



Strategic Plan – Adopted by SCOL Faculty 12/14/2009

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INTRODUCTION TO THE STRATEGIC PLAN

Background

Corona Insights was retained in early July to assist the SCOL with the Strategic Plan. The Corona team's work included collecting data in 4 areas: (1) information about the College of Law (via interviews of faculty, students, and staff; review of prior strategic plans; etc.); (2) information from other constituencies with an interest in the College of Law (alumni/bench/bar); (3) information about other peer and comparison law schools; and (4) information from recent literature regarding analysis of and calls for change in legal education and the legal profession, including two conferences held at the SCOL this fall (Legal Education Assessment and Practice Management).

The consultants synthesized the findings across data sources and compiled a list of conclusions, implications, and recommendations for the SCOL. Corona used two classic strategic analysis tools to synthesize the data: SWOT Analysis (Analysis of Internal Strengths/Weaknesses, External Opportunities/Threats) and PEST Analysis (Analysis of macro-level conditions and trends – Political, Economic, Socio-demographic, and Technological). They also developed a customized analysis for the SCOL that illustrates levels of innovation between comparison law schools.

The Corona team members presented their findings to the FEC on October 10th. The data served as a basis for identifying *strategic imperatives* – issues the SCOL must address as it plans for the next three to five years – as well as the vision, values, and strategy presented in the plan document.

The strategic imperatives summarize the conclusions and recommendations into six specific “calls to action” for the SCOL. We present them to you now so you can keep them in mind as you read the plan.

Strategic Imperatives for the SCOL

We believe it is imperative that we address changes in the external environment. In particular, we must:

- *Adjust to recent changes in the legal profession* including changes in the organization and economics of legal practice, in the relationship between lawyers and clients, and in the increasing need for access to justice;
- *React to changes in educational theory and practice* that have swept the nation in the last several years;
- *Adapt to a changing world* by considering the impacts on law and legal practice of phenomena such as globalization; increasing diversity; technological change; and the growing inter-connectedness of peoples and places.

We also recommend that the school respond to these external changes by making a commitment to:

- *Improve the law school experience* for our students to make it more rewarding, interesting, and valuable;
- *Enhance a sense of identity and mission* at the SCOL to help us convey our strengths to the broader legal and educational communities and to decide how to allocate our limited resources;
- *Focus our efforts* to achieve our goals by making hard choices about what to prioritize – whether those choices involve issues of student support, curricular offerings, programmatic initiatives, scholarly publications, or other areas.

**STURM COLLEGE OF LAW
STRATEGIC PLAN 2010-2015
ADOPTED BY FACULTY 12/14/09**

OUR VISION

The Sturm College of Law will be a preeminent law school.

We will:

- Educate graduates who will be excellent professionals: knowledgeable, innovative, thoughtful, practical, ethical, and well-prepared for the practice of law;
- Engage with the community and the University at all levels of our work, including teaching, scholarship, public service, and public policy;
- Create and disseminate knowledge to solve social and legal problems and to promote justice.

We will achieve our goals through an integrated program of instruction that connects skills and knowledge, applies theory to practice, and respects and engages diverse points of view and diverse experiences. In addition, we will strengthen our preeminent programs and encourage the development of specific new programs that present strategic opportunities for us. Through these efforts and the high quality scholarship produced by our faculty, we will enhance our national and international stature, attract excellent students, and take our place among the very best providers of legal education.

OUR VALUES

We are committed to:

- Encouraging innovative and effective teaching
- Creating, disseminating, and applying knowledge
- Contributing to a just society
- Fostering inclusiveness and respect
- Improving the legal system
- Building and maintaining strong connections with the legal community
- Promoting productive involvement with the University and the broader community

OUR STRATEGY TO ACHIEVE THE VISION

We will implement a coordinated set of activities – a strategy – designed to achieve the vision. Our strategy is grounded in two initiatives: 1) a modern learning initiative designed to better prepare our students for the legal profession or their chosen path, and 2) a commitment to promote and support a number of distinctive areas of specialization whose rich curricular offerings will attract students, whose depth will encourage excellent scholarship, and whose quality will improve our local, regional, national, and international stature.

The *modern learning initiative* aims to prepare students for the legal profession or their chosen path by offering more integrated and experiential learning in a well balanced curriculum.

The *specialization initiative* aims to promote intellectual life, engagement in local, regional, national, and international discussions about legal and social issues, and scholarly production at SCOL, by highlighting our commitment to our areas of subject matter excellence.

We believe there are synergies between the two initiatives, and that we can accomplish more with both than we could with either by itself. As our top-flight clinic has already demonstrated, students thrive and learn where skills and doctrine are integrated. Faculty also thrive where their scholarship helps inform their teaching.

We also believe that this two-pronged strategy will help to focus our efforts, guide resource allocation, and hone our identity. To further sharpen our focus within each of the two prongs, we will concentrate on building *Centers of Excellence* – areas where we believe we can truly stand out, achieve national prominence and fulfill our commitment to both initiatives.

We recognize that this plan is a first step. Much work remains to be done in further refining and marketing our identity, as well as in developing and assessing specific steps for implementing the strategies discussed below. This plan is intended to provide direction and focus for those endeavors.

I. The Modern Learning Initiative: Promoting Integrated Teaching and Learning

Balanced Curriculum

Our plan is informed by the extensive modern research on legal education, including the Carnegie Report of 2007 entitled *Educating Lawyers: Preparation for the Profession of Law*. While we are not tied to its conclusions, we find the Carnegie Report's three "apprenticeships" helpful for identifying components that are central to effective legal education:

- 1) The cognitive apprenticeship – variously described in the report as understanding, sets of abilities, legal knowledge, conceptual knowledge, and thinking;
- 2) The skills apprenticeship – variously described in the report as know-how, practical knowledge, skillful practice, and performing;
- 3) The professional identity apprenticeship – variously described in the report as intention, professionalism/ethics/social responsibility, and professional identity.

We believe that effective legal education requires a *balanced* curriculum – one that offers exposure to each of the Carnegie apprenticeships described above. We are committed to providing such a balanced curriculum.¹

Our plan is also informed by changes in the market for legal services and practice. In today’s legal market, it makes sense to graduate students who are “practice-ready,” rather than students who will need to learn essential skills on the job. By a “practice-ready” student, we mean a student who has attained entry level proficiency in a significant number of important professional skills. There are some skills lawyers must learn on the job, but there are many skills that can be taught in law school.

As many of our alumni have noted, our students will benefit from learning a broader and more practical set of skills – such as how to read a financial balance sheet, how to write persuasive motions, and how to develop project management and leadership skills. Applying cognitive material in a concrete context—such as writing motions, contracts, statutes, or complaints—solidifies the material learned. Thus, skills learning is not only useful in its own right; it also can reinforce cognitive learning. For both of these reasons, it makes sense to enrich and expand the teaching of practice skills at the SCOL.

Opportunities for Integrated Learning

The Carnegie Report emphasizes that integration of each of the three apprenticeships within a particular learning experience (e.g., a particular course) is the ideal method of teaching. We do not take a position on whether it might be desirable to try to integrate all three apprenticeships in all courses in the curriculum. Our plan is more modest, calling for us to expand opportunities that already exist for integrated learning, and to explore new and innovative ways to incorporate practical skills and professional identity learning into the curriculum. Such experiences could be provided, for example, through clinical offerings, externships, or “capstone” courses based on a complex simulation exercise that would provide students exposure to all three of the Carnegie apprenticeships.

In addition, to the extent feasible, we commit to integrating the teaching of skills, cognitive knowledge, and professional identity in other parts of the curriculum.

¹ We understand that properly implementing a balanced curriculum requires a strategy for assessment: determining the amount of exposure to each apprenticeship that our curriculum should contain, determining the amount that the curriculum currently provides, and developing methods to address any gaps that this process identifies – as well as developing methods for measuring whether we are succeeding in teaching these three apprenticeships. For reasons that will be more fully explained in the plan, we are convinced that all three Carnegie apprenticeships involve abilities that are essential to good lawyering.

Promising ways of beginning that integration might include: 1) attaching skills labs to required and/or elective courses (thereby importing into those courses at least a skills component and perhaps some professional identity material as well) and 2) offering Lawyering Process (LP) and first-year required courses that are tied together and collaboratively taught. Our LP, upper-level writing, AAP, library, externship, advocacy skills, and clinical faculty represent valuable sources of expertise that could be useful to doctrinal professors interested in incorporating additional skills components into their classes or collaborating on joint teaching experiments.

We recognize that some members of our faculty are innovative in the classroom today and are eager to experiment with new course formats. We commit to conducting “pilot” courses in the upcoming academic years to facilitate our hands-on learning. We are also committed to assessing our own work and making improvements as we go. This effort will inform the broader activities involved with implementing the three apprenticeships.

Our Commitment to Balanced and Enriched Integrated Learning Opportunities

Organization and coordination: The SCOL has been at the forefront of skills education through our LP and upper-level writing programs and our clinical offerings. Our moot court competition teams frequently succeed at the national level, and our advocacy and academic assistance programs provide a wide variety of opportunities for developing lawyering skills. Our librarians offer significant potential for improving our students’ legal research skills. Our externship program is one of the largest in the country, and is continually improving the quality of externship experiences. But, as noted above, these efforts would benefit from being coordinated to avoid unintended duplication of efforts, working at cross-purposes, gaps, and non-strategic overlaps.

Especially given recent expansion of curricular and extra-curricular offerings within the SCOL, we need to more effectively coordinate the multitude of skills components already available to ensure that competencies are covered and reinforced in a thoughtful and systematic approach. It would be useful as well to consciously coordinate first-year doctrinal courses, to reinforce but avoid redundancy in their coverage of study skills and “legal literacy” topics such as briefing cases, making outlines, hierarchies of authority, etc. We believe it is possible to engage in such coordination without producing an inflexible or dogmatic structure. We therefore commit to identifying and implementing the most effective way to achieve that coordination.

Multidisciplinary teaching and learning: Law is part of society, and effective lawyers need to know considerably more than the applicable rules. Because lawyers are problem-solvers, legal education that encourages students to examine the complex contexts in which legal problems arise can be particularly useful. In addition, the economic recession has strengthened the shift to client-centered practices, whereby lawyers are expected to understand their clients’ non-legal challenges. Thus, courses that incorporate information from other disciplines (psychological data on determinants of human behavior; business knowledge about how corporations function; information that provides cross-cultural competency (e.g., classes on United States law in Spanish)) can

be particularly effective at teaching problem-solving and helping our graduates adjust to the changing lawyer's role in a new economic environment. SCOL faculty can increase their teaching effectiveness and make our graduates better lawyers by introducing into the classroom multidisciplinary perspectives and other material designed to help students understand the complex moral, cultural, historical, and economic contexts in which legal problems arise.

For these reasons, we embrace a broad interpretation of the third Carnegie apprenticeship. In assessing our curriculum in terms of professional role learning, we will determine the extent to which the curriculum should both introduce students to the skills necessary to develop and run a law practice and pay attention to the socioeconomic, political, historical, and scientific contexts in which legal problems play out (while maintaining focus, of course, on the ways in which these disciplines inform legal problem-solving).

We recognize that some members of the faculty have already formed effective interdisciplinary partnerships with faculty in other units within the University and with groups outside the University. We have opportunities to build on those individual efforts to create more robust and varied relationships with other units to enhance teaching, scholarship, and service work, for example with business, human psychology, economics, sociology, or international affairs. All of these synergies make multidisciplinary inquiry a natural part of a balanced and comprehensive program of legal education at SCOL.

Law practice management: SCOL alumni have noted the importance of teaching not only legal skills, but skills that prepare our students for the practice of law – for engaging in the business of practicing law. The SCOL is uniquely positioned to build on the expertise within the MSLA program as we teach our students about law practice development and management. We have deep roots in that area going back to Dean Yegge's era. We will build on those roots to ensure that our students have the tools they need to build their legal practices in a wide variety of settings.

Bar passage: We have reason to believe that our integrated, experiential learning initiatives will increase bar passage. This is because sections of the bar test the ability to integrate material from multiple courses into lawyerly work.² We will continue to measure and monitor any effects that our enterprise has on bar passage. Additionally, we will continue with our goals of maintaining pass rates above the state median and regularly achieving a pass rate of 90% or higher.

² As evidenced by recent changes to the bar exam's MEE essay format and Multistate Performance Test (MPT), the bar exam has increased its emphasis on situational models, which require graduates to solve legal problems from an experiential perspective. Recent essay exams ask graduates to address legal problems within situational contexts, which is a noticeable shift from previous formats. The MPT section (worth three-times as many points as the essay) asks graduates to draft motions and documents that reflect an application of practical skills knowledge and cognitive analysis to concrete contexts. The ability to demonstrate experiential knowledge and cognitive skills in distinct situations will serve our graduates well in taking the bar.

Expanding our integrated curriculum

Our current legal skills curriculum – beginning with a required 6-credit LP program in the first year and continuing in later years with an upper-level writing requirement, including a more structured upper-level writing course available to some students – goes a long way towards providing the practical education necessary to graduate “practice-ready” students. But that curriculum could (and we believe should) be expanded even further. We therefore commit to expand our curriculum in the following ways:

First and second years: We will strengthen the program of legal education in the first and second years by:

- Developing new ways of integrating skills learning and doctrinal learning to ensure each is informed by the other;
- Encouraging experimentation with integrated learning, including promoting collaboration among 1st year professors and considering lab components (a lab could be defined as a 1 or 2-credit course that provides a practical component to complement doctrinal teaching);
- Coordinating skills education (e.g., writing, research, oral advocacy, competitions, negotiation, client counseling, etc.);
- If resources permit, requiring for every student an additional semester-long second-year course of required skills training, building upon the two semesters of first-year LP and the current upper-level writing requirement;
- Facilitating specific coverage of ethics issues throughout the curriculum by providing support (e.g, summer leaves) and/or training to our current faculty to enable them to incorporate those issues successfully.

Third year: We will develop a range of new options for our students’ third-year of study. All of these options have the common trait of providing integrated education in experiential modes. These options will use that setting to help students acquire deep understanding and professional competence concerning 1) complex doctrines, 2) complex modes of analysis, 3) problem-solving, 4) application of legal skills and knowledge to issues that involve multiple doctrinal areas, 5) oral and written communication, 6) identification and resolution of ethical issues, 7) exercising judgment in the face of life’s uncertainties, and 8) self-reflective learning from the experiences of practice in a complex, unpredictable real world.

These third-year options could include:

- Practice simulation courses (“capstones”): small, integrative courses centered on particular substantive legal problems treated through simulated law practice experiences;
- Externships of various credit allocations with enhanced faculty participation and supervision;
- Clinical courses.

Our goal is that we will commit to provide every third-year student who desires it at least one such opportunity. Moreover, we will pilot an “all experiential” program that offers a group of our students the option of an all-experiential third year. This all-experiential third year would comprise a full, third-year curriculum consisting of courses from those described above and might include participation in newly-developed, 15-credit simulated law practice experiences.

Facilitating rather than mandating: We will find mechanisms for incorporating a wide variety of innovative and enriching pedagogical methods into individual courses. Our belief is that enough faculty either already use or would be excited to include such methods in their teaching that all the institution needs to do is facilitate (through material support, opportunities for self-education, etc.), coordinate, and publicize those efforts – not a small task, but a doable one. We do not suggest that every professor be required to address every one of the three Carnegie apprenticeships, or any particular interdisciplinary focus, in every (or any) class he or she teaches.

II. The Specialization Initiative: Promoting and Supporting our Areas of Specialization

Centers of Excellence: Flagship and Developing Centers of Excellence

To be distinctive, we need to select a small number of areas where we can truly stand out and achieve national prominence. We will attain this goal by establishing Centers of Excellence. These Centers will allow us to develop a clearer identity for the SCOL and inform the allocation of resources going forward. We believe these Centers of Excellence will help us attract additional financial resources that will support the overall success of the SCOL. (See the Resource Priorities section for additional detail on this topic.)

These Centers of Excellence will support the Modern Learning Initiative, as well as our Specialization Initiative. As noted above, we believe there will be significant synergies between these two initiatives.

Centers will be designated as either *Flagship Centers* or *Developing Centers*. Flagship Centers have achieved a level of maturation and prominence; Developing Centers have the potential for the same significance. Because we recognize the need for focus in order to achieve excellence, we propose a limited number of each type of center at this time.

Our first priority for Centers of Excellence is to achieve our desired level of national prominence for the Flagship Centers. We will use USNWR rankings as benchmarks – our goal will be to have each Flagship Center in the Top 20 or higher, depending on their current ranking. By featuring areas of specialization that have already reached a level of national recognition or show great potential for growth, the entire SCOL increases in stature.

We envision a long-term strategy that would nurture both Flagship and Developing Centers and that would aspire to increase the number of Flagship Centers we have by attaining, over time, national prominence in our Developing Centers.

Flagship Centers: These centers are already established and have momentum from which to build. With strategically placed additional resources, each could acquire significant national recognition.

We will develop a set of standards regarding Flagship Centers that both designate their position as centers and denote the SCOL's expectations for them. For example, they will be expected to achieve and maintain the reputation we are striving for and confirm the identity we envision for the SCOL. These standards are outlined in Appendix 1. Additional guidelines and benchmarks will be outlined in our Implementation Plan. Designation as a Flagship Center of Excellence is not an entitlement. Future strategic plans should evaluate whether Flagship Centers still deserve their priority or whether they should be supplanted by designating developing centers as flagships or by entirely new efforts.

Developing Centers: Each Developing Center has a core of dedicated faculty with an interest in doing more to advance the center; each has the potential to provide excellent preparation for interested students and achieve significant national recognition; and each can attract outside resources for support. As noted above, in order to become a Flagship Center, an area must attain national prominence and achieve the national reputation required of Flagship Centers. When a Developing Center attains that prominence, it will then be reviewed in light of the standards for Flagship Centers.

Proposed Flagship Centers

We propose the designation of the following as Flagship Centers:

Environmental and Natural Resources Law: This program, including energy law, would be a Flagship Center within the Specialization Initiative. Existing international offerings in this area provide a valuable opportunity for synergies with international and comparative law. Our well-established Environmental Law Clinic provides opportunities for synergy with our clinical program. The Water Law Review and Rocky Mountain Land Use Institute provide important opportunities for ground breaking scholarship, conferences and policy initiatives. Our extensive environmental and natural resources externships provide opportunities for integrated learning.

International and Comparative Law: This program would be the second Flagship Center within the Specialization Initiative. As noted above, important synergies between our international and environmental areas of specialization are already developing and will work to strengthen both centers. We will successfully leverage established international connections to produce a unique program that can maintain its relevance and appeal to students in the face of a proliferation of international and globalization initiatives in law schools around the country

The Student Law Office (Clinic): This program will be the Flagship Center within the Modern Learning Initiative. The Clinic will both support our modern learning efforts and enrich the areas of specialization in which we can be especially strong. Its central role within the program of legal education is best embodied by our goal of including a clinic in each area of specialization, beginning with the Flagship Centers and, to the extent possible, extending to Developing Centers. In that sense, the Clinic is not only a center of excellence in its own right, but also plays an important unifying and connecting role within the institution.

Proposed Developing Centers

We propose the designation of the following as Developing Centers:

Workplace Law: This specialization center is well-launched, and has the potential to become a Flagship Center in the near future.

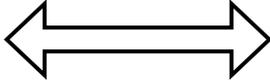
Commercial/Business Law: This new center of specialization would capitalize on our ability to serve the needs of the legal community to provide enriched, contextualized, and multidisciplinary education about business law to our students.

Constitutional Rights and Remedies/Social Justice: This new specialization center has been proposed by a number of colleagues and has promise as an additional area of specialization and growth.

Experiential/Practical Skills: This new center (within the Modern Learning Initiative) would gather together in one central unit the wide variety of programs and faculty members who have already done much work in experiential and skills teaching and scholarship, including LP, upper-level writing, AAP, library, externships, and advocacy.

The Centers of Excellence and the relationships among them are summarized in the table on the next page.

Centers of Excellence

Specialization Initiative		Modern Learning Initiative
<p><i>Flagship Centers</i></p> <p><u>Environmental and Natural Resources Law</u> – including energy law</p> <p><u>International and Comparative Law</u></p>		<p><i>Flagship Centers</i></p> <p><u>Clinic</u> –including a clinical component for each flagship center and perhaps eventually for each area of specialization</p>
<p><i>Developing Centers</i></p> <p><u>Workplace Law</u> – an existing and growing program</p> <p><u>Commercial/Business Law</u> - a new program focused on the legal issues of the business community</p> <p><u>Constitutional Rights & Remedies/Social Justice</u> – a new program</p>		<p><i>Developing Centers</i></p> <p><u>Experiential/Practical Skills</u> - a new program incorporating a wide variety of existing skills/experiential faculty and offerings</p>

Scholarship, Centers and Intellectual Life

It is important that the SCOL engage in scholarly work relevant to the issues of the day. We will fully engage our research enterprise in solving legal and social programs and promoting justice. Through our scholarship, we will continue to have a strong voice in various arenas, including legal education and public policy and with the practicing bar and community at large. We will continue to search for ways to support and encourage innovative and insightful scholarship through various avenues, including reduced teaching loads, increased summer stipend support, faculty reading groups, mentoring, and the like. We will also continue to search for ways to improve the dissemination of our scholarship and ideas, and to help make them relevant to practitioners and policymakers, as well as the academic community.

We will provide additional support to scholarship through the designation of Centers of Excellence. Centers will reinforce the scholarly productivity of their faculty participants. Centers will also provide a vehicle for support, dissemination of information, and recognition, which will encourage faculty and staff to engage in local, national, and international conversations about legal issues.

Our distinctive areas of specialization will be focal points for the energy and creativity of a great number of faculty. We do not expect that every faculty member will participate in a Center, but we would hope to have a large number who do. We believe that the collaboration and idea exchange provided through our specializations can enrich faculty intellectual lives, teaching, scholarship, and service.

Resource Priorities

We will allocate resources, including faculty lines and funding, to achieve the desired level of excellence and prominence for the Flagship Centers and to augment experiential learning opportunities. Also highly important, but with a lower priority, will be resources to nurture our Developing Centers. Endeavors that are not specified in this plan may receive support, but the two initiatives in this plan (Modern Learning initiative and Specialization initiative) will have priority in the distribution of resources. We anticipate that giving top priority to the two initiatives described here will actually accrue to the benefit of all faculty by honing our identity and facilitating fundraising.

We recognize that each Center will have unique resource needs, with some requiring more support and others less. As a result, the amount of funding or faculty lines provided to each Center will be based upon a careful assessment of a Center's needs and the SCOL's expectations for it.

Recommendations for the allocation of new faculty lines will be made by the Planning for Excellence Committee, and any new hires must be approved by the faculty through the regular appointments process.

Strategic Plan Assessment

We recognize that successful implementation of this strategic plan necessitates careful assessment. The next step in this strategic planning process will be the creation of implementation plans with specific time goals. The FEC will solicit significant faculty input through working groups and submit these implementation plans to the faculty for approval in early 2010.

In addition to evaluating current efforts related to both the modern learning initiatives and the growth of our areas of specialization, the FEC will annually assess the implementation of the SCOL strategic plan to ensure we are meeting goals, reaching benchmarks, and continuing to enhance the significance and prominence of our institution.

APPENDIX 1 – CENTERS OF EXCELLENCE

What defines a Developing Center?	What defines a Flagship Center?
<p><u>Current features</u></p> <ul style="list-style-type: none"> • Get passage from Curriculum Committee and faculty • Track of required and elective courses • Capstone experience • Extra-curricular events such as colloquia and speakers’ series • Periodic meetings among students and faculty • Some interaction with the relevant legal community • Director coordinates the program’s activities and serves as a liaison to the faculty • Faculty participation is voluntary • Reviewed at least once every five years by the Curriculum Committee and Faculty <p><u>Additional recommended features</u></p> <ul style="list-style-type: none"> • Provide effective guidance to students • Incorporate student publications • Provide enrichment for faculty members, such as reading groups • Organize and recommend staffing for a range of elective courses • Participate in supervision of internship and clinic offerings • Adapt to changing circumstances and remain relevant and central to the discussion 	<p><u>What differentiates a Flagship Center</u></p> <p>Flagship Centers possess <i>all</i> attributes of Developing Centers plus the following:</p> <ul style="list-style-type: none"> • Central to identity of the SCOL • Has existing strengths that can be leveraged strategically <ul style="list-style-type: none"> ○ Or, has opportunity for strategic growth • Has national reputation and ranking (USNWR Top 20) <p><u>Proposed Features</u></p> <p>Includes current and additional features of a Developing Center plus:</p> <ul style="list-style-type: none"> • Clinical component • Faculty review once every three years • Faculty serve as ambassadors for the school by speaking to bench and bar associations, attending fund raising events, and other functions