
IN THE SUPREME COURT OF FLORIDA
Case No. 90,990

FILED

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**FLORIDA BOARD OF BAR EXAMINERS,
RE: MASSACHUSETTS SCHOOL OF LAW**

CLERK, SUPREME COURT
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SUPPLEMENTAL BRIEF OF MASSACHUSETTS SCHOOL OF LAW

DEAN, RICE & HOWARD P.A.
Mark E. Howard
Eric A. Kane
707 Chestnut Street, P.O. Box 1420
Manchester, New Hampshire 03 105
(603) 626-1000 (Telephone)
(603) 626- 1001 (Facsimile)

HOLLAND & KNIGHT LLP
Raymond Ehrlich (FBN 0022247)
50 North Laura Street, Suite 3900
Jacksonville, Florida 32202
(904) 353-2000 (Telephone)
(904) 358-1872 (Facsimile)

Attorneys for Petitioner,
Massachusetts School of Law

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INTRODUCTION

Petitioner, the Massachusetts School of Law ("MSL"), submits this supplement brief to its Petition to apprise the Court of a recent development relevant to MSL's efforts to secure the opportunity for its graduates to sit for the bar examinations of various states.

I. The Accreditation Commission of the New England Association of Schools & Colleges Has Recommended That MSL Receive Accreditation.

On September 26, 1997, after an inspection and report by a distinguished visiting team,¹ the Accreditation Commission of the New England Association of Schools & Colleges ("NEAS&C") decided to recommend to the NEAS&C's Board of Directors that MSL receive NEAS&C accreditation. Exhibit A. The NEAS&C, which accredits, among others, Harvard University, Yale University, Brown University, Dartmouth College and the respective Universities of Connecticut, Massachusetts, Rhode Island, Maine, and New Hampshire, is -- like the ABA -- a nationally-recognized agency approved by the Department of Education.² The recommendation for accreditation by the nationally-recognized NEAS&C is a further significant indication of the high quality of education that MSL offers.³

¹ The NEAS&C inspection team consisted of William Dill, then the interim President of the Boston Architectural Center and previously the President of Babson College and the Dean of the New York University Business School; Kinvin Wroth, Dean of the Vermont Law School and former Dean of the University of Maine Law School; Lawrence Ladd, Director of Budget and Financial planning of Harvard University; and Paul Leblanc, President of Marlboro College.

² Unlike the ABA, however, the NEAS&C has not been subjected to the criticisms leveled by groups such as the American Law Deans Association, as discussed in MSL's Petition.

³ Copies of the NEAS&C's Evaluation Manual, Self-Study Guide, and Standards for Accreditation are included in the accompanying appendix.

II. The Connecticut Bar Examining Committee Has Approved MSL Graduates To Take the Bar Exam Beginning In July, 1998.

On November 24, 1997, MSL was notified that the Connecticut Bar Examining Committee had given approval for MSL graduates to take the Connecticut bar examination beginning in July, 1988.⁴ This significant approval was received after MSL provided extensive materials to the Committee and was favorably inspected for one and one-half days by a three-person committee sent by the Bar Examining Committee.'

CONCLUSION

MSL has demonstrated, through approval by the HECC, the report of the independent visiting team of 1991, and most recently by the evaluation report and recommendation for NEAS&C accreditation and the Connecticut Bar Examining Committee's approval, that its graduates should be afforded the opportunity to take the bar examination in Florida. Whether a law school is ABA accredited should not be the sole criterion for a law graduate's opportunity to be admitted to practice. Accreditation by a nationally-recognized regional accrediting body, such as the NEAS&C or one of its sister regional accrediting agencies in other sections of the country, is a practicable alternative to ABA accreditation for qualifying a school's graduates to take the bar examination.

⁴ MSL received this notification telephonically and will file documentation of the approval with this Court upon its receipt.

⁵ The inspectors were Raymond Beckwith, Esq., Chair of the Committee; the Honorable Joseph Flynn, a Connecticut Superior Court judge who is a member of the Committee; and, R. David Stamm, Esq., the Administrative Director of the Committee.

Respectfully submitted,



Raymond Ehrlich (FBN 0022247)

HOLLAND & KNIGHT LLP
50 N. Laura Street, Suite 3900
Jacksonville, Florida 32202
(904) 353-2000 (Telephone)
(904) 358-1872 (Facsimile)

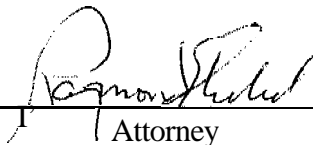
and

Mark E. Howard
Eric A. Kane
DEAN, RICE & HOWARD P.A.
707 Chestnut Street
P.O. Box 1420
Manchester, New Hampshire 03 105
(603) 626- 1000 (Telephone)
(603) 626- 100 1 (Facsimile)

Attorneys for Petitioner,
Massachusetts School of Law

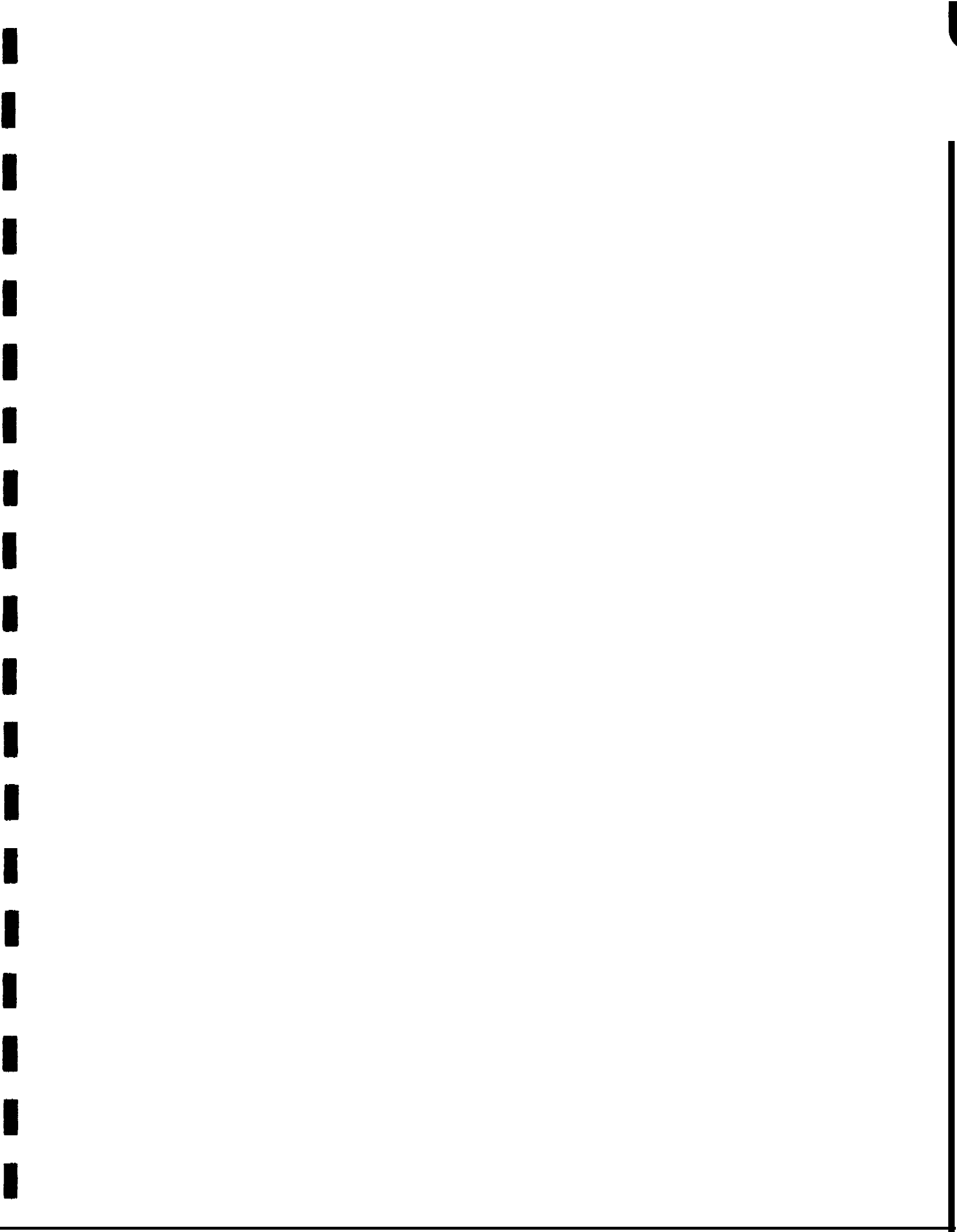
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and accurate copies of this Supplemental Brief and accompanying Appendix have been furnished by United States Mail to: Kathryn E. Ressel, Executive Director and Thomas A. Pobjecky, General Counsel, Florida Board of Bar Examiners, 1891 Eider Court, Tallahassee, Florida 32399-1750; John J. **Harkness**, Jr., Executive Director, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300; Darryl L. **DePriest**, General Counsel, American Bar Association, 541 North Fairbanks Court, Chicago, Illinois 606 11; and John M. **McDonough**, Esquire and David **R. Stewart**, Esquire, Sidley & Austin, One First National Plaza, Chicago, Illinois 60603, this 26th day of November, 1997,



Attorney

JAX1-275714.4 / 50835-1





Founded In 1885

NEW ENGLAND ASSOCIATION OF SCHOOLS & COLLEGES, INC.
COMMISSION ON INSTITUTIONS OF HIGHER EDUCATION

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University Librarian
Brown University

JOHN F. VAN DOMELEN (2000)
President
Wentworth Institute of Technology

Director of the Commission
CHARLES M. COOK
E-Mail: ccook@neasc.org

Associate Director of the Commission
AMY K. LEZBERG
E-MAIL: ALEZBERG@NEASC.ORG

Associate Director of the Commission
PEGGY L. MAKI
E-MAIL: PMAKI@NEASC.ORG

Lawrence R. Velvel
Dean
Massachusetts School of Law
500 Federal Street
Woodland Park
Andover, MA 01810

Dear Dean Velvel:

It is my pleasure to inform you that at its meeting on September 26, 1997, the Commission on Institutions of Higher Education took the following action with regard to the Massachusetts School of Law:

that the Massachusetts School of Law be recommended to the Board of Trustees of the New England Association of Schools and Colleges, Inc. for initial accreditation;

that, assuming positive action is taken by the Board, the School submit a report to the Commission by January 15, 1999, demonstrating its continued success in:

1. enrolling sufficient numbers of qualified students;
2. ensuring the institution's financial stability;
3. securing the opportunity for graduates to sit for the bar in additional states;
4. strengthening library and information services in support of the institution's educational mission;

that a comprehensive evaluation be scheduled for Spring 2002.

The Commission gives the following reasons for its action.

The recommendation to the Board of Trustees to grant the Massachusetts School of Law (MSL) initial accreditation is based upon the Commission's finding that its *Standards for Accreditation* are being substantially met by the institution. We commend the School for its strong and worthy definition of mission together with an impressive "buy-in" to that mission by the School's communities. The institution enjoys effective administrative leadership and benefits from exceptional faculty involvement in admissions, advising and placement. We also note with favor the dedication and enthusiasm the core faculty and professional

staff demonstrate in particular in their efforts through vigorous interaction over ways to improve the ways in which students are educated and **services are** delivered by MSL. In this regard also, we **wish** to commend the emphasis directed to the quality of teaching **and to the** personalized attention and support **given** to students, as **well as** the emphasis given to the development of their professional skills. Finally, we **applaud** the institution's commitment to high ethical standards **within the classroom as well as within the administration** as reflected in the **clarity** and candor of information provided to prospective and current students.

The next meeting of **the** Association's Trustees is scheduled **for** December 3, 1997. A **recommendation** to grant the Massachusetts School of Law initial accreditation **will be placed** on its agenda. Given positive action by the Trustees, the effective date of accreditation will be April 23, 1997, or the last day of the team's visit. Following Board action, the institution may provide public information regarding its status, using the accompanying policy document, "Public **Disclosure of** Information about **Affiliated** Institutions."

The Commission wishes to monitor several issues through the School's 1999 report which **are** related to **our** standards on **Financial Resources** and **Library and Information Resources**.

As related in the evaluation **report**, MSL has experienced financial and enrollment instability in recent years. Reflective of decreases in enrollment, **revenue** declined **from** \$7 million in FY 1993 to \$4 million in FY 1996, with a surplus turning **into** a deficit, apparently **the result** of extraordinary legal expenses. **The Commission** is aware **that** the institution has a substantial cash balance from **previous** years to cover its deficits. **However**, while the **team** noted the institution's sound financial **management** and organization, it **also** related **that** MSL has not undertaken contingency **planning**. We believe that this is a matter that bears **monitoring** and for that reason, the institution's continued ability to **fulfill** the standard on **Financial Resources** has been **made** a topic of the 1999 report. Through **it**, the Commission anticipates **learning** that "the institution's **financial** resources are **sufficient** to sustain the achievement of its educational objectives and to **further** institutional improvement now and in the **foreseeable future**" (**Financial Resources, 9.1**).

While we encourage **the** institution to engage more actively **in** fund raising, it is clear that maintaining adequate enrollment is **an** important **key** to the School's fiscal well-being, given the institution's **tuition** dependency. As the institution recognizes, expanding the **opportunities** for graduates to sit for the bar in **other** states is an important tool in attracting students, though **we** appreciate the School's recognition **that doing so** is more than **merely** a recruitment strategy. Again, the 1999 report will afford the institution the **opportunity** to demonstrate that it has taken steps to assure **enrollments** at a level **sufficient** to **maintain** the institutional **enterprise**, including recognition of the institution in other states,

While MSL **fulfills** **the** standard on **Library and Information Resources**, at least minimally, there are deficiencies and the institution needs to take steps to improve the library **in** recognition of its critical importance in legal education. The team noted a number **of** issues in this regard. In keeping with changes in the profession, MSL is **shifting** to **electronic resources**. However, available hardware is barely sufficient, with most of its computers incapable of supporting **current** applications and as a result, usage is low. There is no **Internet** access for active student use. Comprehensive technology planning does not **occur**, and the library is facing significant cuts in projected budgets. Through the 1999 report, the Commission anticipates learning that the School has **taken significant** steps to assure **that**:

Through the institution's ownership or guaranteed **access, sufficient** collections and services are readily accessible to **students** wherever programs are located or however they are delivered. These collections and services are **sufficient** in quality, level, diversity, quantity, and currency to support and enrich the institution's academic offerings. (*Library and Information Resources, 7.2*)

and that:

The institution provides sufficient and consistent financial support for the effective **maintenance and improvement** of the institution's library and **information** resources. (7.3)

The next comprehensive evaluation is scheduled for Spring, 2002 because all newly accredited institutions are required to undergo another such visit **within** five years.

You will note that the Commission has specified no length or term of accreditation. Accreditation is a continuing relationship that is reconsidered when **necessary**. Thus **while** the Commission has indicated the timing of the **next** comprehensive **evaluation for 2002**, in keeping with its policy that newly accredited institutions undergo **another** such **visit within** five years, the schedule should not be unduly emphasized because it is subject to change.

The Commission **expressed** its appreciation for **the self-study prepared** by the **Massachusetts** School of Law and **for** the evaluation report submitted by the **visiting** team. **The** Commission **also** welcomed the **opportunity** to meet with you and **Mr. Michael Coyne**, as well as **the** team chairperson, William Dill during **its** deliberations.

You are encouraged to share this letter and the team's complete report **with all** of the School's constituencies. It is Commission policy also to inform the chairperson of the institution's governing board of action on its accreditation status. In a few days we will be **sending** a copy of this letter to Attorney A. Paul Victor. The institution is **free** to release information about the evaluation and **the** Commission's action to others, in accordance with **Commission** policy.

The Commission hopes that the evaluation process has contributed to institutional improvement. It appreciates your **cooperation** in the effort to provide **public assurance** of the quality of higher education in **New England**.

If you have any questions about **the Commission's action**, please contact **Charles M. Cook**, Director of the Commission,

Sincerely,



Walter F. Eggers

WFE/jah

Enclosure

cc: A. Paul Victor, Esq.
Visiting Team