave in either the second, third, or fourth year.

(3) Contract faculty: Contract faculty should teach 0-12 credits (or equivalent) per academic year depending on the type of administrative assignments they may have. In Lawyering Process courses and other writing and skills courses, the maximum student to teacher ratio should be 18:1 per three-credit course. Courses involving higher ratios are to be counted as more than the standard number of credits.

The Law School's Workload Policy provides that "all academic teaching should be recognized in determining workload assignments and reassignments and/or other teaching assignments. Teaching workload assignments should never be so onerous as to make it difficult or impossible for a tenured or tenure-track faculty member to do scholarly research during the school year."

In general, if students are awarded credit for a course or other academic experience, the faculty member teaching, supervising, or advising as to the course or experience should

teaching that gave rise to these favorable assessments. The process of peer evaluation is discussed more fully below. Written peer evaluation reports are, likewise, available for inspection.

receive teaching credit with respect to it. This includes, for example, coaching moot court teams; advising the Society of Advocates or the NEVADA LAW JOURNAL; supervising directed readings, directed research, law journal notes, master's theses, and Ph.D. dissertations; and Introduction to Law sessions. In addition, teaching credit may be received for learning experiences for which students do not receive credit but which are important to the mission of the Law School, such as, for example, teaching bar preparation skills.

Faculty members assigned particularly time-consuming administrative responsibilities may be compensated by a reduced teaching load. Teaching loads also may be adjusted on account of overloads in other semesters, teaching large sections, extensive demands in developing new courses or in evaluating or restructuring the curriculum, unusually substantive research or other creative activity, program administration, service to the profession, and other considerations.

b. Assignments and Scheduling

Course assignments and scheduling are negotiated between each faculty member and the Associate Dean who tries, to the extent consistent with the needs of the curriculum, to assign faculty members to areas of their interest and to schedule their classes in such a way that they have time for scholarship and other obligations. Because the Law School offers both day and evening courses, some faculty teach two sections of the same course during a semester, thus reducing preparation time, allowing more time for scholarship or service.

We aspire to have our full-time faculty cover as much of the core curriculum as possible, with adjunct faculty taking on some of the more specialized or skills-oriented courses. Copies of the Spring 2005 and Fall 2005 course schedules are attached as Exhibit 14.

2. *Scholarship*

a. Scholarly Expectations

Faculty scholarship is highly valued at the Boyd Law School and in the communities that we serve. Indeed, scholarship that will aid in the better development, and understanding, of public policy is one of the major justifications for a state-supported law school for Nevada. In recruiting faculty we have sought to hire those with excellent scholarly records and those with the desire and potential to develop such records. Scholarship is an important factor in tenure and promotion decisions, in annual evaluations, and in the distribution of merit pay.

The Law School's Workload Policy provides, for tenured and for untenured, tenure-track faculty, that neither teaching nor committee and administrative assignments should be so onerous as to make it difficult or impossible for the faculty member to engage in scholarly research during the school year. It also states that tenured faculty should be at least as productive in scholarship (and in teaching) as untenured, tenure-track faculty.

Under the Policy, the average tenured faculty member should publish at least one significant law review article or its equivalent per year. The minimum scholarly production for a tenured faculty member should be three major law review articles (or their equivalent) over a five-year period, barring unusual circumstances. Scholarly expectations for untenured, tenure-track faculty members are set out in the Law School's promotion and tenure standards, which are described below. In general, production of at least three high-quality law review articles is required for tenure.

b. Scholarly Productivity

As a group, our faculty has been quite productive in the area of scholarship. A complete list of our faculty's publications is included at Exhibit 15.

Thirteen of the Law School's faculty members have authored or co-authored legal casebooks, treatises, and monographs — approximately 40 books in total. Sixteen of the Law School's faculty members have written chapters in books, and many have authored or co-authored law practice manuals with significant scholarly content. Law books authored or co-authored by Boyd faculty in 2005 alone include NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF PROBLEMS AND CASES (Aspen); TERRORISM, DRUGS, INTERNATIONAL LAW, AND THE PROTECTION OF HUMAN LIBERTY (2d ed., Transnational); WATER LAW: CASES AND MATERIALS (7th ed., West); CIVIL TAX PROCEDURE (Matthew Bender); INTELLECTUAL PROPERTY: CASES & MATERIALS (Supp., West); A COMPARATIVE STUDY OF UNITED STATES AND JAPANESE LAWS ON COLLABORATIVE INVENTIONS, AND THE IMPACT OF THOSE LAWS ON TECHNOLOGY TRANSFERS (Institute of Intellectual Property); CONTINGENT AND OTHER ALTERNATIVE WORK ARRANGEMENTS: LABOR AND EMPLOYMENT LAW ISSUES (BNA); chapters in CORBIN ON CONTRACTS (LexisNexis); MOTION PRACTICE (Supp., Aspen); THE LAW OF INSURANCE CONTRACT DISPUTES (Supp., Aspen); FEDERAL ARBITRATION REFORM IN THE UNITED STATES (Cambridge University Press); DISPUTE RESOLUTION: BEYOND THE ADVERSARY MODEL (Aspen); and a chapter in OUR CHILDREN, THEIR CHILDREN: CONFRONTING RACE AND ETHNIC DIFFERENCES IN AMERICAN JUVENILE JUSTICE (University of Chicago Press).

In addition, our faculty members have published, or had accepted for publication, articles, essays, colloquies, and book reviews in numerous legal and other journals. These journals include the following, among others.

General law reviews: the ALABAMA LAW REVIEW, AMERICAN UNIVERSITY LAW REVIEW, ARIZONA LAW REVIEW, ARIZONA STATE LAW JOURNAL, BOSTON COLLEGE LAW REVIEW, BOSTON UNIVERSITY LAW REVIEW, BROOKLYN LAW REVIEW, BYU LAW REVIEW, CALIFORNIA LAW REVIEW, CINCINNATI LAW REVIEW, COLUMBIA LAW REVIEW, CONNECTICUT LAW REVIEW, DENVER UNIVERSITY LAW REVIEW, EMORY LAW JOURNAL, FLORIDA LAW REVIEW, FLORIDA STATE UNIVERSITY LAW REVIEW, FORDHAM LAW REVIEW, HASTINGS LAW JOURNAL, HOFSTRA LAW REVIEW, INDIANA LAW JOURNAL, IOWA LAW REVIEW, LOUISIANA LAW REVIEW, MARYLAND LAW REVIEW, MICHIGAN LAW REVIEW, MISSOURI LAW REVIEW, NEBRASKA LAW REVIEW, NEVADA LAW JOURNAL, NEW YORK UNIVERSITY LAW REVIEW, NORTH CAROLINA LAW REVIEW, NOTRE DAME LAW REVIEW,

OHIO STATE LAW JOURNAL, OREGON LAW REVIEW, SMU LAW REVIEW, SOUTH CAROLINA LAW REVIEW, SOUTHERN CALIFORNIA LAW REVIEW, STANFORD LAW REVIEW, TULANE LAW REVIEW, UNIVERSITY OF CALIFORNIA (DAVIS) LAW REVIEW, UNIVERSITY OF COLORADO LAW REVIEW, UNIVERSITY OF ILLINOIS LAW REVIEW, UNIVERSITY OF KANSAS LAW REVIEW, UNIVERSITY OF MIAMI LAW REVIEW, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, UNIVERSITY OF PITTSBURGH LAW REVIEW, UNIVERSITY OF SAN FRANCISCO LAW REVIEW, UTAH LAW REVIEW, VANDERBILT LAW REVIEW, WAKE FOREST LAW REVIEW, WASHINGTON & LEE LAW REVIEW, WASHINGTON UNIVERSITY LAW QUARTERLY, and WILLIAM & MARY LAW REVIEW.

Specialty law reviews: the ADOPTION QUARTERLY, AMERICAN BANKRUPTCY LAW JOURNAL, AMERICAN CRIMINAL LAW REVIEW, AMERICAN JOURNAL OF COMPARATIVE LAW, AMERICAN JOURNAL OF CRIMINAL LAW, AMERICAN JOURNAL OF INTERNATIONAL LAW, AMERICAN JOURNAL OF LEGAL HISTORY, BANKRUPTCY DEVELOPMENTS JOURNAL, BERKELEY JOURNAL OF GENDER, LAW & JUSTICE; BERKELEY LA RAZA LAW JOURNAL, BERKELEY WOMEN'S LAW JOURNAL, BOSTON COLLEGE INTERNATIONAL & COMPARATIVE LAW REVIEW, BOSTON UNIVERSITY PUBLIC INTERNATIONAL LAW JOURNAL, CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL, CHILDREN'S LEGAL RIGHTS JOURNAL, CLINICAL LAW REVIEW, COLUMBIA HUMAN RIGHTS LAW REVIEW, COLUMBIA JOURNAL OF WORLD BUSINESS, CORNELL JOURNAL OF LAW & PUBLIC POLICY, DUKE JOURNAL OF GENDER LAW & POLICY, ECOLOGY LAW QUARTERLY, EMPLOYMENT RIGHTS QUARTERLY, FAMILY LAW QUARTERLY, FEDERAL COMMUNICATIONS LAW JOURNAL, FLORIDA TAX REVIEW, HARVARD JOURNAL OF LAW & PUBLIC POLICY, HASTINGS COMMUNICATIONS & ENTERTAINMENT LAW JOURNAL, HASTINGS CONSTITUTIONAL LAW QUARTERLY, HUMAN RIGHTS QUARTERLY, JOURNAL OF BANKRUPTCY LAW & PRACTICE, JOURNAL OF CORPORATE LAW, JOURNAL OF CRIMINAL LAW & CRIMINOLOGY, JOURNAL OF DISPUTE RESOLUTION, JOURNAL OF GENDER, RACE & JUSTICE; JOURNAL OF HUMAN RIGHTS, JOURNAL OF INTELLECTUAL PROPERTY LAW, JOURNAL OF LAW AND INEQUALITY, JOURNAL OF LAW, ECONOMICS & POLICY; JOURNAL OF LEGAL WRITING, JOURNAL OF PSYCHOLOGY, PUBLIC POLICY & LAW; JOURNAL OF PSYCHIATRY & LAW, JOURNAL OF TAX PRACTICE & PROCEDURE, LAW & CONTEMPORARY PROBLEMS, LAW & HISTORY REVIEW, LAW LIBRARY JOURNAL, LAW & PHILOSOPHY, LAW & SOCIAL INQUIRY, LAW & SOCIETY REVIEW, MICHIGAN JOURNAL OF RACE & LAW, NATIONAL BLACK LAW JOURNAL, NATURAL RESOURCES JOURNAL, NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE, OHIO STATE JOURNAL OF DISPUTE RESOLUTION, PSYCHOLOGY, LAW & PUBLIC POLICY; REAL PROPERTY, PROBATE & TRUST JOURNAL; SETON HALL JOURNAL OF CONSTITUTIONAL COMMENTARY, SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL, SOUTHERN CALIFORNIA REVIEW OF LAW & WOMEN'S STUDIES, TAX LAW REVIEW, TAX NOTES, TEXAS JOURNAL OF WOMEN & THE LAW, UCLA WOMEN'S LAW JOURNAL, UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM, UNIVERSITY OF TEXAS INTERNATIONAL LAW JOURNAL, VANDERBILT JOURNAL OF TRANSNATIONAL LAW, VIRGINIA JOURNAL OF POLICY & LAW, and VIRGINIA TAX REVIEW.

From the beginning of the Law School, the scholarly output of the faculty has been hampered by the ongoing demands of institution building. Law School faculty, across the board, have had unusually heavy committee responsibilities compared to our collective experience at other law schools. In addition, the shared responsibility of building the faculty

and of identifying, creating, and filling key staff positions to support that faculty, have required the entire faculty to devote considerably more time and effort to appointments and personnel matters than would be required at otherwise comparable, but more established law schools.

The University has a sabbatical program in which faculty from around campus compete for a limited number of sabbaticals. None of our faculty have yet applied under the University program although several are now eligible to do so.

The Provost's office, upon request by our faculty, has allowed faculty to reduce their teaching loads in a given semester by teaching overloads in another semester or by teaching summer school without additional compensation. This semester-to-semester flexibility is helpful with respect to discrete research projects, but requiring faculty to "pay back" the extra time allotted for scholarship does not, in the long run, increase the overall time allowed for scholarship.

Pre-tenure faculty at the Law School are presumptively afforded one semester without teaching or service responsibilities in a year of the faculty member's choosing prior to the faculty member's tenure year. Tenured faculty are eligible, subject to approval by the Dean, for one semester of research leave following the completion of three years of service to the Law School. These policies are in addition to the Law School's bank/payback policy and to the University's competitive sabbatical policy. These opportunities pre-existed the adoption of the Law School's Workload Policy. The Workload Policy confirmed them and provided that the semester without teaching and administrative responsibilities for pre-tenure faculty will be in the faculty member's second, third, or fourth year at the Law School.

3. *Service*

Law School faculty are expected, without regard to their status as non-tenure track, pre-tenured, or tenured faculty, to provide service to the Law School, UNLV, the legal academy, the bar, and the community in some meaningful way. Service is also among the criteria used for promotion-and-tenure and merit-pay purposes.

Under the Law School's Workload Policy, tenured faculty members should perform significant service each year to the School, to the University or University System, or to the local, state, national, or international communities. Contract faculty should be fully engaged in the Law School and perform significant service to it, to the University or University system, or to the other communities described above. The service expectations for untenured, tenure-track faculty members are set out in the Law School's promotion and tenure guidelines, which are described below.

a. Service to the Law School

The Law School currently has 11 standing committees on which two or more faculty members serve: Academic Standards; Admissions; Appointments; Bar Exam; Clinic; Curriculum; Dean's Advisory; Honor Code; Just and Inclusive Law School; NEVADA LAW

JOURNAL; and Reappointment, Promotion and Tenure. An ad hoc committee – Law Library Reappointment, Promotion, and Tenure – meets when a Law Library faculty member comes up for tenure. That committee includes both Library and other faculty members. The Dean’s Advisory Committee is elected each year by the faculty. The Dean makes all other committee assignments although the Dean’s selections for the Reappointment, Promotion and Tenure Committee must be confirmed by vote of the faculty.

In general, tenured faculty not on leave of absence serve on at least one committee. All pre-tenure faculty generally serve on at least one standing committee. The non-tenure track Lawyering Process faculty and the Externship Director each serve on standing committees.

As described above, faculty scholarship has been impeded by a heavy volume of institution-building service. To reduce those burdens, the Law School has reduced the number of committees. This has been effected by merging some committees and, in some cases, by transferring work from faculty committees to administrators (or, in the case of the Society of Advocates, to students under a single faculty adviser). Since last year, five standing committees have been eliminated: Academic Enrichment, Community Service, Placement, Society of Advocates, and Technology. In addition, the ad hoc Planning Committee and Workload Policy Committee have completed their work and have disbanded.

In addition to committee service, faculty members also *inter alia* provide advice and teaching evaluations for adjunct faculty, advise student organizations – including but not limited to the NEVADA LAW JOURNAL, the Law School’s student-edited law review, and the Society of Advocates, the Law School’s moot court and lawyering skills organization – mentor students, judge intramural competitions, and assist the teams preparing for various extramural competitions. As described in Parts V and VI, the Law School has centralized career advice for students under the Dean for Student Advancement. This should improve the service rendered to students and also decrease this service demand on faculty.

b. Service to UNLV

The Law School faculty provides members to UNLV’s Faculty Senate and to the University Tenure and Promotion Committee. Law School faculty also serve on standing and ad hoc UNLV committees. For example, Professors Berkheiser and Kindred have served on the Grievance Committee; Professor McGinley on the University Appeals Committee, the UNLV Committee on the Status of Women, and the Committee To Reform UNLV; and Dean Howarth on UNLV’s Task Force To Review Strategic Plans, Planning Council, and Assessment Council.

Law School faculty also have formed connections with other units of the University, which have furthered mutual learning in areas of common interest. We have a joint J.D./M.B.A. program with the UNLV’s School of Business and a joint J.D./M.S.W. program with UNLV’s School of Social Work. (Both are described more fully in Part III.) Professor Appell has served on UNLV’s Social Work School Community Advisory Board. Professor Grant has been a peer reviewer for the University of Nevada Press. Four members of our faculty have worked with UNLV’s Women’s Studies Department. Law School faculty have

served on thesis and dissertation committees for UNLV's Honors College and Hotel School. The Law School's Summer 2005 course in Nicaragua (described in Part III) was coordinated with and as part of the UNLV International Programs Office. Our collaborations with UNLV's Center for Democratic Culture have been particularly productive. Among other activities, the Law School and the Center collaborated on symposia on Judging Judges and Tort Reform.

Our NEVADA LAW JOURNAL has published articles by a number of UNLV professors outside the Law School, including professors from UNLV's Sociology Department, Economics Department, Political Science Department, History Department, School of Business, and Oral History Research Center. The Law School has sponsored programs of general interest and invited the UNLV community to attend these programs. For example, in October 2004, our Saltman Center on Dispute resolution sponsored a major program "Islam and the West: a Clash of Civilizations?".

Law School faculty have guest lectured in class, or spoken at conferences and meetings, of other units of, or related to, the University. Professor Stempel spoke at the Harry Reid Center for Environmental Studies and made a presentation on civility to the State Board of Regents. Professor McGinley lectured before the Women's Studies Department and the Executive MBA Program. Professor Johnson spoke at the Property Tax Forum organized by the Greenspun College of Urban Affairs and has given several talks as part of UNLV's University Forum series, which have been broadcast by UNLV Television.

In response to local and national controversies, in Spring 2005 Law School faculty and administrators conceived of the benefits to the University and the University System of further campus education and discussion of the principles and pressures related to academic freedom. With the approval of the Provost, the Law School, with the Faculty Senate, has planned a major conference, "Academic Freedom in a Time of Crisis," that is scheduled for October 14, 2005. The conference has been designed to bring in national experts on academic freedom to engage with Nevada professors and administrators. The program includes a keynote speech by Professor David Rabban of the University of Texas to provide an overview of the terrain, followed by a panel of Professor W. Lee Hansen of the University of Wisconsin, Professor Deborah Post of Touro Law Center, and Jane Buck, current President of the American Association of University Professors, to discuss specific areas of controversy. The conferees and invited guests will then split into discussion sections on specific issues, such as the Differences between Tenure and Academic Freedom, University Speech Codes, Academic Freedom and Libraries, Academic Freedom in Community Colleges, Academic Freedom and Creating an Inclusive Learning Environment, and the like. The final substantive program will be a Roundtable in which the invited guests and University and System leaders will respond to questions and points raised in the discussion groups. The conference is being funded by the Law School, and several members of the Law Faculty are leaders of the planning committee.

In its turn, the Law School has benefited from the contributions of excellent professors from other UNLV units. As noted, Professors Tanenhaus of the History Department and Nathanson of the School of Education are jointly appointed at the Law School. A clinical

psychology Ph.D. student from UNLV's Psychology Department works in our clinic under the supervision of Psychology Professor Michelle Carro. Currently, Professor William Werner of UNLV's Harrah College of Hotel Administration teaches a Labor Law course at the Law School. In the past, the late Professor Shannon Bybee of the Hotel College taught Gaming Law courses and Distinguished Professor Martha Knack of the Anthropology Department taught an Indian Law course at the Law School.

c. Service to the Legal Academy

The Law School's location in a destination city provides us with the ability to serve the national and international academy as a site for conferences. In the three years in our new facility, we already have hosted national conferences or meetings of the Society of American Law Teachers (SALT), LSAC's Conference on Academic Support, Rocky Mountain Regional Legal Writing Conference, and served as the Host Institution for the most recent Law & Society Annual Meeting. The major annual conferences LatCrit and CALI are scheduled to be held here in 2006 and 2007, respectively.

Law School faculty serve the legal academy in a variety of ways. In addition to traditional service through scholarship, faculty members have chaired programs for, have held offices within many sections of, and have spoken at events organized by the Association of American Law Schools.

Similarly, Law School faculty members have held leadership position in, or have chaired or spoken at meetings of, many other organizations of legal academics or legal academics and others. These organizations include the Clinical Legal Education Association, Consortium of Bay Area Law Schools, Central States Law School Association, Society of American Law Teachers, Asian Pacific American Law Teachers, Western Regional Law Teachers of Color, Federalist Society, Law and Society Association, Legal Writing Institute, Association of Legal Writing Directors, and American Association of Law Libraries.

Several members of the faculty have served on ABA site visitation teams. Dean Howarth has facilitated retreats and planning conferences at the law schools of Denver University, Mississippi College, and the University of Kentucky. Professor Johnson is a member of the Advisory Board of the Chapman University School of Law Graduate Tax Program. Professor Lawless is a Director, and Professor LaFrance is a Fellow, of the Center for Computer-Assisted Legal Instruction. Several members of the faculty have participated in state or regional conclaves on law school education.

Ten members of the Boyd faculty have served as promotion and tenure referees for other law schools, rendering approximately 60 reviews in total. In addition, Dean Morgan has done a considerable amount of consulting for other law schools, including those at St. Thomas (Minnesota), Ave Maria, Florida International, Thomas Jefferson, and Syracuse. He also has consulted with Tennessee State University and Queen's University of Charlotte about the possibility of starting law schools. He recently was appointed as Chair of the ABA Standards Review Committee.

Members of the Boyd Faculty also have served the legal academy as editors or members of editorial boards for the ADOPTION QUARTERLY, AMERICAN JOURNAL OF COMPARATIVE LAW, LAW & POLICY, CLINICAL LAW REVIEW, AMERICAN BANKRUPTCY LAW JOURNAL, QUARTERLY REVIEW OF FINANCE AND ECONOMICS, FINANCIAL REVIEW, LAW & HISTORY REVIEW, LAW & SOCIAL INQUIRY, SOCIAL SCIENCE HISTORY, TAX LAWYER, LINCOLN LEGAL PAPERS, and Transnational Publishers' International and Comparative Law series. In addition, Boyd faculty members have acted as consultants or reviewers for New York University Press, Aspen, Norton, Routledge, University of Georgia, Bedford, and Lexis Nexis publishers.

Boyd faculty members have spoken at conferences or given guest talks at following law schools: American, Arizona, Arizona State, California (Berkeley), California (Davis), California (Hastings), California Western, Case Western Reserve, Catholic, Chicago, Chicago-Kent, City University of New York, Cleveland-Marshall, Colorado, Connecticut, Cornell, DePaul, Duke, Emory, Franklin Pierce, Georgia, Georgia State, Golden Gate, Hamline, Harvard, Houston, Indiana-Indianapolis, Iowa, Kansas, Loyola (Chicago), Maryland, McGeorge, Miami, Michigan, Minnesota, Mississippi, Missouri-Columbia, New York University, Northeastern, Northern Kentucky, Northwestern, Notre Dame, Ohio State, Oregon, Quinnipiac, Rutgers-Newark, San Diego, San Francisco, Santa Clara, Seattle, Seton Hall, Southern California, St. Thomas (Florida), Stanford, State University of New York (Buffalo), Stetson, Temple, Tulane, Tulsa, Utah, Washington (St. Louis), Wayne State, and Yale.

The Law School also frequently hosts guest speakers from other universities and law schools, exposing our faculty, staff, and other interested participants to a wide range of legal scholarship and affording our guest speakers the benefit of our questions and insights. Since 2003, guest speakers at the Law School have included: Gordon Wood, Alva W. Way University Professor at Brown University, who delivered at the Law School in 2005 the inaugural Philip Pro Lecture in Legal History; Professor Andrew Leipold, University of Illinois School of Law, who addressed "Why Are Federal Judges So Acquittal Prone?"; Brian Bix, Frederick W. Thomas Professor of Law and Philosophy at the University of Minnesota School of Law, on "Modern Contract Law"; Professor Aviva Orenstein of Indiana University-Bloomington School of Law, discussing, "Deviance, Due Process, and the False Promise of Federal Rule of Evidence 403"; Professor Daryll Jones of the University of Pittsburgh School of Law and Geoffrey Bateman of the Center for the Study of Sexual Minorities in the Military, who debated the "Don't ask; Don't tell" policy; Professor Norm Rosenberg of Macalester College, addressing "Lawyering in the Age of Pop Imagery"; Professor Abel Valenzuela of UCLA's Center for the Study of Urban Policy and Tom Saenz of the Mexican American Legal Defense and Education Fund, who discussed immigrant labor issues; Edward Walterscheid, formerly of UCLA's Los Alamos National Laboratory, who took "A Look at the Science and Useful Arts Clause of the Constitution"; Professor Gabriel J. Chin of the University of Arizona School of Law on "Reconstruction and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth?"; Michael Grossberg, the Sally M. Reahard Professor of History and Professor of Law at Indiana University, discussing "Duped Dads and Discarded Children: A Historical Perspective on DNA Testing in Child Custody Cases"; Professor Robert Weisberg of Stanford Law School,

who considered “Sarbanes-Oxley and the Evolution of White Collar Crime”; and Marc Galanter, the John and Rylla Bosshard Professor Law at the University of Wisconsin School of Law, who explored “The Turn Against Law: The Recoil Against Expanding Accountability.”

Other legal academic guest speakers have included Douglas Baird, the Harry A. Bigelow Distinguished Service Professor, University of Chicago School of Law; Jean Braucher, the Roger Henderson Professor of Law, University of Arizona School of Law; Professor Al Brophy, University of Alabama School of Law; Erwin Chemerinsky, then Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California School of Law, now of Duke University School of Law; Professor Karen Czapanskiy, University of Maryland School of Law; Timothy Davis, the John W. & Ruth H. Turnage Professor, Wake Forest University School of Law; Professor Kevin Johnson, University of California-Davis School of Law; Professor Russell Korobkin, UCLA School of Law; Robert Levy, William L. Prosser Professor, University of Minnesota School of Law; Professor John Nagle, Notre Dame School of Law; Professor Ken Nunn, University of Florida School of Law; Professor John Orth, University of North Carolina School of Law; Professor Victor Romero, Pennsylvania State Dickinson School of Law; Professor Spencer Weber Waller, Director of the Institute for Consumer Antitrust Studies, Loyola University (Chicago) School of Law; Professor Judith Wegner, University of North Carolina School of Law; Professor Nancy Welsh, Pennsylvania State University Dickinson School of Law; and Professor Stephanie Wildman, Santa Clara University School of Law Center for Social Justice and Public Service.

The Law School also has been visited by Justices John Paul Stevens and Anthony Kennedy of the U.S. Supreme Court; judges of the U.S. Court of Appeals for the Second, Eighth, and Ninth Circuits; U.S. District Court judges; justices of the Supreme Courts of Arizona and Nevada; then ABA President Robert Grey Jr. and numerous other distinguished attorneys; and members of many public interest groups. Many Boyd Law professors also have made academic enrichment presentations to the faculty.

In academic year 2005-06, the Law School anticipates presentations by, among others, Professor Bill Ong Hing, Director of Clinical Education and Asian American Studies, University of California (Davis) School of Law; the Honorable Richard Goldstone, former Justice of the Constitutional Court of South Africa and former Chief Prosecutor of the U.N. International Criminal Tribunals for both Yugoslavia and Rwanda; Professor Clark Freshman, University of Miami School of Law; Professor Julius Getman, the Earl E. Sheffield Regents Chair, University of Texas School of Law; Professor Martin Malin, Director of the Institute for Law and the Workplace, Chicago-Kent College of Law; Elizabeth Schneider, Rose L. Hoffer Professor, Brooklyn Law School; Jack Rakove, Coe Professor of History and American Studies and Professor of Political Science at Stanford University, who will deliver the second Philip Pro Lecture in Legal History; Professor Chris Guthrie, Vanderbilt University School of Law; Professor Andrea Kupfer Schneider, Marquette University School of Law; Professor Carol Bensinger Liebman, Columbia University School of Law; Nancy Dubler, Montefiore Medical Center; Professor Viet Dinh,

Deputy Director, Asian Law & Policy Studies Program, Georgetown University Law Center; and Steven Smith, Warren Distinguished Professor, University of San Diego School of Law.

In addition, the Law School has sponsored or co-sponsored many symposia bringing together leading scholars from the Law School and other institutions. The following conferences and symposia have been held at the Law School, with papers being published in our NEVADA LAW JOURNAL:

(1) Law and Lawyers in the Early American West, 1/1 NEV. L.J. (Spring 2001): Barbara Allen Babcock, Judge John Crown Professor of Law, Stanford Law School; Professor A. Christopher Bryant, Boyd School of Law; Andrew P. Morris, Galen J. Roush Professor of Business Law and Regulation and Associate Dean for Academic Affairs, Case Western Reserve University; Gordon Morris Bakken, Professor of History, California State University, Fullerton.

(2) Insurance Law, 2/2 NEV. L.J. (Summer 2002): Professor Jeffrey Stempel, Boyd School of Law; Robert H. Jerry, II, Floyd R. Gibson Missouri Endowed Professor of Law, University of Missouri-Columbia School of Law; Kenneth S. Abraham, Class of 1962 Professor of Law, University of Virginia School of Law; Professor John F. Dobbyn, Villanova Law School; Professor Peter Nash Swisher, University of Richmond School of Law; Tom Baker, Connecticut Mutual Professor, University of Connecticut School of Law; Leo P. Martinez, Professor of Law and Academic Dean University of California, Hastings College of Law; Professor Jeffrey E. Thomas, Tiera M. Farrow Faculty Scholar, University of Missouri, Kansas City; Francis J. Mootz II, Pennsylvania State University Dickinson School of Law; Attorneys Eugene R. Anderson, Thomas R. Newman, Maro A. Goldstone, Walter J. Andrews, and Michael S. Levine.

(3) Perspectives on Dispute Resolution in the 21st Century, 3/2 NEV. L.J. (Winter 2002/2003): Professor Stephen Subrin, Northeastern University School of Law; Edward Brunet, Henry J. Casey Professor of Law, Lewis & Clark Law School; Professor Paul Carrington, Duke University School of Law; Professor John Oakley, University of California (Davis) School of Law; Professor Thomas Main, McGeorge School of Law; Jean Sternlight, then John D. Lawson Professor, University of Missouri-Columbia School of Law; and Professors Jeffrey Stempel and Carl Tobias, Boyd School of Law.

(4) Judicial Selection and Evaluation, 4/1 NEV. L.J. (Fall 2003): Presentation by UNLV's Center for Democratic Culture (roundtable including federal and state judges; media, business, and bar leaders; and UNLV professors); Michael W. Bowers, Professor of Political Science and Public Law, UNLV; and Professor Jeffrey Stempel, Boyd School of Law.

(5) Cross-Border Issues in Gaming, 4/2 NEV. L.J. (Winter 2003/2004): Steven Andrew Light, Professor of Political Science and Public Administration, University of North Dakota, and Co-Director, Institute for the Study of Tribal Gaming Law and Policy; Professor Kathryn R.L. Rand, University of North Dakota School of Law, and Co-Director, Institute for the Study of Tribal Gaming Law and Policy; Professor Kevin K. Washburn, University of

Minnesota Law School; Ronald J. Rychlak, MDLA Professor of Law and Associate Dean for Academic Affairs, University of Mississippi School of Law; and attorneys Anthony N. Cabot, Louis V. Csoka, and Heidi McNeil Staudenmaier.

(6) *The Law and Politics of Tort Reform* 4/2 NEV. L.J. (Winter 2003/2004): Presentation by UNLV's Center for Democratic Culture (roundtable including Professor Michael Green, Bess and Walter Williams Distinguished Chair in Law, Wake Forest University School of Law; Nancy Udell, General Counsel, Common Good; Professors Ann McGinley, Rob Correales, and Carl Tobias, Boyd School of Law; Professor William Robinson, UNLV Economics Department; Stanley Feldman, former Chief Justice, Supreme Court of Arizona; Dmitri Shalin, UNLV Sociology Department; attorneys; and industry figures); Professor Jeffrey Stempel, Boyd School of Law.

(7) *Guinn v. Legislature of Nevada* [major and highly controversial state constitutional law decision by Nevada Supreme Court], 4/3 NEV. L.J. (Spring 2004): William D. Popkin, Walter W. Foskett Professor Emeritus, Indiana University School of Law-Bloomington; Professor John C. Eastman, Chapman University School of Law, and Director, Claremont Institute Center for Constitutional Jurisprudence; Leo P. Martinez, Professor of Law and Academic Dean, University of California, Hastings College of Law; Professors Jeffrey Stempel, Sylvia Lazos, and Steve Johnson, Boyd School of Law.

(8) *Pursing Equal Justice in the West*, 5/1 NEV. L.J. (Fall 2004): John Valery White, J. Dawson Gasquet Memorial Professor of Law, Paul M. Hebert Law Center, Louisiana State University; Michael S. Green, Professor of History, Community College of Southern Nevada; Claytee White, Director of the Oral History Research Center at UNLV; Quintard Taylor, Scott and Dorothy Bullitt Professor of American History, University of Washington; Erin Ruble and Gerald Torres, H.O. Head Centennial Professor of Real Estate Law, University of Texas; Willard Hughes Rollings, Professor of History, UNLV; Bill Ong Hing, Professor of Law and Asian American Studies, University of California, Davis; Kevin R. Johnson, Associate Dean for Academic Affairs, Mabue/Apallas Professor of Public Interest Law and Chicana/o Studies, University of California, Davis; Professor David B. Cruz, University of Southern California Law School; Professors Lynne Henderson, Annette Appell, and Joan Howarth, Boyd School of Law.

(9) *The Lawyer's Role(s) in Deliberative Democracy: A Commentary by and Responses to Professor Carrie Menkel-Meadow*, 5/2 NEV. L.J. (Winter 2004/2005): Carrie Menkel-Meadow, Professor of Law, Georgetown University Law Center, Director, Georgetown-Hewlett Program in Conflict Resolution and Legal Problem Solving, Chair, CPR-Georgetown Commission on Ethics and Standards in ADR; Jennifer Gerarda Brown, Professor of Law and Director, Center on Dispute Resolution, Quinnipiac University School of Law; Philip J. Harter, Earl F. Nelson Professor of Law and member of the Center for the Study of Dispute Resolution, University of Missouri-Columbia; Bobbi McAdoo, Professor of Law and Senior Fellow of the Dispute Resolution Institute, Hamline University School of Law; Nancy A. Welsh, Professor of Law and Associate Director of the Center for Dispute Resolution, Dickinson School of Law, Pennsylvania State University; Dmitri N. Shalin,

Professor of Sociology, UNLV, Director, UNLV Center for Democratic Culture; and Professors Katherine R. Kruse and Jeffrey W. Stempel, Boyd School of Law.

(10) In March 2005, Robert Mnookin delivered an address at the Law School, sponsored by the Saltman Center, on “The Past, Present and Future of West Bank and Gaza Settlements: The Relevance of the Internal Conflict Among Israeli Jews.” Professor Mnookin is the Samuel Williston Professor at Harvard Law School and chair of the Steering Committee of the Harvard Program on Negotiation. Professor Mnookin’s address will be the lead article, with commentaries by Professor Russell Korobkin of the UCLA School of Law, Byron Bland of the Stanford Center on Conflict and Negotiation, Melanie Greenberg, and Professor Andrea Schneider of Marquette University School of Law. The lead article and the commentaries will be published in 6/2 NEV. L.J. (Winter 2005/2006).

In January 2006, the Law School will host a national invitational working conference on “Representing Children in Families: Exploring the Relationship Between Children’s Advocacy and Justice Ten Years After Fordham.” The conference, a follow-up to the 1995 Fordham Conference on Ethical Representation of Children, will convene over 90 law professors, lawyers, judges, and mental health professionals to discuss and make recommendations regarding directions and guidelines for child advocacy. Twenty of the participants are writing conference papers which, together with the conference working group reports and recommendations, will be published in a special edition (anticipated to be over 600 pages) of our NEVADA LAW JOURNAL.

The organizing committee for this conference includes the two chairs of the Fordham conference: Professor Bernardine Dohrn, Director of the Children and Family Justice Center of Northwestern University School of Law and Bruce Green, Louis Stein Professor at Fordham Law School. In addition, seven ABA sections, projects, and centers are co-sponsoring the conference, along with the major national centers and associations of children’s attorneys and the National Council of Juvenile and Family Court Judges.

The Law School has committed to host the LatCrit XI conference, the proposed time of which will be in October 2006. LatCrit, or Latina/o critical legal studies, has emerged as a most exciting development in contemporary legal studies. This is the only organized legal scholarly movement that actively engages a wide array of progressive legal scholarship (critical legal scholarship; critical race theory focusing on African Americans, Asian and Pacific Islander Americans, Latina/os, and indigenous peoples; feminism; and Queer studies) examining how these diverse legal movements impact on people of color. The conference proceedings will be published in the NEVADA LAW JOURNAL.

LitCrit theory links international economic and social movements to local issues. The proposed theme of the conference is immigration: how the changing demographics of immigration are affecting states and urban areas; the implications of the browning of the workforce and of unions; how and what immigrant communities are contributing to international cities, like Las Vegas; how the post-9/11 reforms continue to influence workforce demand-and-supply issues and the social welfare of immigrants; how immigration law affects the incorporation of immigrants into local communities and increases racial and

interethnic tensions; pressures of globalization, after 9/11, and their impacts on U.S. immigration.

Hosting the LatCrit XI conference will afford the Law School the opportunity to highlight its emergence as a law school in which immigration law is an area of expertise. Boyd currently has five faculty members who are immigration law experts: Professors Aldana, Correales, Lazos, Saucedo, and Thronson. The Law School also directs the Nevada Immigrant Resource Project. In addition, the Law School's immigration clinic, although only three years old, has already had significant successes in the development of immigration law. Las Vegas is emerging as a "gateway" city – it is a destination for many immigrants, and its economy is highly dependent on immigrant labor. This high-profile conference is expected to announce to the LatCrit community that UNLV is seriously committed to developing a high-quality LatCrit conference and to reaffirm that its faculty is a major contributor to this scholarly movement.

d. Service to the Bar and to the Rule of Law

Law School faculty have disseminated legal knowledge and have contributed in many ways to law reform in Nevada and the United States. In 2003, the Law School sponsored a Conference on Valuation of Assets in Bankruptcy, involving Boyd professors and many attorneys. Nevada statutes were amended effective July 1, 2005, to provide that two members of the Boyd faculty will be appointed to serve as Commissioners on the National Conference of Commissioners on Uniform State Laws. Upon the Dean's recommendation, Professors Kay Kindred and Bob Lawless are being appointed to represent Nevada in this capacity for four-year terms. In addition,

(1) Boyd faculty have contributed to state and national legislation. In many instances, their efforts were significant in passing, defeating, or amending proposed legislation. Boyd faculty members have testified before, have suggested legislation or commented on proposed legislation to, and have consulted with the staffs of a number of committees of Congress, including the Senate Judiciary Committee, the Senate Finance Committee, the House Ways and Means Committee, and the Joint Committee on Taxation.

Faculty members at the Law School have testified before Nevada legislative bodies on numerous occasions, including the Senate Judiciary Committee, Senate Committee on Taxation, Assembly Judiciary Committee, Assembly Committee on Growth and Infrastructure, Joint Subcommittee on Improving Nevada's Business Climate, Joint Subcommittee To Study the Death Penalty and Related DNA Testing, and Joint Subcommittee on Children, Youth, and Families. They also have consulted with the Legislative Counsel Bureau and other staff. Faculty members have rendered similar assistance to legislative bodies in other states as well, including Illinois, Indiana, and South Carolina.

(2) Boyd faculty members have testified before or consulted with administrative agencies and executive bodies. At the federal level, these include the United States Department of Education, Department of the Treasury, Equal Employment Opportunity

Commission, Internal Revenue Service, Judge Advocate General's Corps, Commission on Civil Rights, Fish and Wildlife Service, National Park Service, and the Securities and Exchange Commission. At the state level, they include the Nevada Governor's Office, Nevada Governor's Task Force on Tax Policy, Nevada Department of Human Resources, Clark County Growth Task Force, and the Southern Nevada Foster Care Review Board, as well as departments and agencies in Florida, Idaho, Illinois, Indiana, and Virginia.

(3) Not surprisingly, faculty members at the Law School have contributed their energy and expertise to numerous courts and to judicial panels and working groups. These include the Judicial Conference of the United States, and advisory groups for many federal circuit and district courts; panels and advisory groups of the Nevada Supreme Court, and Nevada's district, family, and juvenile courts; courts and judicial bodies in California, Florida, Idaho, Indiana, Missouri, New York, and Utah; and judicial support organizations, such as the National Judicial College, Roscoe Pound Institute Forum for State Court Judges, National Conference of State Trial Judges, Women Judges' Fund for Justice, and the National Council of Juvenile and Family Court Judges.

Boyd professors have appeared as counsel *pro bono*, filed amicus briefs, and served as expert witnesses in many federal and state cases. In 2004, four members of our faculty participated in a moot court for the Office of the Nevada State Public Defender in preparation for oral argument by that office in *Hiibel v. Sixth Judicial Court*, 124 S. Ct. 2451 (2004), a Fourth and Fifth Amendment case that originated from an arrest in Nevada.

(4) Boyd professors have served in leadership positions in and have spoken at numerous conferences sponsored by the American Bar Association. Their work has involved the following ABA standing and special bodies: Young Lawyers Division; Sections of Business Law, Consumer Financial Services, Dispute Resolution, Individual Rights and Responsibilities, Labor Law, Legal Education and Admission to the Bar, Litigation, Natural Resources, Energy and Environmental Law, Taxation, and Trial, Tort and Insurance Law; Commission on College and University Nonprofessional Legal Studies; Forum on Affordable Housing and Community Development, Nevada Death Penalty Assessment, Task Forces on Treasury Circular 230 and on Office of Professional Responsibility Procedures, and a joint ABA-NCCUSL Drafting Project for a Uniform Mediation Act.

(5) Among the very successful programs in which Law School faculty have participated are meetings of the State Bar of Nevada, at which our colleagues have participated with considerable frequency as speakers. Law School faculty also serve the Nevada State Bar in various capacities and contribute monthly articles to the NEVADA LAWYER (the journal of the Nevada State Bar).

Boyd faculty also have worked with the Clark County Bar Association ("CCBA"). For example, the Law School and the CCBA co-sponsored "Friends or Foes: The News Media and the Legal Community," a symposium bringing together judges, newspaper and television journalists, lawyers, and Boyd faculty. Law School faculty also have spoken at many CCBA programs and written for COMMUNIQUE (the journal of the CCBA).

In addition to service to the State Bar of Nevada and the CCBA, Boyd faculty have served – as speakers, members, or otherwise – over 20 other state and local bar associations as well as over a score of specialized bar organizations, such as the Hispanic National Bar Association, Federal Bar Association, National Association of Women Lawyers,

International Association of Gaming Attorneys, and National Association of Securities and Commercial Attorneys.

(6) Boyd professors have made presentations to, and otherwise participated in the work of, dozens of legal education and law reform organizations. They include NITA, PLI, American Judicature Society, Brennan Center for Justice, American Bankruptcy Institute, Institute of Business Law, Employment Law Roundtable, Institute for Energy Law, and the Center for American and International Law.

e. Service to the Community

The faculty's primary institutional outlets for community service are (1) the Thomas & Mack Clinic, which currently offers clinical programs in child welfare, juvenile justice, death penalty mitigation, education, and immigration, (2) our robust and growing Externship Program, which offers supervised placements with state and federal courts, agencies, and legislative offices, and (3) the first-year community service requirement. Law School faculty direct and teach in the clinical and externship programs and supervise the community service program. These programs are described in detail in Part III.

In addition, individual faculty members engage in a variety of pro bono activities. These activities range across a wide spectrum, embracing environmental quality, natural resources conservation, education, access to housing, substance abuse, legal services, and economic development. Faculty members have been particularly active on issues involving children and the family, immigration, the rights and needs of the incarcerated, and conflict resolution. Among the numerous organizations Boyd faculty have served are Street Teens, Coalition for Child Protection Reform, Aid for AIDS in Nevada, Battered Women's Clemency Project, the magnet school at Canyon Springs High School, Nevada Area Health Education Centers, and the Interfaith Council for Worker Justice.

f. Service to the International Community

One of the significant developments at the Law School in recent years has been the expansion of its opportunities and activities in international law. Our courses in the area have expanded substantially; the Law School has added faculty members with significant interests in and connections to international law, lawyers, and legal institutions; and a number of the faculty members already here have increased their activities internationally. In addition, the Law School has hosted delegations of visiting jurists and legal scholars from Japan and Russia.

Boyd professors have taught law school courses at, given lectures to, been visiting scholars at, or participated in conferences in Argentina, Australia, Austria, Barbados, Brazil,

Canada, China, Colombia, Egypt, El Salvador, France, Germany, Guatemala, Hungary, India, Ireland, Italy, Japan, Nepal, the Netherlands, New Zealand, Nicaragua, Poland, Puerto Rico, Russia, South Africa, Spain, Taiwan, and the United Kingdom. As examples:

Professor Aldana has litigated human rights cases before the Inter-American Commission and the Inter-American Court on Human Rights. She has made presentations to Brazil's Judicial School and the Attorney General's Office of Sao Paulo (Brazil). She has presented workshops on alternative dispute resolution to judicial employees in Costa Rica and trained judges and other professionals there in mediation.

In Summer 2005, Professor Aldana and Professor Saucedo led a group of six Boyd students in a course given in Nicaragua. The group designed and implemented a Domestic Violence Prevention and Awareness Program in a Nicaraguan city. This was a collaborative effort with the Maria Luisa Ortiz Cooperative and Women's Center.

Professor Geer was a Fulbright Senior Lecturer and Scholar in 2004 and 2005 at ILS College of Law in Pune, India. He also has served as a consultant to the World Wildlife Fund; the Ford Foundation project on Law Clinic Development working with law schools in Argentina, India, and Russia; and the U.S. Brazil Law Initiative, sponsored by USAID-Federal Judicial Center.

Professor Birdsong was an Ian Axford Fellow in Public Policy in Wellington, New Zealand. Professor LaFrance was a visiting researcher at the Institute of Intellectual Property in Tokyo. Professor McGinley was part of a delegation of employment lawyers who visited China in 2004 as part of the People to People Ambassador Program. Professor Pindell spoke on "Exploring the Social Function of Property and the Social Function of the City in Brazil and the United States," at the LatCrit Colloquium on International and Comparative Law in Buenos Aires in 2003. Professor Thronson was a Peace Corps volunteer working with the Nepal Ministry of Education; he also was a researcher for the Institute of Human Rights, Environmental and Development in Kathmandu, Nepal.

Professors Lazos and Sternlight both have given comparative or international law courses at the University of the West Indies; have consulted with faculty at the University of the Western Cape in South Africa; and have engaged in research and interdisciplinary collaborations in Ireland and Northern Ireland, developing systematic analysis of intergroup identity-based conflict and alternative dispute resolution. Professor Sternlight also has spoken and organized programs for the Caribbean Law Institute.

Professor Blakesley is an international scholar of great prominence. Among his numerous other activities and distinctions, he is one of the six *Secretaires Generaux Adjoints* and on the Board of Directors of the Association Internationale de Droit Penal, the oldest and most renowned international criminal law association in the world, with members from over 150 countries. Professor Blakesley also is on the advisory or editorial boards for over a half dozen other prestigious international associations, institutions, and journals. He has written scores of books, chapters, and articles for international law publications, and given scores of

major speeches abroad. He has been counsel in international law cases and assisted in drafting several treaties on peace, security, human rights, and criminal law.

4. *Faculty Governance*

All decisions relating to the content and structure of the Law School's program of legal education are exclusively within the purview of the faculty, subject only to constraints imposed by the rules of the Nevada System of Higher Education or the American Bar Association. As explained more fully above, the faculty is responsible for making recommendations for faculty appointments, through the Dean, to the Provost. Most other decisions relating to policy or practice at the Law School are either within the faculty's purview or are subject to the advice and consent of the faculty.

All members of the teaching faculty – tenured faculty, tenure-track faculty, Lawyering Process faculty, Library faculty, the Academic Success Director, and the Externship Director – may participate in all faculty meetings, other than those relating solely to personnel matters or where the teaching faculty determines that an executive session is appropriate (in which case, the Library faculty would not be invited to participate), and vote on all matters before the faculty for decision or for recommendation, other than those relating to personnel decisions involving tenured or tenure-track faculty. All members of the teaching faculty serve as voting members of one or more of the committees discussed more fully above.

E. Professional Environment

1. *Academic Freedom*

The Law School has not adopted an independent statement or policy on academic freedom. Section 2.1.2 of the Code of the Nevada System of Higher Education, of which UNLV, and consequently the Law School, is a part, states:

Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. Freedom in research is fundamental for the advancement of truth and knowledge. A member of the faculty has freedom and an obligation, in the classroom or in research, to discuss and pursue the faculty member's subject with candor and integrity, even when the subject requires consideration of topics which may be politically, socially or scientifically controversial. In order to insure the freedom to seek and profess truth and knowledge, . . . the faculty member shall not be subjected to censorship or discipline by the University of Nevada on grounds that the faculty member has expressed opinions or views which are controversial, unpopular or contrary to the attitudes of the University of Nevada or the community.

The Code goes on to further expound a faculty member's academic freedom in the areas of research,⁸ publication,⁹ teaching,¹⁰ and citizenship.¹¹

Section 2.1.3 of the Code imposes a countervailing duty of "academic responsibility," as explained by Section 2.3.5 of the Code:

As a person of learning and an employee of an educational institution, a faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances and acts. Therefore, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others and should indicate clearly that the faculty member is not an institutional spokesman.

2. Reappointment, Promotion, and Tenure: Pre-Tenure Faculty

Faculty appointed at the Assistant Professor level, as some faculty were in the Law School's early years, and faculty appointed at the Associate Professor level, as all our tenure-track hires have been in recent years, are eligible for tenure and promotion to Professor after six years of teaching service at the Law School, with some credit granted for relevant experience. Under the University's rules, law faculty may request early consideration for tenure. However, such requests are generally disfavored by the central administration.

Each pre-tenure faculty member has a tenured colleague assigned as a mentor. In addition, informal mentoring among faculty is encouraged.

a. Process

(1) Annual Review

The Dean, in consultation with the Reappointment, Promotion and Tenure Committee (hereinafter "RPT Committee"), prepares annual reviews of each pre-tenure faculty member.

⁸ Section 2.3.1. Freedom in Research. A member of the faculty is entitled to full freedom in research and in the professional publication of the results, subject to the satisfactory performance of the faculty member's other academic duties.

⁹ Section 2.3.2. Freedom to Publish. A member of the faculty is entitled to full freedom to publish literary, academic, technical or other noteworthy works as required in the performance of the faculty member's duties and/or obligations to the University of Nevada.

¹⁰ Section 2.3.3. Freedom in the Classroom. A member of the faculty is entitled to freedom in the classroom in discussing a subject, but the faculty member should be careful not to persist in discussing matters which have no relation to the subject taught.

¹¹ Section 2.3.4. Faculty as Citizens. A member of the faculty is a citizen of the community, a member of a learned profession and an employee of an educational institution. A faculty member speaking, writing or acting as a citizen shall be free from institutional censorship or discipline.

Each pre-tenure faculty member must submit an Annual Report, outlining the faculty member's achievements in the fields of scholarship, teaching, and service, to the Dean and the RPT Committee. The Dean consults with the RPT Committee before submitting his or her written report to the University, and provides the RPT Committee with a copy of the written report.

Every semester, the classroom teaching of each pre-tenure faculty member is evaluated by one or more tenured faculty members who visit one or more of the pre-tenure faculty member's classes. The faculty evaluators submit their written evaluations to the RPT Committee and to the pre-tenure faculty member, who may submit a written response to the written evaluation.

(2) Pre-Tenure Review

Typically, in the Spring semester of a pre-tenure faculty member's third year at the Law School, the RPT Committee conducts a pre-tenure review, for the purpose of assisting the candidate in assessing his or her likelihood of achieving tenure "on schedule." To facilitate this review, the RPT Committee compiles a file including the candidate's curriculum vitae and personal statement regarding research, teaching, and service; copies of the candidate's scholarly publications; a summary of the candidate's student teaching evaluations; peer evaluations of the candidate's teaching; peer evaluations of the candidate's service-oriented publications or activities; and, at the candidate's request, peer evaluations of the candidate's scholarly publications. The RPT Committee, after compiling the faculty member's file, prepares a written report for the faculty member reviewing her or his achievements in the areas of teaching, research, and service, and candidly assessing the strengths and weaknesses of her or his case for promotion or tenure. For any identified weaknesses, the RPT Committee's report suggests what steps the faculty member may take before her or his promotion or tenure application that would remove or ameliorate those weaknesses.

(3) Promotion from Assistant to Associate Professor

The Law School's Substantive Standards and Procedural Guidelines for Promotion and Tenure (the "P&T Guidelines") are attached as Exhibit 16. The P&T Guidelines describe the process for promotion from Assistant to Associate Professor. That process, however, is of limited current significance. Only one of our faculty members currently is an Assistant Professor. That faculty member already has tenure and is eligible to apply for promotion to Associate Professor. In addition, the Law School now hires new tenure-track faculty members only at the rank of Associate Professor.

(4) Tenure and Promotion to Professor

A tenure-track faculty member is generally eligible for tenure and promotion to Professor in the Fall semester of her or his seventh year at the Law School, unless he or she has been granted credit toward promotion and tenure based on prior teaching experience elsewhere. Absent such credit, the faculty member typically applies for promotion and

tenure, and that application is considered, in the fall of the faculty member's sixth year at the Law School.

Prior to that time, the RPT Committee compiles a file including the same materials required for Pre-Tenure Review, except that peer evaluations of the candidate's service-oriented publications or activities are not required, but may be requested by the candidate, and peer evaluations of the candidate's scholarly publications are required. On the basis of these written materials, the RPT Committee makes a written Report and Recommendation to the Dean to approve or deny the candidate's promotion. The candidate may respond in writing to the Report and Recommendation.

Following receipt of the RPT Committee's report and the candidate's response, if any, the tenured faculty meets, with the Dean presiding but not voting, to approve or disapprove the RPT Committee's recommendation. A recommendation of tenure requires the support of two-thirds of the tenured faculty (excluding the Dean) present at the called faculty meeting, and also constitutes a positive recommendation for promotion to Full Professor.

The Dean then forwards the faculty's recommendation, along with that of the RPT Committee, and the Dean's own recommendation, to the Provost. Both those tenured faculty members who voted on the candidate's promotion and the candidate have the opportunity to review the Dean's Report and Recommendation and to supplement the Dean's Report and Recommendation in accordance with the Law School's P&T Guidelines. The Provost then forwards that package of recommendations to the University Reappointment, Promotion, and Tenure Committee, which makes yet another recommendation to the Provost. Ultimately, the Provost makes a recommendation to the President. Armed with five recommendations – the Law School RPT Committee's, the tenured law faculty's, the Dean's, the University Reappointment, Promotion, and Tenure Committee's, and the Provost's – the President then decides whether to recommend the candidate's application for tenure to the Board of Regents for final approval.

b. Standards

A successful candidate for tenure or promotion must demonstrate “a satisfactory level of achievement” in scholarship, teaching, and service, and must demonstrate “excellence” in either scholarship or teaching, as those terms are defined by the Law School's P&T Guidelines. A successful candidate must also demonstrate that the level of achievement shown prior to his or her promotion or grant of tenure will be sustained for the remainder of his or her professional career. In brief, the P&T Guidelines require a candidate “to show that level of satisfactory competence in scholarship, teaching, and service that would be expected and demanded from a full-time faculty member at a nationally-recognized university law school” and to “possess[] a coherent and ambitious research agenda or a serious dedication to scholarship, a desire to instruct students in effective and inventive ways, and a desire to serve others through law-related institutions and communities that is manifested through dedication and achievement.” (P&T Guidelines, pp. 2-3).

(1) Scholarship

While the Law School embraces the idea that meaningful legal scholarship can take many forms, a promotion or tenure candidate's legal scholarship will generally be evaluated on the basis of his or her completion of books, monographs, book chapters, articles, substantial book reviews, or essays, published or accepted for publication in legal or other academic periodicals. A candidate for tenure and promotion to Professor must generally produce three works that (1) evidence substantial or creative intellectual endeavor, (2) manifest a useful contribution to the study of law or its application, and (3) can form the basis for a conclusion that the candidate will probably continue to publish works of similar or better quality.

The tenured faculty's evaluation of a candidate's scholarship and research agenda is aided, but not determined, by outside legal scholars who may be more familiar with the candidate's methodologies and performance. The tenured faculty has the independent right and ability to form its own conclusions about the quality of the scholarship and the candidate's promise for future scholarship.

(2) Teaching

As with scholarship, the Law School rejects a unitary model of good teaching. Some teachers emphasize the learning of doctrine, others focus on the policy implications of the law's power, and still others teach the insights other disciplines have to offer. Also important are the teaching of advocacy and counseling, as well as ethics and professional responsibility. Some teachers use a variety of teaching methods, such as Socratic dialogue, problem-solving, simulations, and intensive one-on-one instruction in clinical settings, to serve one or many of these goals. Other teachers may be effective using just one.

While the Law School embraces the idea that good teaching can take many forms, the tenured faculty evaluates a promotion or tenure candidate's teaching with the aid of student teaching evaluations and peer visits to the candidate's classes, as well as the candidate's own statement of his or her teaching goals and philosophy. The teaching of a candidate for promotion and tenure will be evaluated as "excellent" if a candidate has demonstrated an exceptional ability and the promise of continuing excellence in assisting students to acquire knowledge, understanding, skills, and professionalism. A candidate for promotion or tenure should demonstrate a mastery of the subject matter taught, clarity of organization and presentation, the ability to challenge students to think rigorously and critically, a capacity to prompt students to explore subjects in their full intellectual richness, and the ability to achieve teaching excellence given the nature and type of the candidate's teaching assignments.

(3) Service

As a professional school, the Law School expects a high level of service from its faculty, including service to the Law School, UNLV, the legal academy, the bar, and the Nevada, national, or international communities. In addition, while ordinarily not considered

scholarship, law faculty often produce “service-related” publications, including bar or University committee reports, articles written primarily for practitioners and judges, and writings or publications done in connection with or for presidential, gubernatorial or other executive commissions, legislative committees, court appointments, or administrative agency appointments.

The faculty normally makes its own assessment of both a candidate’s service record and the likelihood that the candidate will continue to meaningfully serve the Law School and other important constituencies. In appropriate cases, however, the candidate may be asked to furnish the names of individuals who can attest to the nature and quality of relevant or particularly time-consuming service activities.

c. Track Record

The Law School sent its first promotion and tenure cases to the University Reappointment, Promotion, and Tenure Committee in Fall 2001. Since then and in total, the Law School has considered, and forwarded to the University Committee, 12 promotion and tenure cases. Six involved promotion from Assistant to Associate Professor without tenure; one involved promotion from Assistant to Associate Professor with tenure; and five involved promotion from Associate to full Professor with tenure.

With one exception, the ultimate result in each of the cases was approval of the promotion or the promotion with tenure. In the remaining one case, the ultimate result was denial of promotion but approval of tenure. Three additional candidates will be considered in Fall 2005 for tenure and promotion from Associate to full Professor.

3. *Reappointment: Non-Tenure Track Faculty*

The Director of the Lawyering Process program is a tenured faculty member. The other five lawyering process faculty members are contract faculty, as are the Externship Director, Academic Success Director, and Associate Director of the Saltman Center. Because the Lawyering Process faculty (with the exception of the Lawyering Process Director) and the Externship and Academic Success and Associate Director of the Saltman Center Directors are not eligible for tenure or promotion in academic rank, the critical issues for them are reappointment and job security.

a. Process

University policy affords non-tenure track faculty a measure of job security that increases as the faculty member’s length of service at the Law School increases, to the point that non-tenure track faculty who have served at least two consecutive years are entitled to one year’s notice prior to the nonrenewal of their contract. The Law School does not have written standards as to reappointment of non-tenure track faculty, but instead sets out applicable terms and policies in the appointment and reappointment letters issued to the non-tenure track faculty members.

Since 2004, at the Law School's request, the University has allowed longer term contracts for non-tenure track faculty members. Such faculty members receive one-year contracts in their first three years of teaching, but are eligible for three-year contracts thereafter. The three-year contracts are renewable.

b. Standards

The primary responsibilities of non-tenure track faculty pertain to teaching and administration. They have no scholarship responsibilities, although they are invited to engage in scholarship. Otherwise, they are subject to the same teaching and service expectations as the tenure-track faculty.

c. Track Record

Thus far, the only non-tenure track faculty member whose contract has not been renewed for the next academic year chose to leave teaching to return to practice (and later taught at the Law School as an adjunct). Another non-tenure track faculty member was terminated for cause. Two others resigned before being terminated for cause.

d. Status Issues

Tenured, tenure-track, and non-tenure track faculty generally have offices next to one another, work together on committees, and share governance of the Law School on all non-personnel issues. While the majority of the faculty remains committed to its decisions to entrust the bulk of the Lawyering Process program and the Externship and Academic Success programs to full-time professionals whose foci are teaching and student contact, the perceived lack of job security inherent in non-tenure track decisions undoubtedly affects the working environment for the non-tenure track faculty. And, the facts that such positions are non-tenure track at many other law schools and that no non-tenure track faculty member at this Law School has been denied reappointment other than for cause are not, in and of themselves, wholly satisfactory answers to the job security concerns of the non-tenure track faculty.

The current status of the non-tenure track faculty does not preclude the possibility that in the future, as the Law School's programs and resources grow, non-tenure track faculty may be offered a form of job security that recognizes the focus on teaching and service, such as long-term contracts, presumption of continuing employment, or tenure within the Lawyering Process or Externship program (akin to our policy permitting tenure within the Law Library to tenure-track Library faculty who satisfy certain criteria that reflect the particular needs of the Library).

F. Adjunct Faculty

In the Law School's first three years, we staffed our courses with full-time faculty. Since then, we have assembled a stable of excellent adjunct professors to assist in the staffing of the Law School curriculum. Generally, adjunct faculty teach specialized elective courses and skills courses, while full-time faculty teach the core curriculum.

Currently, the Law School has a corps of approximately two dozen adjuncts. They include three sitting federal judges: Judge Jay Bybee of the Court of Appeals for the Ninth Circuit, Judge James Mahan of the District Court for the District of Nevada, and Judge Bruce Markell of the Bankruptcy Court. Boyd adjuncts also include the Federal Public Defender for the District of Nevada and two attorneys from the United States Attorney's Office. Other Boyd adjuncts are prominent attorneys from private practice, including some of the top lawyers nationally (indeed internationally) in their fields, such as Robert Faiss and Anthony Cabot in Gaming Law and Mark Tratos in Intellectual Property.

Most adjuncts teach only one course per year or one course every several years. They have taught, or are scheduled to teach, such courses as ADR Practicum, Community Property Law, Estate and Gift Tax, Gaming Law, Gaming Law Policy, Health Care Law, Law Practice Management, Legislation, Pre-Trial Litigation, Taxation of Business Entities, Civil and Criminal Tax Litigation, Estate Planning Seminar, and Trial Advocacy. In the Spring 2004 Semester, an adjunct taught one section of Evidence, but in the future the Law School will use adjuncts in such core courses only in exceptional circumstances. Adjunct and full-time faculty teach in both of the Law School's divisions, with the mix of full-time to adjunct faculty roughly the same in the day as it is in the night division. The curriculum vitae of adjunct professors teaching in the current academic year are attached as Exhibit 17.

1. Selection

To date, applications from prospective adjuncts have far exceeded the Law School's needs, desires, and capacity to interview, monitor, and evaluate. As such, the Associate Dean for Academic Affairs has principally relied on recommendations by existing faculty members. After receiving a favorable recommendation, the Associate Dean will vet a prospective adjunct by reviewing his or her qualifications and expression of interest and by interviewing the prospective adjunct. In some cases the Associate Dean has recommended to the faculty an adjunct candidate who became known to the Law School through an unsolicited direct application. The faculty must approve new adjuncts.

2. Preparation

The Law School assists adjunct faculty members in preparing to teach and in teaching their courses. A comprehensive Adjunct Orientation Guide is distributed to all adjuncts before the start of the semester in which they are teaching. The Guide is attached hereto as Exhibit 18. In addition, each adjunct is assigned a member of the full-time faculty who serves as the adjunct's advisor throughout the semester. Adjunct faculty members frequently request and receive assistance from full-time faculty members in selecting textbooks, determining course context and organization, and preparing syllabi, examinations, and other materials.

3. Evaluation

Adjuncts are, not surprisingly, evaluated solely on their teaching – both in and out of class. Students evaluate their adjunct professors in the same way that they evaluate full-time

faculty. In addition, full-time faculty generally visit each adjunct's class once per year, and serve as mentors for the adjunct faculty. Each adjunct will also meet with the Associate Dean for Academic Affairs to discuss the class and any comments from students or full-time faculty that merit discussion. On the whole, we have been pleased thus far with the performance of our adjunct faculty, although we have had concerns that a few have not been sufficiently rigorous in class, in grading, or both. The Law School has not invited those particular adjuncts to teach again.

4. *Retention*

The Law School has complete discretion to invite or not to invite an adjunct to teach additional classes in the future.

V. STUDENTS

A. Admissions

The Boyd School of Law has just completed its eighth admissions cycle. The Admissions Committee has been pleased and encouraged by the process and outcome of the four admissions cycles completed since the School's last self study.

A review of our most recent admissions cycles shows that our full-time applicant pool has grown tremendously while our part-time pool has experienced more moderate growth. The growth in our full-time pool can be attributed primarily to a remarkable increase in the number of non-resident applicants, a result no doubt of the School becoming fully accredited and more widely known. It is heartening to note that the number of resident full-time applicants also has risen each of the past four years. The part-time pool has shown slight growth in resident applicants and marked growth in non-resident applicants the past two years.

1. *Information on Fall 2001, Fall 2002, Fall 2003, and Fall 2004 Admissions Cycles*

a. Applicant Pools

Fall 2001: The Law School received a total of 770 applications for admission to the entering class. Of this pool, 558 applicants sought admission to the full-time program and 212 sought admission to the part-time evening program. The applicant pool included 371 Nevada residents and 399 non-residents.

Fall 2002: The Law School received a total of 1106 applications for admission to the entering class. Of this pool, 891 applicants sought admission to the full-time program, 165 sought admission to the part-time evening program, and 50 sought admission to the part-time day program. The applicant pool included 410 Nevada residents and 696 non-residents.

Fall 2003: The Law School received a total of 1704 applications for admission to the entering class. Of this pool, 1430 applicants sought admission to the full-time program, 201 sought admission to the part-time evening program, and 73 sought admission to the part-time day program. The applicant pool included 457 Nevada residents and 1247 non-residents.

Fall 2004: The Law School received a total of 2199 applications for admission to the entering class. Of this pool, 1889 applicants sought admission to the full-time program, 246 sought admission to the part-time evening program, and 64 sought admission to the part-time day program. The applicant pool included 518 Nevada residents and 1681 non-residents.

b. Admittees/Matriculants

Fall 2001: The Admissions Committee extended offers to 241 applicants — 166 in the full-time program and 75 in the part-time program. Of the 241 admitted applicants, 142 enrolled (81 FT, 61 PT) in the Fall 2001 entering class, a capture rate of 59%.

Fall 2002: The Admissions Committee extended offers to 267 applicants — 208 in the full-time program, 49 in the part-time evening program, and 10 in the part-time day program. Of the 267 admitted applicants, 141 enrolled (88 FT, 45 PTE, 8 PTD) in the Fall 2002 entering class, a capture rate of 53%.

Fall 2003: The Admissions Committee extended offers to 286 applicants — 226 in the full-time program, 49 in the part-time evening program, and 11 in the part-time day program. Of the 286 admitted applicants, 160 enrolled (114 FT, 35 PTE, 11 PTD) in the Fall 2003 entering class, a capture rate of 56%.

Fall 2004: The Admissions Committee extended offers to 265 applicants — 215 in the full-time program, 46 in the part-time evening program, and 4 in the part-time day program. Of the 265 admitted applicants, 150 enrolled (105 FT, 41 PTE, 4 PTD) in the Fall 2004 entering class, a capture rate of 57%.

c. LSAT/GPA

Fall 2001: For the Fall 2001 entering class, the median LSAT was 154 (in both the full-time program and the part-time program); the 75th percentile LSAT was 157 and the 25th percentile LSAT was 150. The median undergraduate grade point average was 3.36.

Fall 2002: For the Fall 2002 entering class, the median LSAT again was 154; the 75th percentile LSAT was 158 and the 25th percentile LSAT was 151. The median undergraduate grade point average was 3.38.

Fall 2003: For the Fall 2003 entering class, the median LSAT was 155; the 75th percentile LSAT was 158 and the 25th percentile LSAT was 151. The median undergraduate grade point average was 3.48.

Fall 2004: For the Fall 2004 entering class, the median LSAT was 157; the 75th percentile LSAT was 160 and the 25th percentile LSAT was 153. The median undergraduate grade point average was 3.52.

2. Selecting Applicants

In keeping with the School's mission and educational objectives, the Admissions Committee seeks to enroll an accomplished and diverse group of women and men who will contribute to the enrichment of the educational program of the School and to the community and the profession after graduation. We seek students who have demonstrated significant accomplishments in their lives, for example, by achieving distinguished academic records as undergraduate or graduate students, by engaging successfully in important and challenging careers, by providing significant service to their communities, or by overcoming substantial obstacles caused by the applicant's race, ethnicity, gender, economic status, or disability. We believe that the Law School should and can have a student body that is both academically well qualified and diverse. The presence in the School of students who have diverse backgrounds, attitudes, and interests contributes to the breadth and quality of the classroom and non-classroom dialogue that is a critical element of legal education.

In assessing applicants, the Admissions Committee looks to:

Academic capability: To assess an applicant's academic capability, the Committee considers such factors as undergraduate grade point average, the trend of college grades, the difficulty of the applicant's course of undergraduate study, the quality and grading pattern of the applicant's undergraduate institution, the extent of work or other activities engaged in while in college, the date of the undergraduate degree, graduate studies, and performance on the Law School Admission Test.

Nonacademic accomplishments: The Committee will consider evidence of significant accomplishments in extracurricular activities, employment, military service, and community service.

Individual background: The Committee will consider the applicant's state of residency; cultural, ethnic, racial, and socioeconomic background; and evidence of significant handicaps overcome by the applicant. The Committee will also consider any past history of criminality or academic misconduct.

The Admissions Committee, Dean, and faculty formulate and administer the admissions program and policies of the School. The Admissions Committee members read all applicants' files, and no students are admitted without the review and approval of the Admissions Committee.

As a matter of general admission policy, matriculants to the Law School are expected to have completed a bachelor's degree. Since the Law School commenced classes August 1998, a single exception has been made to the letter of this policy in the case of an individual who withdrew from his undergraduate program after three years to enter medical school.

That individual subsequently completed medical school and has been in private medical practice since 1962. The Admissions Committee, on the basis of the circumstances surrounding his undergraduate withdrawal, subsequent completion of his medical degree, and impressive professional accomplishments, believed this candidate to be well qualified. We have never admitted any student who has not taken the LSAT test.

3. *Diversity*

The four most recent entering classes were talented and diverse. The Fall 2001 through Fall 2004, entering classes consisted of 21%, 22%, 21%, and 27% ethnic minorities, respectively. The members of these classes also possess strong records of graduate study, community service, and work experience.

4. *Recruitment Efforts*

The foundation of the Law School's short-term and long-term student recruitment process has been established by the ongoing hard work of Dean Morgan promoting the School throughout (and beyond) Nevada. Additional efforts to recruit individuals to apply for admission to the four most recent entering classes have included:

- participating in organized informational fairs within Nevada,
- participating in organized information fairs at regional colleges and universities,
- participating in LSAC forums throughout the country,
- conducting open houses at the Law School to inform local community members of the School's resources, curricular offerings, and application procedures,
- mailing information and application materials to individuals who contacted the Law School directly,
- mailing information and application materials to minority candidates identified through the Candidate Referral Service,
- conducting Law School tours and information sessions on the Law School and its application process on the UNLV campus,
- providing information to potential law students on the Law School's website,
- soliciting speaking engagements with interested community organizations, as well as student organizations (pre-law societies and others) at UNLV, UNR, local community colleges, and colleges and universities outside Nevada, and
- conducting annually a minority student recruitment event in conjunction with LSAC Minority Student Recruitment Month.

To encourage admitted applicants to matriculate, the Law School has held open houses at which admittees have the opportunity to meet current law students, alumni, faculty, and staff. Because of the small size of the Law School, personal attention to admittees has been relatively easy to provide. The Assistant Dean for Admissions and Financial Aid,

current law students, alumni, and faculty members have made personal calls to admitted students, offering them general information about, as well as their individual perspectives on, the Law School.

5. Scholarships

The availability of scholarship funds, provided by private donors within and outside Nevada, certainly has assisted the Law School in convincing admittees to matriculate.

Fall 2001: The Admissions Committee made 129 first-year scholarship offers to admittees in amounts ranging from \$7000 to \$1000; 58 of those scholarship offers were accepted. In academic year 2001-02, the Law School awarded \$510,000 in scholarships: \$184,500 to entering students and \$325,500 to continuing students.

Fall 2002: The Admissions Committee made 158 first-year scholarship offers to admittees in amounts ranging from \$14,000 to \$500; 56 of those scholarship offers were accepted. In academic year 2002-03, the Law School awarded \$568,500 in scholarships: \$261,000 to entering students and \$307,500 to continuing students.

Fall 2003: The Admissions Committee made 190 first-year scholarship offers to admittees in amounts ranging from \$14,490 to \$1000; 83 of those scholarship offers were accepted. In academic year 2003-04, the Law School awarded \$803,868 in scholarships: \$551,740 to entering students and \$252,128 to continuing students.

Fall 2004: The Admissions Committee made 195 first-year scholarship offers to admittees in amounts ranging from \$14,490 to \$1000; 84 of those scholarship offers were accepted. In academic year 2004-05, the Law School awarded \$845,000 in scholarships: \$462,770 to entering students and \$382,230 to continuing students.

6. Readmission of Students

Since Fall 2002, 30 students have been subject to academic dismissal. The Academic Standards Committee (“ASC”) reviews show-cause petitions from those students subject to academic dismissal who wish to be retained. Of the 30 students subject to dismissal, 21 were readmitted subject to conditions. Five of those students were successful in raising their grade point averages and graduated. Seven of the 21 students are currently enrolled – five in good standing and two on probation for Fall 2005. At the end of the Spring 2005 semester, ten students were subject to academic dismissal. One of them did not seek readmission. Two were denied readmission. One was approved for graduation. Five were readmitted to continue as upper-division students. One was conditionally readmitted to repeat the first year. This student must provide verification from the UNLV Disability Resources Center of a documented disability in order to remain enrolled.

In order to be retained, a student subject to academic dismissal must prove that she or he possesses the requisite ability to achieve satisfactory performance in law school and that her or his disqualification does not indicate a lack of capacity to complete her or his legal studies. Alternatively, the student must prove that her or his academic failure was the result

of extraordinary circumstances beyond her or his control and show that the poor scholarship was not due to lack of ability or failure to apply herself or himself diligently to the study of law. If extraordinary circumstances raised by the student are related to physical or psychological incapacity in the course of a semester or before or during an examination, the student must provide convincing medical proof of the existence of the conditions and proof that the conditions will no longer prevent completion of studies at the Law School.

7. Transfer of Students

The Admissions Committee considers for admission students who wish to transfer to the Boyd School of Law after having completed a minimum of one year of legal study at an ABA-accredited law school. The Committee assesses transfer applicants using the same criteria as those used in assessing first-year applicants, as well as the applicant's performance in law school courses and the quality of the law school at which the applicant has studied. The Boyd School of Law permits a maximum of 42 hours of law course work to be transferred for credit toward its Juris Doctor degree. Transfer credit must be approved by the Associate Dean for Administration and Student Affairs and is only given for law courses in which the applicant attained a grade of C (or the numerical equivalent) or better. Transfer students must complete a minimum of 47 credit hours at the Boyd School of Law.

Since 1999, over 25 transfer students have enrolled at the Law School. These students transferred from Arizona State University, California Western School of Law, Case Western Reserve, Creighton University, Florida State University, Golden Gate University, Gonzaga University, Oklahoma City University, Thomas Cooley School of Law, Thomas Jefferson School of Law, Denver University, University of Idaho, University of New Mexico, University of Pacific-McGeorge, University of Toledo, University of Utah, Valparaiso, Western New England, Whittier College, and William Mitchell School of Law.

8. Character and Fitness

Each applicant to the Boyd School of Law is notified in the School's catalog that admission to the bar following law school graduation requires a character review. We tell applicants they should consult the bar admissions authority of the state where the applicant plans to practice to obtain information regarding the character and other qualifications for admission to the bar in the state. In addition, our Student Policy Handbook (which is attached as Exhibit 19) includes an Appendix on bar admission in Nevada, and we provide links to all state bar offices on our career services website.

9. Challenges

The Boyd School of Law Admissions Office and Admissions Committee must attend to the same challenges faced by admissions offices at law schools nationwide: continue efforts to improve the quality and diversity of the Law School's entering classes, continue to offer attentive and professional service to applicants and prospective applicants, and continue to manage the processing and review of applications in an efficient manner that minimizes undue burden on office staff and Admissions Committee members. To address these

challenges, several steps have been taken or are under consideration. First, the Admissions Office hired a full-time admissions recruiter/counselor who has been very effective in improving the Admissions Office's day-to-day "customer service," coverage of recruitment opportunities, and application processing. Secondly, the Admissions Committee has made slight adjustments to its file review process which, without making use of any form of indexing system, have relieved committee members of spending as much time reviewing files that are clearly not competitive within the applicant pool. Finally, the Admissions Committee continues to lobby the Dean for more scholarship resources; revenue to be gleaned from the recent tuition increase has been earmarked specifically for scholarship funds.

B. Student Services

The Associate Dean for Administration and Student Affairs, Christine Smith, has been responsible for student services, and in those capacities supervised the Assistant Dean of Admissions, the Registrar, the Director of Career Services, and the Community Services Program. As of July 1, 2005, Dean Smith's duties changed. She continues to supervise the Registrar and the Director of Career Services. Having turned over to Dean Durand many duties related to student advancement, Dean Smith is now responsible for Alumni Affairs and for development of various initiatives to serve Northern Nevada.

The former Assistant Dean for Admissions and Student Financial Services, Frank Durand, has been appointed Dean for Student Advancement. In his new capacity, Dean Durand has assumed responsibility for academic advising, student organizations, Academic Standards requests and petitions, student counseling, and a variety of other functions related to creating a successful educational environment. Previously the responsibility for academic advising was dispersed among the entire faculty by means of a succession of advising programs. Those programs were perpetually uneven, given the variation in attention from various faculty. Assigning responsibility for academic advising to a single person of Dean Durand's experience and dedication will provide mandatory, excellent advising for all Boyd students. Dean Durand's other new duties related to student development were formerly the responsibility of Dean Christine Smith.

The Law School will conduct a national search for a Director of Admissions. The Director will work with the Admissions Committee to administer the Admissions Office and will work with the University Student Financial Services Office to administer the financial aid programs. Until the Director is hired, Dean Durand will continue to administer admissions and financial aid and, working with the Admissions Committee, will continue to develop and administer programs for recruiting and evaluating applicants, for processing applications, and for recruiting admittees. In this role, he supervises the Admissions Counselor, a professional staff position created in 2004, filled with Gerald Sequeira after a national search and an Admissions Specialist, Elisa Watts. Dean Durand works with the Associate Dean for Administration and Student Affairs (to whom he reports), the Admissions Committee, and the University Student Financial Services Office, with which he administers the financial aid program.

The Registrar of the Law School, Stacy Shiroma, is the official recordkeeper for the School, as well as administrator of exams and an advisor to students. Mr. Shiroma supervises an Administrative Assistant III dedicated to working solely with the Registrar and the specific functions of the Registrar's Office. The Registrar works closely with several University Departments including the Registrar's Office, the Bursar's Office, and Learning Enhancement Services Office.

While a national search is undertaken for a permanent Director, the Acting Director of Career Services, Raelene Palmer, a Boyd alumna, advises students and graduates about career opportunities, manages the Career Services Office, and plans and implements a variety of programs and mechanisms to enhance students' ability to secure appropriate and rewarding positions, both during and after the legal education. Ms. Palmer is assisted by an Administrative Assistant III dedicated solely to the Career Services Office. The prior Director, Jenny Lehman, resigned in June 2005 for personal reasons involving her return to Fort Worth, from where we had recruited her after a national search in June 2004. Although we were disappointed to lose a highly qualified and effective Director, we are confident that our current search will again result in a strong pool of candidates from which to choose.

The Student Services Office is also staffed with a receptionist who assists all student services professionals and three student workers.

C. Career Services

The Career Services Office has made considerable progress in its seven years of existence. Placement rates are very good, community support by the bar and judiciary is excellent, and the hopes and morale of the students for permanent placement are high.

The Career Services Office uses an excellent web-based recruiting and placement software program that is accessible to students and employers around the clock. Employers who have been screened and approved by the Career Services Office are given an identification number, which allows them to log onto the system at anytime to post jobs, review resumes of applicants for those jobs, and communicate with the Career Services Office regarding the on-campus interview process. This system also facilitates the collection and analysis of data required in reports to the American Bar Association, *U.S. News & World Report*, Princeton Review, and the National Association for Law Placement ("NALP").

In addition, the Career Services Office presents more than 20 workshops, seminars, and panels each year on all aspects of career development, including first-year orientation classes, resume writing workshops, interviewing workshops, on-campus interviewing orientations, judicial clerkship information, fellowship and government honors information, mock interviews, and web-based job search techniques. Many of these feature area attorneys and include accompanying materials to assist students with the topic presented. Such materials include sample resumes, cover letters, "thank you" letters, letters to accept and decline offers, and guidelines pertaining to writing samples and NALP hiring guidelines. Additionally, orientation materials provide important information regarding interviewing

techniques, informational interviews, possible questions to ask interviewers, guidelines on discrimination during interviews, and questions most often asked during interviews.

Beginning in 1999, the Career Services Office developed and implemented a first-year orientation program, inviting every member of the first-year class to a group orientation meeting. In 2004, Career Services made this mandatory. Following group orientation sessions, all students participated in individualized counseling sessions with the Director to discuss career goals and development. Discussions included first-year plans for summer employment/internships, short-term and long-term career goals, federal and state judicial clerkships, and networking options available. Following this session, all students interested in utilizing the services of the Career Services Office were asked to submit a resume for review. Following review by the Director, students were encouraged to upload resumes onto the career services software program to facilitate on-campus interviews for the following fall as well as summer job searches for the student's first summer.

The Career Services Office maintains a job opportunities board – in both electronic and hard copy form – where over a hundred job opportunities have been posted. It also hosts an annual legal career options day, where students can meet and talk to lawyers representing 35 areas of legal practice. Also, the Career Services Director provides individual counseling for students and alumni on career goals and options and job searching tools and techniques.

The On-Campus Interviewing (“OCI”) program has also been successful. Beginning in October 1999, the OCI program accounted for 16 placements in its first summer. Using career services software, prospective employers were able to either pre-select particular candidates based upon their resumes, or allow open registration whereby students were permitted to sign up for interviews based upon a set of predetermined criteria. Career Services typically has 30 employers interview on campus each fall. The largest firms in Las Vegas have interviewed on campus, as well as government agencies such as the U.S. Attorney's Office, Attorney General's Office, and Federal Public Defender's Office. Out-of-state law firms, primarily from Arizona, have also interviewed on campus.

The Career Services Office also maintains a Career Services Library and Resource Center, which includes hard copy and computer resources. The Career Resource Center contains numerous books, handouts, directories, articles, and other publications pertaining to all aspects of career development. Additionally, students are provided with over 75 different handouts and publications pertaining to career development. Using the NALP guidelines, the Career Services Office also created a Judicial Clerkships notebook pertaining to hiring practices of the Nevada and federal judiciary. Finally, we have developed a computerized list of the names, addresses, and contact persons for all firms in Las Vegas. Students and alumni have access to this list through password-protected career services software. Our computer resources include a computer terminal in the Resource Center to allow students to access job search options in Lexis and Westlaw as well as the Career Services software. Students are also able to search the Internet for additional employment opportunities and print their results to take with them.

The Director of Career Services attended the Equal Justice Works conference in Washington, D.C. in October 2004, as did several Boyd students. The Director of Career Services and the Administrative Assistant attended the NALP End-of-Season Series in Los Angeles in January 2005. The Assistant attended the NALP Newer Professionals Forum in February 2005, and the Director attended the NALP Annual Education Conference in Chicago in April 2005. From this point forward, the Director and Assistant plan to attend the NALP annual conference and the NALP End-of-Season Series every year, and the Director plans to attend the Equal Justice Works conference every year.

One of the placement goals of the Career Services Office is to deal one-on-one with students and alumni to assist them in not only finding a job, but finding the right job. Although this is partially achieved through attorney panels, career fairs, and orientation, it is achieved more fully when the individual meets with the Director. It is preferable that this be done initially during the first year of law school, and then on an ongoing basis. The Director sends emails to all students strongly encouraging them to meet with her to review their resume, assess career goals, and strategize accordingly. One of the obstacles in achieving this is simply getting all the students to take advantage of the programs and individualized counseling we have to offer. Students are spread thin to begin with, and some of them leave career-related matters for after graduation. One remedy was to make first-year career services orientation mandatory. Another placement goal is to meet the ever-increasing interest of our students to find work outside the state of Nevada. This is challenging because it takes time to network and make connections in so many places and because we are a new school with a limited alumni base. However, Boyd already has a good reputation, and our students are impressive. One of our alumni recently accepted a position with Wilmer, Cutler, Pickering, a very prestigious Washington, D.C. firm.

The Career Services Office maintains evening hours to accommodate evening students as well as the full-time day students. Set out in the table below is placement information for students graduating in academic years 2000-01, 2001-02, 2002-03, and 2003-04.

Placement Rates

	00-01	01-02	02-03	03-04
Grads known to be employed	95%	89%	79%	83%
Grads pursuing a graduate degree	2	--	1	0
Grads unemployed and seeking	1	4	13	12
Grads unemployed and not seeking	1	8	8	1

Type of Employment

	00-01	01-02	02-03	03-04
Employed in firms	65%	47%	39%	62%
Employed in business and industry	5%	15%	17%	11%
Employed in government	10%	13%	21%	6%
Employed in public interest	1%	--	3%	1%
Employed in judicial clerkships	19%	21%	17%	16%
Employed in academia	--	4%	1%	2%
Employed in unknown type	--	--	1%	2%

D. Bar Passage

The Bar Exam Committee was formed after the first set of Boyd graduates had poorer than hoped-for results on the July 2001 Nevada Bar Exam. While our first graduating class's pass rate was comparable to the statewide pass rate – something that the Executive Director of the National Conference of Bar Examiners told Dean Morgan was unprecedented – the Dean and the faculty felt that our graduates could do better. We also desired to effect some changes in the administration and grading of the Nevada Bar Exam.

1. *Improving the Administration and Grading of the Nevada Bar Exam*

During its first year, the Bar Exam Committee was able to help arm Dean Morgan with data to assist him in enlisting the Nevada Supreme Court's support for a February bar

administration and for a lower “cut” score on the MBE. The Nevada Board of Bar Examiners agreed to implement both changes in due course. The “cut” score was lowered for the July 2003 bar exam. The first February exam was in February 2004.

Having seen dramatically poorer bar exam performance from students who were allowed to take the Nevada Bar Exam following their second year of Law School, the committee also advocated making students needing more than a de minimis number of credits to graduate ineligible to take the Nevada Bar Exam – at least once a February exam became available. The State Bar of Nevada has since changed the eligibility requirements to exclude non-graduates of ABA-accredited law schools from sitting for the Nevada Bar Exam.

Professor Keith Rowley, chair of the committee this past year, has had ongoing conversations with the Chair of the Nevada Board of Bar Examiners, Rick Trachok, regarding adding an academic member/advisor to the Board; allowing examinees who demonstrate sufficient competence on the MBE, essay, or MPT portion of the exam to be able to carryover their better-than-passing score(s) on one or more part(s) of an exam to the next exam; and holding sessions like those the California bar examiners hold each year, where the examiners sit down with representatives of any interested law schools to discuss and compare grading philosophies. The committee would also like to see the Nevada Board of Bar Examiners further reduce the MBE “cut” score (which, at 140, is among the highest in the country), reduce the number of subjects eligible for essay testing (which is greater than the national average), and increase the statewide pass rate (which is among the lowest in the country).

2. Improving Boyd Graduate/Alumni Performance on the Nevada Bar Exam

a. Track Record

In July 2001, 64% of Boyd students and graduates who sat for the Nevada Bar Exam passed it, exactly matching the 64% overall statewide pass rate and exceeding the 61% statewide pass rate for Nevada Bar Exam takers who were not already licensed in another jurisdiction, but lagging behind the 70% statewide pass rate for all first-time Nevada Bar Exam takers and the 66.7% statewide pass rate for first-time Nevada Bar Exam takers who were not already licensed in another jurisdiction.

In July 2002, 53.5% of Boyd students and graduates who sat for the Nevada Bar Exam passed it, lagging behind the 59% overall statewide pass rate and the 56% statewide pass rate for Nevada Bar Exam takers who were not already licensed in another jurisdiction. 58.4% of Boyd students and graduates who sat for the Nevada Bar Exam for the first time passed it, lagging behind the 67% statewide pass rate for all first-time Nevada Bar Exam takers and the 63.6% statewide pass rate for first-time Nevada Bar Exam takers who were not already licensed in another jurisdiction.

In July 2003, 55% of Boyd students and graduates who sat for the Nevada Bar Exam passed it, lagging behind the 61% overall statewide pass rate, but matching the 55%

statewide pass rate for Nevada Bar Exam takers who were not already licensed in another jurisdiction. 59% of Boyd students and graduates who sat for the Nevada Bar Exam for the first time passed it, lagging behind the 65% statewide pass rate for all first-time Nevada Bar Exam takers and the 60.9% statewide pass rate for first-time Nevada Bar Exam takers who were not already licensed in another jurisdiction.

In February 2004, 36% of Boyd graduates who sat for the Nevada Bar Exam passed it, lagging behind the 50% overall statewide pass rate and (just barely) the 37% statewide pass rate for Nevada Bar Exam takers who were not already licensed in another jurisdiction. 47% of Boyd graduates who sat for the Nevada Bar Exam for the first time passed it, lagging behind the 64% statewide pass rate for all first-time Nevada Bar Exam takers and (again, just barely) the 48% statewide pass rate for first-time Nevada Bar Exam takers who were not already licensed in another jurisdiction. (The total number of examinees in February 2004 was 334, compared to 639 for the July 2003 exam, and the number of Boyd graduates sitting for the February 2004 exam was 67, compared to 155 for the July 2003 exam. Given the small number of, in particular, Boyd graduates taking the Nevada Bar Exam for the first time, the percentage spreads can be deceiving. For example, if one more Boyd first-time taker had passed, the Boyd first-time pass rate would have gone from 47% to 53%.)

In July 2004, 50% of Boyd graduates who sat for the Nevada Bar Exam passed it, lagging behind the 61% overall statewide pass rate and the 57% statewide pass rate for Nevada Bar Exam takers who were not already licensed in another jurisdiction. 64% of Boyd graduates who sat for the Nevada Bar Exam for the first time passed it, lagging behind the 72% statewide pass rate for all first-time Nevada Bar Exam takers and the 70.4% statewide pass rate for first-time Nevada Bar Exam takers who were not already licensed in another jurisdiction.

The February 2005 bar results were better. 64% of Boyd graduates who sat for that administration of the Nevada Bar Exam passed, compared to the overall student pass rate of 59%. 71% of the Boyd first-time takers passed, compared to a 68% pass rate for other students who were first-time Nevada Bar Exam takers. Moreover, 62% of Boyd students who retook the exam passed it, compared to a 54% pass rate for other repeaters.

We are hopeful that this improvement reflects the efforts, described above, to raise the bar passage rates of our students and graduates. However, the relatively small numbers of those taking the February administration require caution in interpreting the results. We await the results of the July 2005 administration of the exam.

b. Efforts To Improve Boyd Graduate/Alumni Performance

The Bar Exam Committee initially concerned itself primarily with gathering data about Boyd graduates' and students' performance on the Nevada Bar Exam, their preparation for the Nevada Bar Exam (both in terms of whether they had taken one or more "bar prep" courses and what courses they had taken at the Law School, looking for any apparent correlation between preparation and performance), and their admissions credentials. Based in part on experiences at other law schools, the Committee supposed that the lower-than-

desired bar passage rate was linked to students and graduates not taking, or not taking seriously, one or more formal bar prep courses. Although there is no reliable way to measure how seriously students and graduates take their bar prep course, we were surprised to learn that most of the students and graduates who failed the Nevada Bar Exam had taken one or more bar prep course.

After collecting and analyzing data for the July 2001 and July 2002 exams, the Committee made a report to the faculty. It solicited reactions from the faculty and suggestions about how to try to improve students' and graduates' performance. At least four "consensus" views emerged from those discussions: (1) as the credentials of our student body continued to improve, so should students' and graduates' bar exam performance; (2) it was vitally important to stop non-graduates from sitting for the bar exam, given the markedly lower pass rate non-graduates achieved compared to graduates; (3) the Law School needed to make a more significant commitment to academic support, given the remarkably robust correlation between Boyd grades and Nevada Bar Exam performance; and (4) faculty needed to grade more rigorously and, at least in the first year, to increase the frequency of student assessment – whether through mid-term examinations, written assignments, or otherwise.

In response to these views, (1) the Committee and the faculty urged the Admissions Committee to be increasingly selective, which it has been able to be due to the striking increase in applications each year since the Law School achieved provisional, and then full, ABA accreditation; (2) the Committee and the faculty asked Dean Morgan to press with the state bar the issue of not allowing non-graduates to sit for the bar exam; (3) the faculty voted to hire Professor Pavel Wonsowicz, then Academic Support director at Vermont Law School, to establish and run an aggressive academic success program geared toward both improving students' academic performance during Law School and improving graduates' performance on the bar exam; (4) the faculty approved a recommended grading curve that would allow for more low grades for students whose work was not up to par without necessitating more offsetting, artificially high grades in order to maintain a target mean; and (5) the first-year faculty committed to giving more mid-term exams.

The Committee's efforts continue. Last fall, the Committee made a series of recommendations to the faculty, which would require broader faculty participation to fulfill, to better prepare both alumni and current students for the Nevada Bar Exam. Professor Wonsowicz's periodic bar preparation workshops played an integral part in those recommendations, as did increased faculty rigor in student assessment and increased faculty participation in requiring/recommending student use of the Academic Success Program, encouraging alumni to attend Professor Wonsowicz's periodic bar preparation workshops, and offering to review past bar exam questions and answers one-on-one with graduates who have not yet passed the Nevada Bar Exam. The faculty overwhelmingly embraced the Committee's recommendations. Before the February bar exam, a number of faculty members telephoned one or more alumni who had failed the Nevada Bar Exam one or more times, inviting and encouraging them to attend Professor Wonsowicz's bar preparation workshops, and offering to meet with the graduates one-on-one. The faculty also approved mandatory referral to the Academic Success Program and to Professor Wonsowicz's periodic bar preparation workshops for current students whose cumulative GPAs placed them in the

bottom quartile of their class. Alumni participation in the bar preparation workshops held in January was lower than hoped, but current students seem to be better absorbing the fact that they need additional help to maximize performance in their remaining Law School courses and on the bar exam.

The Committee awaits the results of the July 2005 Nevada Bar Exams to see whether these efforts continue to pay off in improved BSL graduate performance – particularly among those taking the Nevada Bar Exam for the first time.

E. Financial Aid

Student Financial Services (“SFS”), a function of UNLV’s central administration, offers a wide variety of financial aid counseling opportunities to law students including a full-time professional counselor dedicated to assisting law students with their financial aid questions and issues.

Telephone calls to SFS are answered by members of the counseling staff. Counselors also service the public inquiry counter for walk-in traffic. Students may contact the counselor assigned to assist law students for individual counseling sessions, and walk-in appointment periods are available daily. Students may contact the counselor via e-mail for specific questions or contact the general office counselors via the web for general information.

SFS offers frequent (usually twice weekly) Debt Management Counseling sessions to all students. Students may access information on the availability of financial aid, the application process, and the eligibility requirements via the SFS website.

Students wishing to receive federal financial aid are required to complete the Free Application for Federal Student Aid (FAFSA) and list UNLV as a recipient institution. Once received, the application, if selected, may go through a validation process to authenticate the expected family contribution. Students who have submitted valid applications are offered federal student aid by SFS in accord with current financial aid practices mandated by federal regulations and existing laws.

A student’s financial need is shared with the Law School’s Director of Admissions for the assignment of private and institutional scholarships. All financial aid is electronically disbursed by SFS to the students’ accounts. The aid pays any existing University charges and, if funds remain, a refund check is mailed to the student.

Efforts to eliminate default include:

1. First-time borrowers must attend a SFS Debt Counseling session provided by the University.
2. SFS sends literature to students encouraging them to borrow only what is absolutely necessary.

3. Borrowers must attend an exit interview when they leave the University, at which time they are told of the repayment terms of their debt.
4. SFS notifies borrowers when student loan funds are disbursed to their accounts.
5. SFS allows students to return their loan proceeds if they change their minds about borrowing.
6. SFS shares information with the U.S. Department of Education on a bi-monthly basis regarding student enrollment status.

F. Promoting Opportunities for Racial and Ethnic Minorities and Individuals with Disabilities

The Law School aspires to be a model community in which students and faculty learn from and help each other to achieve their maximum potentials. The richness of these interactions is heightened, and the students' readiness for a global and diverse world improved, by including in the Law School people of differing and diverse backgrounds.

With part-time day and evening programs that make our School accessible to people of all economic circumstances, we have a student body that is remarkable in the age range and experiential diversity of the students. The racial diversity of the student body has increased progressively. In 2001-02, minority students comprised 19.82% of the Law School's student body. The percentage rose to 20.04% in 2002-03, 21.43% in 2003-04, and 27% for 2004-05. Our entering class for Fall 2005 has a minority student enrollment of 27%.

The Law School continues to work towards expanding its minority student enrollment. In September 2004, the Law School was identified as one of the top ten law schools for Hispanic students by *Hispanic Business* magazine. In addition, in the 2005 Diversity Index compiled by *U.S. News & World Report*, the Law School was tied for 66th of the 183 schools listed.

VI. LAW SCHOOL ADMINISTRATION

On July 1, 2005, the Law School reorganized the duties of the Associate Dean for Administration and Student Affairs and the Assistant Dean for Admissions and Financial Aid. Subpart A describes their duties up to July 2005 as well as the duties of the Law School's other administrative personnel both before and after July 1, 2005. Subpart B describes the July 1, 2005 reorganization. An organizational chart of the Law School is attached as Exhibit 20.

A. Administrative Personnel

The Dean, Richard Morgan, is the Chief Executive Officer of the Law School, responsible for all of its aspects and operations, and has been since the Law School's founding. In practice, Dean Morgan concentrates his efforts on external relations and fundraising, relations with the University administration and the Board of Regents, and faculty hiring. The Dean, who reports to the Provost of the University, is a member of the Academic Council, which is comprised of all of the collegiate deans and chaired by the Provost.

The Associate Dean for Administration and Student Affairs, Christine Smith, has been the Chief Operating Officer of the Law School since its founding. Including her service at the Law School and her previous service at Arizona State University School of Law, Dean Smith has worked in law school administration for over 29 years. Dean Smith has been responsible for administrative and student affairs, and in those capacities supervises the Assistant Dean of Admissions and Financial Aid, the Registrar, the Director of Career Services, and the Director of the Community Services Program. Dean Smith is actively involved in all phases of the internal management of the Law School, and is responsible on a day-to-day basis for class scheduling, budgetary matters (in consultation with the Business Operations Manager, under the direction of the Dean), admissions and financial aid (working with the Admissions Committee and supervising the Assistant Dean of Admissions and Financial Aid), student advising and recordkeeping (supervising the Registrar), the Community Services Project (supervising the Director of Community Service), alumni affairs, and a myriad of administrative and student services projects with a variety of University departments, and contacts with the ABA and AALS. The Associate Dean for Administration and Student Affairs reports to the Dean. She serves ex officio on a number of Law School Committees, including the Curriculum Committee, and serves on many University and bar committees.

The Associate Dean for Academic Affairs, Joan Howarth, is the chief academic officer of the Law School. She is responsible for faculty relations and development, curricular development, supervision of the adjunct faculty, and, in conjunction with the Associate Dean for Administration and Student Affairs, staffing and scheduling of classes. The Academic Dean is primarily responsible for appointing faculty committees, enabling faculty production of excellent scholarship, supervising adjunct faculty, authorizing research support, planning faculty meeting agendas, evaluating faculty members, and ensuring Law School compliance with various academic policies and procedures of the University. She supervises the Director of Information Technology and the supervisor of the faculty support staff. She represents the Law School on the University's Planning Council and Assessment Council. She reports to the Dean.

As discussed in the description of the clinical programs, the administrative and academic leader of the Thomas & Mack Legal Clinic is Annette Appell, Associate Dean for Clinical Studies, a position created by the Dean and authorized by the Provost beginning in July 2003. Associate Dean Appell leads the academic and scholarly programs in the clinic,

mentors the faculty who teach in the clinical programs, and administers all aspects of the clinical programs. She reports to the Dean.

The Dean and the three Associate Deans meet regularly, generally weekly, to coordinate their efforts administering the Law School.

The Director of the Law Library, Bobbie Studwell, is responsible for the Weiner-Rogers Law Library. She reports directly to the Dean, and works closely with the Associate Deans. In practice, the Director of the Law Library has substantial autonomy in the operation of that unit of the Law School, which is further described in Part VII of this report.

Since the Law School's founding, Frank Durand has administered the office of admissions and financial aid. He received his J.D. from Stanford University School of Law in 1989 and served as Assistant Dean for Student Affairs at the George Washington University School of Law from 1991 until joining the Boyd School of Law. Until September 1, 2005, he had the title of Assistant Dean for Admissions and Financial Aid. Working with the Admissions Committee, he develops and administers programs for the recruitment and evaluation of applicants, for the processing of applications, and for the recruitment of admittees. He supervises the Admissions Counselor, a professional staff position that was created in 2004, filled with Gerald Sequeira after a national search. As Assistant Dean for Admissions and Financial Aid, Frank Durand works with the Associate Dean for Administration and Student Services (to whom he reports), the Admissions Committee, and the University Student Financial Services Office, with which he administers the financial aid program.

The Business Operations Manager of the Law School, Margaret Walsh, is the chief financial officer of the Law School. She has primary responsibility for expense reports, account reports, budgets, and the oversight of all financial matters of the Law School. She supervises Kerry Martinez, the Operations Assistant, and works closely with several budget and financial departments of the University. The Business Operations Manager reports directly to the Dean, and works closely with all Associate Deans, especially the Associate Dean for Administration and Student Affairs.

The Registrar of the Law School, Stacy Shiroma, is the official recordkeeper for the School, as well as administrator of exams and an advisor to students. The Registrar works closely with several University departments, and is supervised by the Associate Dean for Administration and Student Affairs. Registrar Shiroma was hired in 2002.

The Director of Career Services advises students and graduates about career opportunities, manages the Career Services Department, and plans and implements a variety of programs and mechanisms to enhance students' ability to secure appropriate and rewarding positions, both during and after their legal education. The Director of Career Services is supervised by the Associate Dean for Administration and Student Affairs. Raelene Palmer, an honors 2003 graduate of the Law School and a member of the Nevada bar, has been serving as Interim Director of Career Services since July 11, 2005, while a national search is undertaken for a permanent Director. The prior Director, Jenny Lehman,

resigned in June for personal reasons involving her return to Fort Worth, from where we had recruited her after a national search in June 2004. Although we were disappointed to lose a highly qualified and effective Director, we are confident that our current search will again result in a strong pool of candidates from which to choose. Ms. Palmer's and Ms. Lehman's resumes are attached as Exhibit 21.

In Spring 2004, the Law School created the new position of Director of Information Technology, a position filled by Joshua Brauer after a national search. The IT Director supervises the Computer Services Specialist, Donald Castle, and the Computer Network Technician, Shawn Zobrak. The IT Director is responsible for all information technology in the Law School, and works closely with the Associate Deans and the Director of the Library. He is supervised by the Associate Dean for Academic Affairs.

Last, but certainly not least, is the Executive Assistant to the Dean, Dianne Fouret. She serves as the Dean's general assistant, working on human resources, scheduling, correspondence, office management, development, events, and community relations.

In addition to these positions, the Boyd School of Law is assisted by five faculty secretaries, an assistant to the Associate Deans for Administration and Academic Affairs, an Admissions assistant, a registrar's assistant, an assistant for Career Services, several student workers, a receptionist for the Student Services area, and a receptionist for the Dean's Suite.

B. Challenges, Changes, and Plans

The planning process engaged in by the faculty and staff in the 2004-05 academic year identified a number of challenges and needs related to administration of the Law School. One overarching concern was that some administrators had too many responsibilities and were being stretched too thin. In light of this concern, and based on the desire to retain excellent administrators and expand their contributions to the Law School, the administration considered a variety of possibilities for restructuring administrative functions, and focused budget discussions on potential sources for additional resources for administration. The following actions have been taken since July 1, 2005, as a result of this planning process.

1. The former Assistant Dean for Admissions and Financial Aid, Frank Durand, has been appointed Dean for Student Advancement, effective September 1, 2005. In his new capacity, Dean Durand has assumed responsibility for academic advising, student organizations, Academic Standards requests and petitions, student counseling, and a variety of other functions related to creating a successful educational environment. Previously, the responsibility for academic advising was dispersed among the entire faculty by means of a succession of advising programs. Those programs were perpetually uneven, given the variation in attention from various faculty. Assigning responsibility for academic advising to a single person of Dean Durand's experience and dedication will provide mandatory, excellent advising for all Boyd students. Dean Durand will coordinate with faculty who have particular knowledge relevant to student needs and interests. Dean Durand's other new duties related

to student development were formerly the responsibility of Associate Dean Christine Smith.

2. A national search is being conducted for a newly created position of Director of Admissions, who will have most of the duties formerly performed by Assistant Dean Durand. Dean Durand will supervise that person.
3. Associate Dean for Administration and Student Affairs Christine Smith's duties have been changed. Dean Smith continues to supervise the Registrar and the Director of Career Development. Having turned over to Dean Durand many duties related to student advancement, Dean Smith is now responsible for Alumni Affairs and for development of various initiatives to serve Northern Nevada. Now that several classes have graduated from the Law School, with the first five-year reunion coming in 2006, Alumni Affairs requires the same attention that it receives in more established law schools. Also, as the single law school for a state that is dominated by two geographically separate and politically and historically distinct regions, the Law School's success depends on developing a meaningful presence in Northern Nevada. Dean's Smith's new portfolio reflects these new priorities, both of which signal the maturation of the institution.
4. The Planning Committee recommended that a new professional staff position be created for external relations, including publications and other efforts to inform various communities about Law School events, programs, and accomplishments. The Law School intends to create that position, designated Director of Communications, with the help of 50% funding from the UNLV Foundation.
5. The Planning Committee identified the need to devote additional resources to database design and management. The Law School has committed resources for extensive use of an IT consultant to take on significant database projects. The first project will be to redesign the central Law School student database to make current student services more efficient and to allow more efficient implementation of a number of additional projects related to educational assessment, alumni relations, and curricular design.

The Law School's administration is characterized by stable, effective leadership in key positions. The planning process of the 2004-05 academic year identified strengths, weaknesses, and areas needing new attention as the Law School moves beyond its early years. The strong public and private support for the Law School made it possible to implement administrative changes in 2005 designed to provide an efficient and effective infrastructure to enable the Law School to continue to realize its ambitions.

VII. INFORMATION RESOURCES

A. Law Library

1. *Introduction*

The Wiener-Rogers Law Library has moved past a stage of rapid growth into a phase of planned development and steady growth. A solid foundation was created for the current collection by the Library's founding director, Professor Rick Brown, and his staff, many of whom still work for the Law Library. The Law Library collection numbers over 280,000 volumes and microform volume equivalents. An exceptionally capable and enthusiastic staff of seven professional faculty librarians, seven classified staff members, and a professional office manager place value on delivering quality service. The Library's new space has permitted the Library faculty to review what it has accomplished since moving into the new building over two years ago and permitted time for planning for future services for faculty, students, and members of the public.

Shortly after moving into the new facility, the staff drafted a mission statement that reflects the Library's guiding principles. The mission of the Law Library is:

1. To support the instructional function of the School of Law and the broader university.

The Library offers an extensive array of services to faculty, staff, and the public. They are described in greater detail in section 4 below.

2. To provide the information resources necessary to support the research efforts of the faculty and students of the School of Law and the broader university.

The first several years, the Library primarily concerned itself with building a core of information resources that would serve all Library users. The Library is now in a stage of planned growth in which evaluations of collection growth needs will be based on faculty research, curriculum development, and academic program support.

3. To provide access to legal materials and information to the outside community in the Las Vegas metropolitan area and the entire state, including members of the practicing bar and the general public.

To better serve the public, the Library has added many digital titles to its collection in the past several years. They are described in greater detail in the next section. Additionally, the Library has recruited candidates with expertise in how to provide digital access or has established training for staff to that end.

In addition to crafting a mission statement for the Wiener-Rogers Law Library, the Library staff also created a series of planning documents. Most of the activity involved creating goals and objectives and took place in Fall 2004 as the Law School began planning for the biennial budget. The goals set out a series of planning initiatives aimed at improving Library services, instruction, access, resources, staffing, facilities, administration, budget, communication and cooperation, and assessment activities. These statements are described more fully in section 7 below.

For the first time this year, the Library felt the effects of staff attrition. The staff was relatively stable until 2004. Three vacancies occurred in 2004: two in public services and one in technical services. Campus personnel processes affect the length of time it takes to fill such vacancies and staff are concerned that services have suffered recently as a result of those time lags. One position is still vacant. Although the overall effect of these personnel changes has been positive, because it allowed for growth and reorganization, some services we would normally have offered or programs we might have enhanced have been pulled back because of the lack of personnel.

2. Collection

As of June 2005, the Wiener-Rogers Law Library collection totaled 284,593 volumes and volume equivalents. Of this total, 104,228 volumes are available in hard copy and 180,365 are available in microformat. The Library owns 186,362 titles and maintains 3,761 active serial titles. Within the next ten years, the Library aspires to collect and hold over 400,000 volumes.

The collection includes the materials that constitute the core of any academic law library: official and unofficial reports of U.S. Supreme Court decisions, reports of other federal court decisions, the regional reporters, specialized reporters such as the Bankruptcy Reporter and the Military Justice Reporter, all available regional digests and the Decennial Digests and General Digest, the ALR's, the United States Code and its unofficial versions, the Statutes at Large, United States Code Congressional and Administrative News, United States Treaties and Other International Agreements, legal encyclopedias, several sets of formbooks, the Code of Federal Regulations (including full retrospective set in microformat), the Federal Register (again the full retrospective set in microformat), the Congressional Record (in microformat), annotated codes from all 50 states, periodical indexes (print and online), and Shepard's citators for all available reporters.

Based on an earlier assessment of faculty needs, the collection also includes full runs of over 900 leading law reviews and other periodicals. The Library has also acquired the Hein Bar Journal Microfiche service (including the full backfile) which provides our users with access to another 121 bar association journals. Over 600 of our periodical titles are routed to our faculty. The Library also owns 3,761 serial titles and 4,013 serial subscriptions.

The Library's extensive microform collection includes the Records and Briefs of U.S. Supreme Court cases from 1832 to date, the Oral Argument Transcripts of the U.S. Supreme Court from 1955 to date, the CIS Microfiche Library from 1970 to date, the CIS House and

Senate Hearings from 1833 to 1969, the CIS U.S. Congressional Committee Prints 1830-1969, the CIS Senate Executive Documents and Reports 1817-1969, all 50 state constitutional conventions, the prenational reporter system state court reports, the United Nations Treaty Series, the United States Treaty Series, the League of Nations Treaty Series, the Congressional Record and predecessors to date, the full run of state session laws from all 50 states, the full run of state attorney general opinions from all 50 states, the American Law Institute Archive Publications and the American Bar Association Archive Publications, the Major Studies and Issue Briefs of the Congressional Research Service, the AALS Law Books Recommended, two legal newspapers, and subject breakouts of the 19th Century and early 20th Century Legal Treatises on Microfiche set that include Bankruptcy, Commercial Law, Natural Resources, Constitutional Law, Family Law, Jurisprudence, Legal History, and Legal Profession.

Although a large percentage (approximately two-thirds) of the collection is available only in microfiche or microfilm, the collection is separately housed and is conveniently located next to the reference desk so that patrons can easily get assistance from staff. The Law Library has three microfiche readers, two microform reader/printers, and one microform scanner capable of digitizing microforms. The Library also has acquired two portable units for patron check-out and a fiche-to-fiche duplicator.

With the basic collection now in place, the Law Library's primary goal is to build a strong research-level collection. To accomplish this goal, the Library relies on a Collection Development Librarian and a collection development committee. The Collection Development Librarian primarily focuses on developing the monographic collection and uses such sources as the Hein Green Slips, YBP Slips, Blackwell's slips, and Harrassowitz slips. The Library is currently working on a project to build its historical monographic collection. The Library uses *AALS Law Books Recommended* to locate titles in subject areas targeted by the Library's Collection Development Policy (attached as Exhibit 22) and Peter Ward's *Catalogue of Current Law Titles*. The Collection Development Librarian, in consultation with the collection development committee, also uses sources such as Kendall Svengalis's *Legal Information Buyer's Guide and Reference Manual* to assess the current loose-leaf and practice-oriented collection. The Collection Development Librarian works closely with the faculty to build a collection that is targeted to faculty members' research needs and interests. Library faculty also fairly regularly receive acquisition recommendations from the faculty, which are welcomed and generally honored.

In addition to building a strong monographic collection, the Collection Development Librarian is also developing lists of periodical titles, mostly foreign and international periodical titles, to enrich the collection on the Library's fourth floor. This portion of the Collection Development policy was only developed two years ago after scholars with international law interests joined the faculty. Additionally, the Library staff anticipates that the Saltman Center for Dispute Resolution will begin to focus more on international issues and generate more requests for this type of material.

Because of the aspiration to grow to 400,000 volumes or more, compact or other shelving may need to be installed in the future. The Law School anticipates this need and shares this goal.

a. Computer Technology and Information Delivery

The Library has begun to develop a core collection of online information resources. In addition to Lexis/Nexis and Westlaw, the Library owns subscriptions to Legal Trac and Wilson Disc; Lexis/Nexis Congressional (formerly Congressional Universe); the Making of Modern Law; the BNA Core Package which includes U.S. Law Week, the Family Law Reporter, the Criminal Law Reporter and many other weekly current awareness newsletters; the Current Index to Legal Periodicals service; Hein Online; LLMC Digital; the SSRN Journals and the Berkeley Electronic Press Online Journals; and core environmental databases including Greenwire, Energy and Environment Daily and Land Letter, PACER, ADR-World, and the United Nations Treaty database. We also regularly solicit requests from the faculty for electronic resources that may help them meet their scholarly and research needs.

The Library used technology available to the Law School and University Library and began several projects in the past few years that were intended to increase access to the collection and resources. The Circulation staff worked with the University Library to increase access to the Law Library's popular exam collection. Access is now available for all released law exams using the University Library's Electronic Reserve system. Additionally, the Law Library worked with the University Library to implement use of an RFID bar code tagging system similar to the one in use at the University Library for the past eight years. This has enabled the Law Library to track, locate missing items, and shelf read tagged areas of the collection. Ultimately, the Law Library hopes to ensure faster access to its most popular or sought-after items.

The Head of Technical Services also initiated a tapeload project this past year to add bibliographic title records to its online library catalog for the vast majority of its microfiche collection. As of January 2005, nearly 85,000 title records had been added to the Library catalog, and 40,000 more were added in Spring 2005 to provide additional access points. Additional tapeload projects for other smaller microform collections are also planned. With the exception of these few incomplete tapeloads, the collection is fully classified and cataloged and is arranged in call number order. The Library provides access through the use of Innovative Interfaces' library system. All of the Library's cataloging records are available in the University's Innovative-based online catalog, as are the catalogs of the Lied Library, the Community College of Southern Nevada, and the Desert Research Institute. Because the Law Library spans two floors, online workstations are located in several areas throughout the Library for patron access.

The Library's Access Services Librarian has also worked very closely with the University Library this past year to update Innovative web-based features. He added specific searching and menu items to the Law Library's part of the online catalog that make searching and item location much more efficient for users.

b. Financial Support

The Library acquisitions budget totaled \$1,000,000 in FY 1997-98 (of which \$371,490 was private money) and \$1,000,000 in FY 1998-99 (of which \$336,578 was private money). In FY 1999-2000 and FY 2000-01, a state appropriated acquisitions budget of \$725,000 each year was allocated. However, because the Law School was able to supplement the Library acquisitions budget with additional year-end monies, the Library in fact expended \$1,114,466 in FY 1999-2000 and \$919,125 in FY 2000-01. The state appropriated acquisitions budget was increased to \$797,500 in FY 2001-02 and \$877,250 in FY 2002-03. However, because additional year-end monies were available we actually expended \$981,055 in FY 2001-02 and \$941,716 in 2002-03.

The previous fiscal years show that the Library acquisitions budget approved in the state allocation, without supplemental funds, is insufficient to develop a collection of the quality envisioned both for the Law School and for use as a state resource. Each year we have spent well over the base budget in order to enhance the quality of the collection. These amounts are reflected in the current biennium budget as well (2003-04 and 2004-05) and show that the Library's acquisitions base budget was not increased again. However, additional year-end monies were again made available in this biennium so that the Library actually spent \$1,132,506 in FY 2003-04. Year-end monies are available once again in 2004-05. The sources of these additional monies are additional Library operating funds that go unused. The Law School has also supplemented these accounts with year-end and/or private funds when possible. In FY 2005-06, the Regents approved additional library acquisitions funding. In the first year of the biennium, \$90,000 is to be set aside for library acquisitions and another \$171,000 will be set aside for acquisitions in the following year. These funds have not been added to the base budget but are continuing funds.

We anticipate that the current supplements will not be available forever and that the Library's budget will flatten. Flat budgets are especially problematic for law libraries because of the high percentage of serial subscriptions in their collections and the fact that subscription costs regularly outpace inflationary costs reported in the Consumer Price Index. Although some relief is anticipated, the Dean has asked the Director of the Law Library, along with the Director of the University Library, to consider ways to better communicate, for state budgeting purposes, their needs for increasing library acquisitions budgets to cover these inflationary factors.

3. *Administration and Staffing*

The Law Library's staff is modest in size and is unlikely to grow significantly in the near future. However, the staff is the Library's greatest strength. There are currently seven full-time faculty librarians (including the Director), a professional business manager, and seven classified staff members on the Law Library staff. Compared to peer libraries, our staffing size can be characterized as average or just below average. The Law School's newly established workload policy, described in Part II of this self study, may also affect the Library's need for staff to serve faculty meeting increased research and scholarship demands.

The Library is administered by the Director in consultation with a Management Team comprised of three senior Library Faculty members and the Library's Business Manager. The Director, Roberta (Bobbie) Studwell, is a tenured member of the Law School faculty. In addition to her library responsibilities, Professor Studwell teaches courses at the Law School, time permitting, and serves on Law School committees. Professor Studwell came to the Law School from the Thomas M. Cooley Law School in Lansing, Michigan, where she served as a faculty member and Director of the Law Library for nearly nine years. When the Law Library's Associate Director left in August 2004 to return to BYU, Professor Studwell reorganized the Library staff based on current and anticipated future needs. She took this as the opportunity to promote many Library faculty members and to reorganize and add new professionals.

Jennifer Gross, a 1995 graduate of the University of Washington law librarianship program, was promoted from Head of Reference to Head of Public Services. She came to the Law School from the Ohio State University Law Library, where she served as Foreign and International Law Librarian. Jennifer has served the Weiner-Rogers Law Library since 1998. Matthew Wright, a 1999 graduate of the University of Washington law librarianship program, was promoted to Head of Collection Development. Although he still performs a number of reference duties, he now spends a greater portion of his time working on acquisitions and collection development issues. Matthew has served the Weiner-Rogers Law Library since 1999. The Access Services Librarian, Tom Boone, oversees the Library's circulation, interlibrary loan, and document delivery operations, and manages the Law Library's Web page and electronic reference initiatives. He joined the Library faculty in July 2004 shortly after graduating from the Indiana University M.L.S. program. Julia Rhyne joined the Library faculty in August 2005 as our Reference Librarian. She received her M.L.S. degree from the Indiana University School of Information and Library Sciences. The Director and all public services librarians hold law degrees in addition to library degrees. The Head of Technical Services, Sean Saxon, is responsible for overseeing all of the Law Library's technical services functions. Sean received his M.L.I.S. from Wayne State University in 1995. Sean came to the Law Library from the main library of the University of Alabama in 1998.

Library faculty attend Law School faculty meetings but, in the main, do not have voting rights at such meetings. The Law Library is also administratively independent of the main University library and other libraries in the Nevada System of Higher Education although the librarians have faculty status within the University. Their tenure document, drafted by a Law Library committee early in the Law Library's history, is attached as Exhibit 23. All seven full-time Law Library faculty are either tenured or on the tenure track. Three of the senior staff participated in the promotion and tenure process during the past two years. Jennifer Gross and Sean Saxon were promoted from Assistant to Associate Professor in 2004, and Matthew Wright received his promotion in 2005. Additionally, the position of Law Library Operations Manager was changed from a classified to a professional position in Fall 2004 to ensure the smooth operation of administrative functions within this new structure. Cindy Claus recently took over this position. Cindy holds a Bachelor of Science in Business Management with a Human Resource concentration from Colorado Technical University, Sioux Falls, South Dakota. An additional vacancy has allowed the Library to

hire an Acquisitions faculty member for Technical Services to run detailed reports, reconcile differences in the University and Innopac budget databases, seek out new vendors, and monitor significant price increases in new serials subscriptions for possible cancellation or change. This is a significant change from the mode of ordering and receiving anything the Library could obtain during its early years. Although not as urgent a need, a request for a new professional staff line for FY 2006-07 was made during the Law School's recent budget planning cycle to deal with changes in electronic information access. However, non-state budgeted acquisitions funds may be the only source of funding for this new line.

The Law Library staff also includes seven classified staff members. The majority have been members of the Law Library staff since its early years. The original core staff includes Martha Hard (Acquisitions Order Technician), Xin Mai (Serials Maintenance Technician), and Beverly Rollins (Circulation Supervisor). Jane Skoric (Serials Check-in and Bindery Assistant) joined the staff in January 2005, filling a vacancy that occurred in Fall 2004. Most of these staff members came to the Law Library with significant library experience. In fiscal year 2002-03, the Library was able to fund two new positions and hire two full-time circulation assistants. The two positions currently are held by Claire Hand and Francis Ohman. They extend the Library's Circulation services by having full-time employees in the evening and on the weekends to assist patrons.

Attrition has been a factor in the Library's seventh and eighth years of operation. As mentioned earlier, the Associate Director left to take a position at BYU Law Library in Summer 2004. Pursuant to a reorganization of the Library, the duties formerly of the Associate Director now are performed by other Library personnel. A classified staff member finished her library degree and shortly after graduation took a professional library position with the Clark County Library system. Her position was filled early in 2005. The Library's Head of Reference left in Spring 2005 to care for her infant full time. We expect to fill this position in Fall 2005. Additionally, the Library's Acquisitions/Serials Control Supervisor left this spring when her husband transferred to a new job in Arizona. This position has been upgraded to faculty librarian, and we expect to fill it in Fall 2005. The Library's Operations Manager left this spring to join her new husband in North Carolina. Her position has been filled. Additionally, one of the Library's Circulation Assistants left to begin a Masters in Education program in San Francisco, and her position will be filled very soon.

4. Public Services

The Law Library's primary goal is to provide excellent services to its constituents. The Law Library serves the students and faculty of the Law School and the University, as well as the practicing bar and general public.

The Law Library is open more hours than any other library on campus and more than most of our peer libraries. During the fall and spring semesters, the Law Library is open from 7:30 A.M.-midnight, Monday through Thursday, 7:30 A.M.-9 P.M. on Fridays, 9 A.M.-9 P.M. on Saturdays, and 10 A.M.-midnight on Sundays, for a total of 106 hours a week. During the summer academic terms, the hours are reduced slightly to 101 hours per week. Reference service is provided by the Head of Public Services, the Head of Reference, the

Collection Development Librarian, the Access Services Librarian, and the Head of Technical Services. An additional Reference Librarian will be hired in 2005 to fill a vacancy. The public services staff work staggered schedules and provide reference service seven days a week. They are assisted by two law students who have been hired as reference assistants. Reference assistance is provided Monday through Thursday (8 A.M.-9 P.M.), Friday (8 A.M.-5 P.M.), Saturday (noon-5 P.M.), and Sunday (noon-5 P.M.).

To better serve our constituents inside and outside the building, the Law Library staff has created an extensive web site, which can be found at <http://www.law.unlv.edu/library>. It offers descriptive information about our collections and services; interactive forms for ordering materials through interlibrary loan and document delivery; original materials, such as research guides prepared by the Law Library faculty and staff; and an extensive collection of web links, including all known sources of Nevada-related legal information on the web.

The Public Services staff work closely with all faculty and offer an array of proactive services. Services provided to the Law School faculty are described in the Library's Faculty Services Handbook and in the faculty services section of the Law Library web site, a copy of which is attached as Exhibit 24. Each member of the faculty is assigned one of the public services librarians, who functions as liaison between the Library and the faculty member. The Law Library has also hired two second-year law students to work as research assistants, approximately 20 hours per week assisting faculty with their research needs. Other faculty services include distribution of current awareness materials (e.g., Current Index to Legal Periodicals, U.S. Law Week), periodical routing, document delivery, interlibrary loan, and reference/research assistance. Many electronic database services are also available to faculty desktops through the Law Library web page. In addition, the Collection Development Librarian works closely with each faculty member in his or her area of interest to determine collection and research needs.

Public Services staff enjoy working with and teaching students one-on-one in a variety of capacities. Services to law students are described in the Law Library's Guide to Services and Policies, a copy of which is attached as Exhibit 25 and is available on the Law Library's website. The Law Library has prepared a series of brief information guides for students and other patrons on topics such as case and statutory research in Nevada, secondary sources, Shepard's citators, and legal citation formats. In addition to reference and interlibrary loan services, the public services staff is significantly engaged in legal research instruction for our students. A two-credit Advanced Legal Research class is taught by Library faculty and has been offered every Spring Semester since 2002 until this year. The Library faculty would like to offer this class even more often, including summers.

The Law Library is a public facility open to members of the bar and the public. Lawyers and public patrons may obtain circulation privileges by registering either at the Law Library or the University Library. Circulation privileges for the public and bar are similar to those extended to students, except that Law School-affiliated patrons are given priority in recalls and holds, and are allowed to check out an unlimited number of materials. Reference service is available to the public who visit the Library, and limited reference service can be provided by phone. Attorneys and members of the public may also request documents

through our Document Delivery program. The Library has also developed an extensive collection of self-help legal materials for the use of our public patrons.

Circulation services are vital to a state with only one major public law library. Most single-volume treatises circulate. Multi-volume treatises, looseleaf services, digests, citators, statutes, case reports, administrative regulations and decisions, and periodicals are designated as non-circulating but may be used anywhere in the building. Circulating materials may be checked out for varying lengths of time. Circulation privileges range from three weeks for students and members of the public to the full semester for Law School faculty.

The Public Services staff look forward to increasing services to our constituents, especially the faculty. This will entail hiring another reference librarian in the near future. Since office space in Public Services is now all in use, more office space will need to be created to house this person. By offering Advanced Legal Research more frequently, Public Services staff believe student services will increase as well.

5. Bibliographic Control of the Collection

The Law Library Technical Services Department has faced many challenges over the last seven years, quite unlike those of established law school libraries. Because the Law School facility was not available until August 1998, only weeks before opening, the core collection had to be placed uncataloged on the shelves in the old building. Thus, cataloging and classifying of this portion of the collection had to be done retrospectively and much of the processing of materials could not be completed until the School moved to its new building on campus. All materials in the collection are cataloged and classified according to national bibliographic formats and standards such as the Library of Congress Classification, Library of Congress Subject Headings, Library of Congress Rule Interpretations and the Anglo-American Cataloging Rules (Second Edition 2002 Revision). The entire collection is arranged in LC call number order, with a few minor exceptions created for user convenience.

The Law Library uses OCLC as its bibliographic utility. The Law Library shares the Innovative Interfaces integrated library system with four other libraries: Lied Library, the main library at UNLV, and the libraries of the Community College of Southern Nevada, Henderson State College, and the Desert Research Institute. All bibliographic records for the Law Library are available in the online catalog. The Law Library has access to every bibliographic record for the four other institutions as well. The acquisitions and serials modules of the Innovative system are used for all ordering and serials check-in.

As of June 2005, the Library held 284,593 volumes and volume equivalents: 180,365 in microformats and 104,228 in print. Within the next ten years, the Library aspires to collect and hold over 400,000 volumes, with an emphasis on acquiring a larger percentage of print material. Currently, the duties of original cataloging, authority work and database maintenance for this collection are the responsibility of one Law Library faculty member, the Head of Technical Services. In the course of an average year, he completes over 300 original cataloging records but, due to his other professional duties, has found it difficult to complete the over 7,000 name authority entries that need his attention or to complete the various

database cleanup projects that will make searching the catalog more efficient for patrons. He looks forward to the addition of an Acquisitions Librarian in Technical Services very soon to ensure that acquisitions and cataloging projects are shared.

In 2002, the Law Library changed its calculation formula for counting serials titles. The current calculation reflects the "Definition & Instructions" set forth by the ABA Annual Questionnaire. The Law Library had 3,761 active serial titles and 4,013 active serial subscriptions as of June 2005. One challenge the Law Library faces in terms of bibliographic control of the collection is migration from "serials" to "continuing resources." At some point in the near future, all serials titles must conform to the new AACR3 FRBR standards and the necessary conversion and cleanup must take place.

Another challenge the Law Library faces is providing off-campus access to electronic resources in the Library catalog. The current mode of access, which uses the Law School's extranet, is cumbersome for many authorized users and inaccessible for those with older home computers. Technical Services and other staff are discussing more convenient modes of access with the Information Technology department. The ultimate goal is to have seamless access to databases to which the Library subscribes from the Library catalog or Library webpage.

Most of the current collection in microform format was uncataloged, until the Head of Technical Services completed a project to create bibliographic access to the Congressional Information Service collection. In December 2004 and January 2005, 84,654 bibliographic records were added to the Library catalog for the Congressional Information Service set, 1970-2001. Over 40,000 additional titles for the Congressional Information Services Committee Hearings, 1833-1969, were added in Spring 2005. Other sets have been targeted for title access later this year.

6. *Library Physical Plant*

In Summer 2002, the Law Library moved to its permanent home on the UNLV campus. The Law Library is now housed in the two renovated buildings previously occupied by the main University Library (Dickinson, now Lied, Library). Although there are two buildings, the Library itself occupies only the entire third floors of the round building and rectangular building, and part of the fourth floor in the rectangular building, for a total of 53,632 square feet. Even though not all shelving in the Library is yet fully occupied, staff anticipate the need for 20 years of growth space. Because the Library aspires to house 400,000+ volumes, it is anticipated that the Library will run out of space within the next 15 years. The Law School is seeking additional library space to meet these needs. However, increases in faculty positions to meet new program needs will continue to push the limits of current space in the Library. Compact or other shelving is being considered. However, it has not yet been determined if areas of the Library are capable of supporting compact shelving. Offsite storage may need to be considered if compact shelving is not feasible.

The Library's main entrance is located on the third floor of the round building and can be accessed by a staircase or an elevator. The Library has a total of 46,620 linear feet of

shelving space, of which 15,481 linear feet is currently occupied (approximately 33%). The new facility has enabled the Library to expand many of its collections, and the need for short-term storage, required in its early years, has been eliminated.

The third floor of the round building houses the Core, State, Reference, and Reserve collections as well as large and small student computing labs, and a micro materials room. In addition, the circulation desk, reference desk, several faculty librarians' offices, a Library conference room, staff lounge, and the administrative offices are all located on this floor. The Law School originally provided space for an in-house copy center in the Library. However, the department decided not to use that space. In 2004, that space was renovated and turned into an additional office and a Library classroom with comfortable seating for up to 12 students. It has proven to be a popular renovation and is used regularly by students, Library staff, and other groups.

The third floor of the rectangular building is occupied by the Treatise and Core 2 collections. Technical Services is also located here in close proximity to the School's freight elevator. The fourth floor contains the Periodical collection and faculty offices. Secured access to faculty offices from the Library collection housed on that floor was requested and provided in 2003.

There are a total of 17 study rooms throughout the Library facility, two of which were added in Summer 2005. Nine rooms accommodate study groups of four to six students, and five rooms hold two students each. There are 111 study carrels and a number of large open tables located throughout the library for comfortable studying. The Library also provides several lounge seating areas. In all, the Library makes 313 seats available for Library users.

The Library is fully carpeted, and the furniture throughout the third floor of the round building was new when it was purchased in 2002. The third and fourth floors of the rectangular building house the carrels and tables that were moved from the Law School's temporary facility. Three public copiers are available which use the University's RebelCard system. Coin operated copiers no longer exist on campus. In addition, a television is available to patrons for viewing video media in the Library that has both a VHS tape and a DVD player attached. The Library also provides two public Internet computers, three computers for Library catalog use only, and a computer with LegalTrac access.

Although this building was newly renovated, continual problems from old heating and air conditioning systems plague the facility. New units were not installed in all areas of the School when the building was renovated. Some areas of the Library are either extremely hot or extremely cold, and the Library staff has fielded numerous complaints from law students and Library patrons about these problems. In addition, these conditions bother the Library staff in their respective work areas, sometimes affecting their work and health.

There have also been constant problems with the Library's staircase entrance. Heavy glass doors were chosen by the architect for an open and spacious feeling in the building. However, their weight and construction has caused a number of problems. Usually, a broken crash bar or door handle problem is reported every few months. The University's facilities

personnel have been responsive in fixing the door and have done an excellent job soldering the broken pieces. However, they have recommended finding replacement parts and have been unable to locate the manufacturer.

Additionally, there continue to be noise issues in the main reading room. Although suggestions for creating a less noisy environment have been shared with University facilities personnel, none have been implemented.

7. Planning and Future Goals

The Law Library now has time to plan for the future. This was not a luxury afforded to staff in the Library's early years. Many projects that were identified in the early years are now being developed and completed because of a planning process initiated in Summer and Fall 2004.

The staff's planning process should produce benefits in the coming years. The Library staff began the process by holding a series of meetings during which visions were explored and a new mission statement was carved out for the Law Library. The Library faculty then met during their monthly meetings and used the *ALA/ACRL Standards for Libraries in Higher Education* to answer a series of questions and set out a series of planning initiatives aimed at improving services, instruction, access, resources, staffing, facilities, administration, budget, communication and cooperation, and assessment. That document is attached as Exhibit 26. From this planning initiative, a series of projects have been developed, and, in some cases, completed. Some of this planning resulted in the Library issuing its first and second annual reports, attached as Exhibit 27, two National Library Week events (now yearly events), a set of tenure documents, attached as Exhibit 23, and a project for placing RFID tags on all Library holdings to speed retrieval, checkout, and shelf reading of nearly the entire collection.

Additionally, at the request of the Law School and University, the Library created its first Workload Policy document. It is incorporated by reference into the Law School's Workload Policy. This document sets out some of the policy considerations that affect a professional school and the library that helps support it. That document is attached as Exhibit 28.

The Library staff used the School's biennial budgeting process to refine and further elaborate on the list of initiatives set out in the first planning process. As described above, the Library now has a set of identified projects and goals proposed for funding in the upcoming biennium and that will be proposed for future planning processes. Many projects remain, but the Library's initial roadmap for the future is now in place.

B. Computing

The Boyd School of Law uses information technology throughout its administrative, instructional, research, and public outreach functions. Drawing upon the expertise of a variety of organizations and the experiences of other law and professional schools, we strive to ensure technology is available for the benefit of our students, faculty, staff, and patrons. Through a mix of established and emerging technologies, the Law School aims to provide a reliable, consistent computing environment while ensuring the ability to support inquiry into new technologies and their application to the administration of the School, instruction, and the practice of law.

1. *Computing Staff*

Three information technology professionals form the core of the Law School's technology support group. The Information Technology Director works in conjunction with the faculty, staff, students, and administration to provide for the most appropriate use of the funding sources available to support the information architecture. Library faculty and information resource professionals in the Law Library are additional resources within the Law School who contribute to success in technology and information resources.

The information technology staff in the Law School includes Computer Services Specialist Donald Castle, who has been with the Law School since it opened in 1998. He is a graduate of UNLV and is a Master of Arts candidate at UNLV in Communication/Internet Studies. Computer Network Administrator Shawn Zobrak joined the Law School in 2002, serving first as an audio-visual technician. He is a graduate of Montana State University. The Director of Information Technology, Joshua Brauer, is a Colorado State University graduate in Technical Journalism. He joined the Law School in 2004 after several years at Colorado State University and Electronic Data Systems.

Additional computer expertise at the Law School is provided by Tom Boone, Access Services Librarian, and Sean Saxon, Head of Technical Services in the Law Library. Sean Saxon is very knowledgeable of technical aspects of the Law Library's online system (Innopac). He is responsible for coordinating with the Lied Library computer personnel regarding the shared online system. Tom Boone manages the Library's website and access to online resources for local and remote patrons of the Law Library.

In addition to these staff members, the Law School utilizes the resources of UNLV's Information Technology Department ("OIT") headed by Associate Provost Lori Temple.

2. *Current and Prospective Computing Capacity*

Within the Law School, the group identified above oversees the planning, management, and maintenance of technology and access to information resources. This includes adequate computer facilities for our students, faculty, staff, and administration. The Law School's faculty and staff computer replacement policy is attached as Exhibit 29.

The Law School's Information Technology Director serves as liaison to several entities outside the Law School which play a role in supporting the Law School. These include UNLV's OIT and the System Computing Services ("SCS") of the Nevada System of Higher Education. Jointly SCS and OIT provide the Law School's internet access, most email accounts, student information systems, and billing. This arrangement gives the School access to higher volume, and therefore less expensive, software and hardware licensing agreements than the Law School could expect by itself.

The Law School utilizes a mixture of proven and emerging-edge technology to support the School's core educational mission and to explore innovative ways of reaching students and solving specific educational challenges. For example, in the legal writing and clinical studies programs, the Law School has incorporated elements using technology to create persuasive arguments in addition to the traditional verbal forms.

In three classes in 2004 and 2005, the Law School implemented models that use technology to afford greater educational opportunities to students who are remote from the Law School. Each of the three utilized a different distance learning approach. A seminar for upper-division students on teaching law was team-taught between the Law School and the law school at the University of Illinois. Video conferencing linked the students and professors at each site to the other site. In Summer 2005, a Federal Income Tax class extended the classroom with a live video conference to the National Judicial College campus in Reno. While the professor lectured on-campus, students in both Las Vegas and Reno were able to interact, ask questions, and see materials on the board in real time. The third course, Professional Responsibility, used an asynchronous online approach. The professor provided audio content throughout the week and students responded to questions with written answers in forums. The students also had access to real-time conferencing with the professor in office hours and online video content that exemplified the situations presented in the course. These successful efforts require a significant increase in resources over a traditional classroom setting but effectively allow students who are engaged in externships and summer jobs to continue their education.

Students have widespread access to adequate computing facilities throughout the Law School. In addition to lab facilities that rarely exceed 50% occupancy, there are approximately three network ports for every member of the Law School community. Given the rarity of having 100% of the Law School population on campus at one time and the additional wireless network capacity throughout student areas of the Law School, it is nearly impossible to find a person who cannot access at a moment's notice the technology he or she needs. Each area of the Law School (e.g., LAW JOURNAL, Society of Advocates, Academic Success, and the Clinic) also has additional computers available for student use in their area. Each faculty member has, at a minimum, our standard computer and printer configuration at his or her desk. The typical workstation configuration is Exhibit 30.

In its classrooms, the Law School has implemented, or will be testing in the coming year, a number of new systems for supplementing the ways in which students learn. One of the simplest ideas is having a library of video clips available so that instructors can use situations from real life or popular culture films to illustrate concepts. Other nascent items

include the use of individual web-cameras to allow students in Negotiation classes to have a greater level of feedback and self-analysis, ability to record seminars and other special events and make them downloadable over the web, “smart” boards and in-classroom technology to allow group editing of drafts and Internet content to be presented, and the introduction of classroom feedback systems to allow polling of an entire classroom throughout the class. The IT staff of the Law School is continually working with faculty and administration to find new and improved ways to apply technology in the classroom. It also is working to assist professors in furthering legal education through the appropriate use of technology.

In the Law School’s administration, the IT solutions, while adequate, are not yet optimal. Several systems owned by the Law School, UNLV, and SCS are necessary to administer the Law School and keep accurate records. Many processes for the transfer of data between systems are manual, leading to inconsistencies and many employee hours that are spent in quality assurance roles instead of furthering the mission of the institution. A top priority for the Law School is the addition of a data-management consultant to streamline the processing and administration of data within the business process of the Law School. This addition will also speed up the processing of several forms of data (e.g., class rankings) and enable the administrative and instructional portions of the School to provide feedback more quickly.

Managing the working relationships with the various groups that provide IT infrastructure for the Law School is an ongoing challenge. With the combination of the Law School, SCS, and UNLV each managing portions of the infrastructure, actions are often taken without clear understanding of their negative impact on the Law School. A recent example occurred at the beginning of the Fall 2005 semester. UNLV’s anti-spam solution was implemented without considering its effect on the Law School’s email list server. As a result, UNLV’s mail server – which serves about 85% of the Law School faculty – began imposing delays in delivering email from the Law School’s email lists. The delays ranged from under 30 minutes to more than ten days at the critical start-of-school period. The problem could have been avoided by a more comprehensive change-control process that included the Law School in UNLV’s decisionmaking process.

The Law School currently depends on a UNLV mainframe for keeping official student records and accounting and human resources documents. The Nevada System of Higher Education has decided to replace these systems at each member institution with a system-wide enterprise resource planning (ERP) system. However, the necessary funds to effect such replacement have not yet been appropriated. Three vendors are under consideration for this project. In the event of adoption and funding of a migration to such a system, there would likely be a five-to-seven year timeline for implementing a system that would include the Law School. Each of the systems under consideration have demonstrated a greater ability to meet the Law School’s data storage and management needs than the lackluster ability of the system currently in place.

Another key area of concern for the IT infrastructure involves facilities. The evolution of computing and the Law School’s IT needs combine to make our lack of an adequate data center facility a concern. The Law School currently has adequate physical

space for its servers but does not have suitable fire suppression, HVAC, or power conditioning. In most regards, the Law School has adequate work-arounds for these situations through the distribution of servers in different rooms. However, the Law School would be exposed to a great deal of risk in the event of a fire or other disaster in the building. The Law School is working with UNLV to relocate some servers temporarily to different facilities and is looking towards constructing adequate facilities in either new or retrofitted facilities.

VIII. PHYSICAL FACILITIES

The Law School opened its doors to its charter class in August 1998, in a renovated elementary school across the street from the main UNLV campus. In August 2002, the Law School moved into permanent renovated space on the main UNLV campus. It is comprised of two adjoining buildings, William S. Boyd Hall and the James E. Rogers Center for Administration and Justice. Boyd Hall houses part of the Law Library, administrative offices, classrooms, the Clinic, and student organization and lounge space. The Rogers Center is shared space, with the Law School occupying the third and fourth floors. This space contains faculty offices, Library stacks, and study space. The facilities total 102,068 in net square feet.

Law school classrooms are located on the first floor of Boyd Hall. There are five main classrooms, with one seating 100, two seating 80 each, one seating 40, and a trial courtroom with seating for 50. Three seminar rooms each containing 24 seats complete the classroom space. In addition, very small classes (under ten students) sometimes are held in Library or administrative conference rooms. The original renovation plans also called for an appellate courtroom with seating for 150 which was not constructed due to budget limitations. The Law School now has a commitment from the Thomas & Mack families to build a \$3 million addition that will include the Thomas & Mack moot courtroom.

The project will include, in addition to the appellate court room/auditorium, a student/faculty commons area for informal interaction and receptions, and administrative offices and conference rooms for the Saltman Center for Conflict Resolution. Our existing facility is not adequate to provide the required space or structured environment to support these functions. The new project will extend the educational capabilities of the School and support the goals and objectives of the Law School and the University master plan. The expansion will enhance the quality of our campus environment and the overall experience for faculty, staff, students, and visitors to the Law School and UNLV.

The appellate courtroom/auditorium is intended to provide space for up to 200 and to allow us to conduct education and simulation activities for many Law School programs. The Saltman Center for Conflict Resolution space will include administrative offices and mediation rooms to further expand activities of the Center. The commons area will enable us to create enhanced spaces for interaction and to build community among all involved in the Law School. The design phase of the project began in Spring 2005 and the construction phase is scheduled to be completed in Fall 2006.

The legal clinic is also located on the first floor of Boyd Hall with 4,230 square feet of space. It includes offices for faculty and staff, conference rooms, interview rooms, student work rooms, a copy/supply room, and a children's play area. The clinic is very tight on space as it has added programs, faculty, and staff. The Nevada Immigrant Resource Project is also currently housed within the clinic.

The second floor of Boyd Hall contains administrative office space, the student lounge, student lockers and mailboxes, and offices for student organizations. One suite of offices houses the Dean, Associate Deans, Business Operations, and accompanying staff. Another group of offices contains space for the Externship Program and the Academic Success Program. The student services suite contains offices for the Assistant Dean for Admissions and Financial Aid, the Registrar, Career Services Director, and accompanying staff. There are also two technology support offices on the second floor.

The Library facilities cover 53,632 square feet combined between the third floor of the Boyd building and the third floor and part of the fourth floor of the Rogers building. The Library contains offices, a small classroom, two computer labs, a large micro materials area, reserve reading room, additional conference and 17 group-study and multipurpose rooms, and carrel, table, and lounge seating for 300. Shelving in the Library is expected to accommodate a hard copy collection of 270,000 volumes. However, if pressing space needs in other areas of the Law School look to now vacant stack areas for their use, it is likely that as few as eight years of growth space will remain.

The faculty office space is located on the fourth floor of the James E. Rogers Center for Administration and Justice. There are 36 offices for full-time faculty, two offices for joint faculty appointments, two conference rooms, a lounge, an administrative office, a copy room, a supply room, and an office for adjunct faculty. The faculty is rapidly outgrowing this space, and there is very limited space to offer part-time instructors. We have considered the possibility of utilizing some of the space currently occupied by the Library on the fourth floor to relocate the faculty lounge and add several offices. New study rooms have been constructed on the third floor of the Library to ensure any changes to the fourth floor will not reduce study areas in the Library.

An alternate plan for gaining more space for the Law School is being pursued by requesting the use of the second floor of the Roger's building. A request has been made, through the Campus Building Committee, that the Law School be assigned the second floor space. This space would be used for faculty/administrative offices and future Library expansion.

IX. LAW SCHOOL FINANCES AND UNIVERSITY SUPPORT

The Law School is funded from three sources: state appropriations, tuition revenues and related student fees, and private donations. The tables in Exhibit 31 show the actual funding of the Law School during academic years 2001-02, 2002-03, 2003-04, 2004-05, and

the recently approved funding of the Law School for the next biennium. The Governor and the state Legislature are committed to providing reasonable support to enable the Law School to mature and serve the state in appropriate ways.

The Law School's budget, although part of the UNLV budget, receives funding as a separate line item. The Law School budget request is first approved by the Board of Regents and is included as an element of the Nevada System of Higher Education biennial budget request. The Governor receives and revises this budget with his priorities and submits his recommendations to the Legislature. The Law School budget is a non-formula account, as are the Medical School and the Dental School budgets, with the base operating budget increased by incremental amounts for professional merit and classified step increases. The Governor's office adds increases for any proposed cost-of-living adjustment ("COLA") for faculty and classified staff, changes in employer contributions for group health insurance, or general inflation factors. The Legislature approved COLA increases of 2% for 2005-06 and 4% for 2006-07. The 2005-07 budget also includes a maintenance item to increase the Law School budget based on enrollment growth and the collection of additional student fees. Funding to expand the program of the Saltman Center for Conflict Resolution was requested as an enhancement, but was not approved.

The Interim Finance Committee of the Legislature approved additional spending authority for the Law School in both 2003-04 and 2004-05 based on additional student tuition and fees collected. These projected additional amounts carrying forward into the 2005-07 biennium are the basis for the Law School budget maintenance request. State budget funding includes tuition and fee income which covers 26.5% to 27.5% of the budget with the balance coming from state appropriations. In future years, now that the Law School is considered to be at capacity, we do not anticipate any major increases in state funding. The Law School will have to rely on enhancement requests to seek funds for specific needs of any new or existing programs. Enhancement requests must be approved by the Board of Regents and are then sent to the Governor as a prioritized list for consideration should funds become available. As noted, the enhancement request for the Saltman Center was not approved in the 2005-07 biennial budget. The Law School may find itself more heavily reliant on private contributions to expand its budget.

The Law School has not been charged for University overhead in the past, although it is charged for a share of University Information Technology and a .5% assessment on revenues collected and posted to self-supporting accounts. A request by UNLV to start charging the Law School for University overhead was included in the 2005-07 biennial budget request. This request was approved. This change resulted in a \$1,096,518 increase in the Law School's operating expenses. However, this increase was offset by a corresponding increase in the Law School's state appropriation. State funding rules also require the Law School to cover any fiscal year deficit that might occur, but in the case of a budgetary surplus those funds would be recaptured by the state.

Tuition at the School of Law for the 2005-06 academic year is \$8,900 for full-time students who are Nevada residents and \$317 per credit hour for part-time students. For non-resident students, tuition is \$17,800 for full-time students and \$635 per credit hour for part-

time students. This is an increase from the 2004-05 resident rates of \$7,245 full-time and \$258 per credit hour part-time and the non-resident rates of \$14,490 and \$518. The increase applies to students starting at the Law School in Fall 2004 and thereafter. A portion of this tuition and fee increase is being set aside for student scholarships and Library acquisitions. Tuition revenue (and revenue from certain other fees) is included in Exhibit 32 as a source of operating funds.

In the area of private donations, Dean Morgan has set professorships and scholarships as the two top priorities for fundraising. In a professorship, a donor supplements a faculty member's salary through a donation to the UNLV Foundation, with that faculty position bearing the name of the donor. Endowment funds received for professorships totaled \$2.47 million as of December 31, 2004. In addition to these endowed professorships, the Law School has also established many other professorships with either annual or multi-year funding commitments. Donations received for these professorships total \$869,000. The availability of these professorships enhances the ability of the Law School to recruit and retain exceptional faculty.

As important as professorships are to the well being of the Law School, scholarship support for students is at least equally important. Without reasonable financial aid, we would have difficulty attracting and supporting good students. Since the very early days of the Law School, the community has responded very well to calls to support our students with financial aid. Scholarship endowments totaled \$2.37 million as of December 31, 2004. In addition, significant amounts are received each year in annual gifts for scholarships. These gifts amounted to over \$280,000 in 2003 and \$240,000 in 2004. Scholarship gifts received since the inception of the Law School total \$1.97 million. Starting in FY 2005-06, 60% of the approved Law School tuition and fee increase is to be set aside and budgeted for financial aid. It is estimated that this set aside will provide \$274,000 in FY 2005-06, and \$395,000 in the following year.

Other areas of major gift fundraising include very significant commitments from William S. Boyd exceeding \$30 million in gifts and pledges that include discretionary, professorship, scholarship, and endowment funds, and a \$29 million dollar pledge from James E. Rogers also including discretionary and professorship funds. The Law School has received a \$2 million dollar endowment for the Thomas & Mack Legal Clinic and is benefiting from a commitment from the Thomas & Mack families to build a \$3 million addition that will include the Thomas & Mack moot court auditorium.

Fundraising also provides funds for out-of-state travel, hosting, and recruiting costs, which are not allowed to be paid from state funds. The Saltman Center for Conflict Resolution has received \$1,000,000 in support of its developing program, and Mike and Sonja Saltman are in the process of documenting a new \$1,000,000 commitment. Other gifts support the Library and a securities law program. In Spring 2005, a testamentary commitment of \$4 million was pledged, as well as three other gifts totaling \$950,000.

The development efforts of the Law School are carried out primarily by the Dean and his executive assistant. The fundraising effort also benefits from research assistance from the

University's development office along with the cooperation and support of the president. The Law School retains discretion to spend the results of its fundraising efforts. The UNLV Foundation, the repository and manager of these funds, started retaining a 5% development operations assessment on all cash and cash-equivalent gifts received by UNLV and/or the UNLV Foundation on July 1, 2004. Pledges made prior to this date are not subject to the new assessment. Current endowment rules provide that an inflation factor is returned to the corpus before the pay-out of roughly 4% of income to the Law School for specified purposes. No distributions are available from new endowment funds for a period of two full years from receipt.

The Library acquisitions budget as approved in the state allocation has been insufficient by itself to develop a collection of the quality envisioned, both for the Law School and as a state resource. The Law School has supplemented these amounts with year-end and/or private funds. Flat budgets are especially problematic for law libraries because of the high percentage of serial subscriptions in a law school collection and the fact that subscription cost inflation regularly outpaces the Consumer Price Index. The appropriations for the last four fiscal years have been: \$797,500 for FY 2001-02, and \$877,250 for each of fiscal years 2002-03, 2003-04, and 2004-05. The actual spending from all sources has been \$981,055 in FY 2001-02, \$941,716 in FY 2002-03, and \$1,132,506 in FY 2003-04. The Law Library expects to spend \$1,027,250 for acquisitions in FY 2004-05. The acquisitions appropriation in the 2005-07 biennial budget is again for \$877,250 in both years.

In addition to the funds to be set aside for student scholarships from the FY 2005-06 tuition increase, the Regents approved additional Library acquisition funding. In the first year of the biennium, \$90,000 is to be set aside for Library acquisitions and another \$171,000 will be set aside for acquisitions in the following year. The Dean has also asked the Director of the Law Library to consider, along with the Director of the University's other libraries, ways to better communicate to the University and the state Legislature their needs for an increasing Library acquisitions budget.