

School of Law

Description.

Founded in 1892, the School of Law confers the Juris Doctor (J.D.) degree based on three years of full-time study. We have no night school program, a need met in our state by the University of Denver. We do not offer an LL.M. or other advanced degree, although we are fairly far along on a proposal to begin a modest LL.M. program aimed at foreign students. We offer a J.D. with Tax Emphasis based on extra work in the tax field during the three-year course. We participate in dual degree programs with this campus's School of Business and Administration (J.D. and Master of Business Administration) and with the Graduate School of Public Affairs at the University's Denver campus (J.D. and Master of Public Administration.). Each of these programs typically takes four years to complete. We also participate in two interdisciplinary programs administered by the Graduate School on the Boulder campus, one leading to a Certificate in Environmental Policy, the other to a masters degree in telecommunications.

The School of Law is accredited by the American Bar Association and is a member of the Association of American Law Schools. The last accreditation visit by a team jointly representing these organizations was in 1994-95. An internal review under this campus's Program Review Panel was done at the same time. We make annual reports to each of these organizations to address the issues raised in the reports, and we in turn receive annual letters from them commenting on our reports.

Students

We aim for an entering class of about 167 students each year. Attrition is low and some transfer students are accepted, so the full enrollment of three classes averages about 493, almost three times the number who enter. Graduating classes average 159.

The Law School attracts a large pool of applicants from across the nation. It is state policy to maintain a clear majority of residents in admissions; we honor this policy in common with the rest of the campus. As a result, it is somewhat easier to gain admission to the Law School as a resident. Despite resident preference, our students have very high entering credentials. Measured by traditional indicia of undergraduate grade point averages and Law School Admission Test scores, our students are regularly in the top twenty among law schools nationally.

The Law School has been able to attract, retain, and graduate a diverse student body. Over the past five years, an average of 19 per cent of our students have been from racial minorities. Student diversity is also promoted by support for every kind of student organization that students propose. At this time, there are 22 student organizations within the Law School.

We have struggled to make our building more accessible to students with disabilities. The most important and difficult improvement is the new elevator to serve all levels of the law library, which has been under construction for many months and is now supposed to start operations in March.

We have effective student government both through the Student Bar Association, which represents all students and student groups, and class officers for each class, who manage events particular to the class including graduation ceremonies. Student leadership positions are actively sought, and the rate of voting for them is high.

Our graduates hold many places of prestige in public and private sectors of the State and the Nation. Ex-Governor Roy Romer, who finished three terms in January, is the fourth graduate to serve as governor. Three graduates are current members of the Colorado Supreme Court, six are members of the Colorado Court of Appeals, and three serve on the U. S. District Court. Former U.S. Senator Hank Brown is now president of the University of Northern Colorado.

Outputs

Over the past four years, our graduation rate has averaged 89% of the students who enter. The rate for students from racial minority groups is 92%. Over the same period, our graduates' passage rate for first-time takers of the Colorado Bar Examination has averaged 91%, while the state-wide rate for all first-time takers has averaged 82%. Our graduates' passage rate for bar examinations in other states has been similarly high. For example, the average rate for three years on the California Bar is 84.5%, while the average for all first-time takers is 72.3%.

The employment rate of our graduates had historically been very high, but it dropped off sharply in the early to mid 90s. In response, we have added considerably to the resources of our Career Services Office. Located in newly renovated offices, it is currently headed by a dynamic and experienced placement director. A sophisticated marketing and recruiting plan was recently implemented.

These changes have already shown improvement in our employment rate measured in the February after graduation. The percentage of employed graduates had fallen to the mid-80s but improved to 90% for the class of 1997 and to 91% for the class of 1998.

To help students form working relationships with potential employers, the faculty authorized limited academic credit for students to work under direct supervision of a practicing lawyer or judge. This "externship" program has been popular and successful. Our graduates have often selected careers in business, academia, public administration, or other fields apart from law practice. We have borne this in mind as we design our curriculum.

Faculty

The School of Law employs 42 teaching faculty, including the Library Director, who does some teaching, and six other library faculty. 34 are in tenure track positions. Others are on either three- or one-year contracts. The School also employs a number of practicing lawyers and judges as adjunct instructors. We average eleven per semester, and they bring important perspectives to our classrooms.

Aided by endowment funds, the School of Law has been able to make modest increases in the size of the faculty in recent years. As a result, the school has a low student-faculty ratio and offers a wide

variety of classes.

The school has a long tradition of valuing teaching excellence. All members of the faculty maintain an open-door policy for student visits. Student awards for teaching excellence provide an added inducement. The general policy of the Boulder campus to value teaching at the same level as research and scholarship further supports the quality of our teaching. So also does an award for teaching excellence, conferred by the Dean.

Faculty research became a major focus of the School more recently, about 20-25 years ago. The School has been extremely successful in hiring both established and promising scholars. As a result, our faculty rank very highly in national assessments of legal scholarship. Three recent studies of legal scholarship conclude that Colorado is graced with one of the most prolific and influential faculties in the nation. Professor Brian Leiter of the University of Texas at Austin has ranked law schools according to quality of the faculty, quality of student body, and quality of teaching.¹ On his scale the University of Colorado School of Law ranks 16th overall, 15th in faculty quality (three-way tie), 16th in faculty academic distinction, 15th in faculty professional distinction (two-way tie), and 19th in quality of student body. Colorado ranked somewhere between 12th and 20th in a computer-generated study of citations to the publications of professors at leading law schools by Professors Theodore Eisenberg and Martin Wells of Cornell.² Since this is not a study of publication but of citation, it measures a faculty's influence. James Lindgren and Daniel Seltzer wrote an article ranking our faculty fifth in the nation in overall productivity; three of our faculty ranked in the top 20.³

Faculty research is actively supported by policies of the Dean and faculty. In addition to the University's sabbatical program, which requires pursuit of scholarship during leave, the Law School offers summer stipends to all faculty on nine-month appointments who propose a research program and who show that they carried out their programs from prior summers. Funds are available to hire student research assistants. Campus funds support the purchase of computers for faculty use. And faculty members have access to a development fund that can be used for travel, personal books, and other needs.

Differential teaching loads are also used to promote scholarly productivity. We also have an active program of colloquia by our faculty and outside speakers. Supported by faculty vote, the Dean has recently proposed creation of an Associate Dean for Research, to improve coordination of research and scholarship in the School.

One member of our faculty has been named University Distinguished Professor, an honor limited to a small number of the University's very best. Three others have been appointed President's Teaching Scholars.

One member of the faculty holds a chair in constitutional law. Nine others hold professorships or endowed fellowships. These endowments, coupled with other factors, yield a faculty that is notably strong in the fields of constitutional law, natural resources law, jurisprudence, Native American law, tax law, and criminal procedure.

The Learning Environment

Building. All law classes are in Fleming Law Building, at the south end of the Boulder campus. Fleming was built in 1959, and a major addition was made in 1974. The design of the building is to accommodate a student body of about 435, so it is overcrowded. For this reason, a major priority of the Law School is to gain approval and funding for a new building. See that subject below.

The Law Library. The Law Library is administratively autonomous from the Boulder campus library system. The Library has a collection of over 370,000 volumes and equivalents, including over 242,000 bound volumes, 115,000 volumes on microfiche, and 15,500 volumes on microfilm. It offers more than thirty specialty CD-ROM titles through its LAN, in addition to numerous other electronic resources available campus-wide. It is the most extensive collection in the State. Its reading rooms are adequate, but there are not enough carrels to assign them for individual use. More importantly, the Library will soon be out of space to house its expanding print and electronic collections. This is one of the basic reasons for our new building project. The Library has six faculty and a supporting staff of ten, below the average for peer institutions.

The Library maintains extensive hours that serve student needs well. It also serves a large number of non-law students on the Boulder campus and from other campuses, and many practicing lawyers from around the State.

The Library faculty have been alert to take advantage of new technology. Our catalog is on line and can be accessed via telnet and on the world wide web. It has links to the on-line catalogs of the main library on the campus and to many other libraries in the region. The library faculty have taken the lead in seeing to it that new technologies are available to classroom teachers and where possible to students. They have procured LCD projectors and laptop computers for classroom use. The Library's home page gives access to an extensive array of research tools and advice on how to use them.

We also have a small faculty library in the wing with faculty offices. It houses the most popular research sources and has a Lexis and a Westlaw printer and a computer for assorted tasks.

Technology. The Law School has attempted to retrofit our aging building for current technology. Each office and classroom has one or more ethernet jacks, and most of these are in active use. Each classroom has a projection screen and dual switches to lower the light level for watching projected information. Two rows of seats in each classroom have been wired with outlets so that students using laptop computers can plug in. (We want to do more but have reached the safe capacity of the existing electrical system.)

All faculty and students have ready access to Lexis and Westlaw research systems, word processing, email, and numerous other electronic resources. Students can have access at home or in the three computer labs in the Law Library. Faculty have home and desktop access and can have information printed on Lexis or Westlaw laser printers in the Faculty Library, or on desktop printers. The Law School's home page on the world wide web serves both internal and external users.

We are in the process of setting up a fully networked system for faculty and staff computers. Most memoranda to faculty and staff are now sent only on line, and the Law School's internal newsletter, Class Action, is distributed on line to those who can receive it.

We have explored ways to wire our building for distance learning, though this has so far not proved feasible. We have participated in an "on-line" class in electronic copyright law given by Professor Peter Martin at Cornell and involving four law schools.

All students receive training on Lexis and Westlaw and can receive training on word processing, email, and web page creation. We allow students to type their examinations on laptop computers using software designed for this purpose. Many courses have home pages, and most teachers are in email contact with students. Administrative listservs are available for communicating generally with students. Student groups have their own web pages and listservs. One student group, the staff of the Colorado International Journal of Environmental Law and Policy, has set up an email account to hold interactive conferences on the web to include participants from around the world.

Clinics. The Law School has three clinics in which enrolled students can gain practical experience working on actual cases or other legal problems. The Legal Aid Clinic was established in 1948. It is now staffed by four clinical professors. Two supervise students in criminal cases in local courts. Two supervise civil cases, such as domestic relations, consumer cases, and benefits disputes.

The Natural Resources Clinic was established in 1978 with support from the National Wildlife Federation. Students work on major cases in the natural resources field. Supervision is by the three local staff lawyers for the Federation.

The Indian Law Clinic was begun in 1992. Students work on cases from the two Ute reservations in Colorado, from the Denver Indian community, and from other locations throughout the western U. S. The clinic has one clinical professor to supervise student work.

Curriculum and Classes. Like most American law schools, our first-year curriculum consists of required courses in common law subjects. After the first year, most courses are elective.

One major curricular change in recent years has been the increase in interdisciplinary offerings at the Law School and for our students in other colleges of the University. Several years ago, we began a dual degree program (J.D.-M.B.A.) with the College of Business and Administration. But this understates the interactions between the colleges. Many more of our students take business school classes, and more still from the Business student body take law classes. Plans are afoot for still more connections between the two schools. A member of the faculty has joint appointments in Law and Business & Administration.

Our classes are part of the menu of courses that enables students from a number of colleges and disciplines to earn a Certificate in Environmental Policy from the Graduate School. We participate in the College of Engineering's Interdisciplinary Program in Telecommunications, also run by the Graduate School. A member of our faculty has faculty status in that program. Two of our faculty are involved in the Boulder campus's Center for the American West. Another is a specialist in Law

and Anthropology. Other faculty members have taught or co-taught courses in Engineering and English. A member of the Journalism faculty offers a regular course in the Law School.

The faculty have considered a number of proposals in recent years to improve our students' writing skills. We have long had a small section program; each first-year student takes the Legal Writing course and one other classroom course in a small section of about 28 students. The small section course other than Legal Writing now must include some graded writing assignments. Faculty in upper division courses are encouraged to add writing assignments, and when enrollment in a course is relatively small, usually under 35, the instructor is required to offer a graded writing assignment. We require students to take a seminar in which a research paper is written, but we have tried to offer enough seminars to so that students so inclined can elect more than one.

Centers. The Law School supports the Natural Resources Law Center, founded in 1982. The Center's major activities are supporting research in natural resources law and hosting conferences on current natural resources subjects. Conferences focus on such subjects of vital concern to the American West as water law, national forests, public lands, mining, and Indian lands.

The Byron White Center for Constitutional Studies was established at the Law School in 1990 by a generous gift of distinguished alumnus Ira Rothgerber. The Center supports an annual conference on a current subject in constitutional law; this year's focused on Kenneth Starr's investigation of President Clinton. The Center also brings distinguished speakers to the campus and supports two professorships.

Law Reviews and Moot Court Competitions. For many years, the Law School has supported the University of Colorado Law Review. Like reviews at other schools, it is student edited and managed. In 1989, students at the School undertook the establishment of a second review, the Colorado Journal of International Environmental Law and Policy. This journal survives in very cramped quarters. Adequate space for its work is one of the building needs addressed in our building project.

The Law School has long participated in the national moot court competition, in which students argue a mock appellate case against other students, first within the school, then in regional and national elimination rounds. In recent years, additional competitions have been added in the fields of international law, copyright and unfair competition law, trial practice, and other fields. A sizeable percentage of our students participate in at least one of these competitions.

Development and Alumni Relations.

Like many public universities, the University of Colorado at Boulder came late to private fund raising as a major source of support. The Law School was likewise a latecomer to this important activity. However, both are now fully engaged in the enterprise. Fundraising is managed by the University of Colorado Foundation. One of its employees is assigned to the Law School as a full-time development officer, another as full-time assistant. Our development officer resigned in the fall after several years of good service, and we replaced her in January.

Our annual giving had been falling gradually for several years, so a major focus of the Dean has been to turn this trend around. The recent re-organization of the Foundation should speed improvement in this area.

In 1995, the Law School proposed a differential tuition plan to increase law tuition, already above the level for the rest of the campus, by \$1000 per year and to return most or all of the funds directly to the Law School. The plan received student backing in 1996 and was approved the Colorado Legislature in 1997. The tuition increase is being phased in over three academic years, the present being the second. For operational needs, the School receives 80% of the differential. For capital needs, in particular our building plan, we shall receive 100%.

Students have shown strong support for the Law School in another way. By tradition each graduating class makes a class gift to the School. In the last three years, these gifts have grown substantially in size.

Alumni relations have always been of major importance in the life of the School, but are the more so in the era of private fundraising. For many years, the Law School has had a Law Alumni Board, 25 graduates from various walks of life who meet four times per year to advise the School of their concerns and to exchange information. The School also sponsors an annual alumni banquet, at which distinguished graduates from different fields of endeavor are honored. And we sponsor an alumni gathering at each annual convention of the Colorado Bar Association.

We sponsor Continuing Legal Education events around the state. We host “networking nights” to promote connections among alumni and between alumni and students. We also host several social events for alumni each year.

Goals.

The Law School’s most important goals are to solve our building needs, to support and improve the faculty, to continue to diversify our faculty and students, to obtain more scholarship funds, and to improve our fundraising efforts, particularly for the goals just named. Other needs of importance are to maintain and expand a diverse and excellent curriculum, to support our Placement Office, and to expand our legal writing program.

New Building Project. Our greatest present need is for improvements in our building. The most measurable shortcoming is insufficient library space. We are also somewhat short of classrooms and of faculty offices, and we are very short of space for centers, clinics, and student activities. Our building is not adequately equipped to take full advantage of many technological improvements. Building needs have been identified as our most serious problem in the last inspections made by the American Bar Association, the Association of American Law Schools, and the campus’s Program Review Panel.

Since 1995, a faculty committee has gathered information and studied the building problem. Our first assumption was that renovation and expansion of the existing building would be the cheaper alternative, and our energies were focused on this concept. We consulted campus planners and hired

consulting architects. From them we learned that renovation and expansion of our existing building would cost 2/3 to 3/4 the cost of a new building and would result in an inferior facility. Our priority then shifted to a new building proposal.

Location was a major question for a new building. Our committee gathered information about possible sites and identified five possibilities, two in Denver and three in Boulder. The Denver sites were on the present Health Sciences Center campus and on the Auraria Campus, which houses the University of Colorado at Denver. The former was found unsuitable because it would establish a free-standing law school away from any other University facility (because the Health Sciences Center is moving). All interdisciplinary programs would be lost, and we would lack direct access to a major library. The Auraria Campus was deemed acceptable but inferior. Interdisciplinary programs would be reduced, and that campus's library is much inferior to Boulder's. It is not a federal depository, so for depository materials, our faculty and students would have to go to the Denver Public Library, a substantial distance.

Of the three Boulder sites, one is on the present campus, a second on the University's East Campus, and a third on undeveloped land owned by the University in south Boulder. The latter was found to be unavailable because the University does not plan to develop its infrastructure for many years. After campus planners recommended the site on the present campus, the faculty agreed. Since then, approval of all University committees and planners has been obtained, as well as that of the University's Board of Regents. Our consulting architects have proposed an attractive plan for a new building.

The remaining and daunting task is to obtain funding for the building project. The Dean has arranged for more of his time to be devoted to development work. A committee of distinguished alumni has been formed to spearhead the effort among alums. The tuition differential funds described above will be devoted to this purpose.

Information about our building project is available on the project's web site, which can be accessed by link from the Law School's home page.

Faculty Support. Our faculty salaries have lagged behind those of other AAU institutions that we consider our peers. Recent increases in salary funding for the Boulder campus, together with endowment support, have enabled the Dean to narrow the gap the last two years. Nevertheless, we lost one of our top faculty last year because of better offers from other schools.

Another vital need for faculty support is funds to hire student research assistants, to pay summer research stipends, and to support travel to conferences and lectures. Maintaining and enhancing these programs is a major challenge. Travel funds are inadequate now, and others will become so unless support is maintained.

Scholarships. Scholarship funds are essential to help us recruit the best student body. We often find ourselves outbid for top students. Moreover, the scholarship money we do have is not solidly anchored in our budget. We have at times used endowment funds for this purpose. Our goal is to have adequate and secure funding in our basic budget to this end.

Curriculum. Our principal curricular goals are to expand interdisciplinary offerings, to continue to enhance the writing skills of our students, and to add practice-oriented courses.

Placement. Our Office of Career Services now has adequate staff and office space but badly needs more interview rooms.

Legal Writing Program. This program would be much enhanced if one additional instructor could be hired to staff it. Present teaching loads are too large. A fourth instructor would solve the problem. We lack both funds and office space to meet this need.

Academic distinction is measured by publications per capita in the six leading student-edited law reviews and in six leading faculty edited journals, by total faculty membership in the American Academy of Arts and Sciences, by citations in legal periodicals to the top ten faculty at each school. Professional distinction is measured by percentage of faculty elected to membership in the American Law Institute.

“Rankings and Explaining the Scholarly Impact of Law Schools,” 27 J. Leg. Studies 373 (1998). Eisenberg and Wells find a first rank of four schools, a clear gap, then two closely grouped ranks of law schools of seven and nine schools respectively (CU is in the second of these two ranks and would be somewhere between 12th and 20th).

“The Most Prolific Law Professors and Faculties,” 71 Chicago-Kent L. Rev. 781 (1996). First the authors chose 20 most influential law reviews by using a combination of Shepard’s Law Review Citations and the Social Science Citation Index. They then determined how many articles in these reviews were produced by individual professors and different law school faculties.