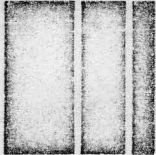


*Geo Mason  
Law School*

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA



10th Floor, 911 East Broad Street, Richmond, 23219

(804) 770-2143



November 25, 1974

Dr. Vergil H. Dykstra, President  
George Mason University  
Fairfax, Virginia 22030

Dear Vergil:

Attached please find a copy of the State Council's staff analysis of the request of George Mason University to establish a school of law. This document has been sent to the Council members today and will be acted upon by the Council at its December 3 meeting.

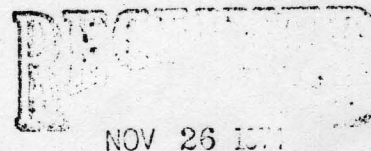
The report recommends that the Council deny George Mason's request to establish a school of law. I believe the documentation set forth in the report clearly provides the basis for this staff recommendation. You should understand that the enclosure represents the staff position only and does not at this time represent the Council's opinion.

Please be assured that I will notify you immediately following the Council's action. Should the Council follow the recommendations of the staff, you will, of course, have an opportunity to appeal that decision.

Sincerely,

Daniel E. Marvin, Jr.  
Director

DEM/r  
Enc  
cc Dr. John C. Wood, Rector w/enc



OFFICE OF THE PRESIDENT  
GEORGE MASON UNIVERSITY

George Mason University has been designated by the State Council of Higher Education as a regional university, and charged with the primary responsibility to provide the residents of Northern Virginia with the baccalaureate and master's level programs that are normally offered within commuting distance of the citizens of a particular region. Considering the fact that the institution is now only ten years old, has been a senior institution for only eight years, has been an autonomous institution for only two years, and offered its first master's level program in 1970, George Mason University must be regarded as a developing institution with a promising future but one which has yet to establish either a reputation for excellence or the facilities required to achieve excellence. The institution has at this time a narrow range of graduate programs which are not yet fully productive. Its library is markedly inadequate; by the end of the present biennium, it will be 26.8 percent below the number of volumes required to support its present range of academic programs. Its facilities, while new and excellent, are inadequate to house its present activities; a rented building, which was once a high school and is considered a temporary facility, presently constitutes 34 percent of the total space available to the University. Given present and anticipated constraints on capital outlay, it is probable that the physical plant development of George Mason University will be slowed, and that the institution will continue to need the rented high school building or other rented space in order to house its programs. At the same time, however, George Mason University has stated that a major portion of the rented high school building will be used for its proposed law school.



Millard H. Ruud, Executive Director of the Association of American Law Schools, was interviewed by the Council staff in preparing its analysis of the George Mason University proposal and its recommendation to the Council. Mr. Ruud emphasized the importance of seeking AALS accreditation in addition to American Bar Association approval. AALS accreditation is necessary to attract respected faculty and assists in attracting qualified students. Additionally, the AALS is the umbrella organization for the learned societies of the legal profession. AALS standards are more rigorous than those applied by the ABA. Mr. Ruud emphasized that current trends both in legal education and the legal profession make it essential for a new law school to be competitive with the middle range, or average, law schools in the United States. He is adamant that there is simply no need or justification to start a new law school at any lower level.

A law school which will attain the level Mr. Ruud recommends must be aware that it will be seeking a position that is highly competitive and which will involve considerable expenditures and commitment. Mr. Ruud identified several specific characteristics of such a law school.

1. Trends toward interdisciplinary research and study require that a law school be affiliated with a major, comprehensive university which has a broad array of graduate offerings. Of nine new law schools seeking ABA approval in 1973-74, only the five affiliated with such universities received approval.

2. The university should have a general library which fully supports its undergraduate and graduate offerings.
3. The median number of volumes to be found in law school libraries as of July 1, 1973, was 84,438. Continuation costs alone can be expected to range from \$55,000 to \$75,000 per year. AALS recommends that an adequate law library have a staff which includes at least a head librarian and at least three professional staff members, plus clerical and other support staff.
4. Regardless of the size of its student body, the law school should have between 15-18 full-time (not full-time-equivalent) faculty members. Mr. Cardozo, George Mason University's consultant, said that 18-20 full-time faculty members are needed. The average salary of the faculty members should range between \$23,000 and \$25,000 for a nine or ten month contract. This will be the national average in 1974-75, and salaries in the District of Columbia area will have to be higher if a distinguished faculty is going to be created.

Mr. Ruud indicated that these are criteria which the Association of American Law Schools would use in determining whether to accredit a new law school. It is clear that the George Mason University law school study does not propose to establish a law school in Northern Virginia which would meet these criteria.



In the first place, George Mason University is by no measure a major comprehensive university with a broad selection of graduate programs. It is also a fact that, despite the contention of the University's consultant, Mr. Cardozo, that "it is natural to expect a full-fledged university to include legal education in its curriculum," many comprehensive universities do not have law schools. There are about 260 doctoral granting universities in the United States and only 152 ABA-approved law schools. Among the outstanding universities which do not have law schools are Auburn, Johns Hopkins, Purdue, the University of Massachusetts, the University of Delaware, Princeton, Dartmouth, North Carolina State University, Pennsylvania State University and Michigan State University. All are larger, older and more established than George Mason University. It is, in fact, more essential that a law school be part of a major university than it is that a major university have a law school.

In the second place, the present library collection at George Mason University is clearly not sufficiently comprehensive; it is, in fact, inadequate to support the limited range of programs presently offered at the institution.

In the third place, George Mason proposes to build a law library of 50,000 volumes, an inadequate library for a strong law school. In addition, the costs of building and maintaining a law library have been seriously underestimated in the George Mason study. This question is addressed in more detail in the section of this report which analyzes the cost of establishing a law school. At this point, however, it is sufficient to state that it would cost

at least \$1,680,000 to build a law library of 84,000 volumes. An annual appropriation of \$50,000 for library material (the amount suggested by the George Mason University study) would probably not even be adequate to maintain the collection and pay for continuing subscriptions.

In the fourth place, George Mason's study appears to disregard the recommendation of its own consultant, Mr. Cardozo, that 18-20 full-time faculty members are needed in the law school. It is the opinion of the Council staff that reliance upon a "large number of judicial and law oriented retirees of outstanding ability in the area interested in part-time employment" (George Mason University study, page 7) is at best unrealistic and at worst a prescription for inadequate instruction.

It is the opinion of the Council staff, therefore, that George Mason University is not at this time an appropriate institution at which to establish a school of law, even if one were needed in Virginia. It is not sufficiently developed, and its facilities are inadequate. Its students would not be able to compete for scarce jobs against students from the established law schools in the District of Columbia.

Mr. Cardozo, in his section of the George Mason University study, emphatically states that "a new law school supported by Virginia should aspire to nothing less" than the high quality of legal education which makes the University of Virginia School of Law one of the best in the nation. It is clear from its own study that George Mason University cannot, at this time, aspire to such excellence.