

Committee to Advise on the Future Direction of the Law School

Report to the Board of Trustees of the University of Maine System

July 15, 2019

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2. Preliminary Analysis Memo, William Henderson, Professor of Law at Indiana University Maurer School of Law (March 9, 2019)	
3. University of Maine School of Law: Review and Recruitment Plan, Nanci Tessier, Higher Education Consulting (August 9, 2018)	

EXECUTIVE SUMMARY

Maine needs highly competent lawyers to serve our citizens, businesses, and government. The University of Maine School of Law (“Maine Law” or the “Law School”) has served that mission by educating half of the lawyers practicing in the State for nearly 60 years. Recent changes in the legal industry have upended legal education and resulted in, among other things, enrollment and budget challenges at Maine Law.

As Maine’s only law school, Maine Law is a strategic asset of the State of Maine. Thus, the University of Maine System (UMS or “the System”) Board of Trustees (BOT) chartered this study by a committee of interested educators, alumni, and leaders to advise the Board on the future direction of the Law School (“the Committee”). (The Charter is Exhibit 1.)

The Committee believes, based on its Seven Principles discussed more fully below, that a 21st Century legal education in Maine be one that:

- Provides a rigorous course of legal education to highly qualified students;
- Emphasizes a student-centered educational experience, including opportunities for experiential learning, for Maine students and those who are likely to contribute to Maine;
- Excels in specific fields, including Business, Commercial, and Health Law, to support JD and non-JD students of the Maine Center;
- Fosters centers of excellence in discrete areas of law with national significance (i.e. Information Privacy Law, Arctic Law, Immigration Law);
- Serves the needs of rural Maine; and,
- Trains and incubates quality lawyers to serve our communities.

The curricular innovations we recommend initiating or continuing for a 21st Century legal education include:

- **Law and Technology:** Expanding course offerings on the emerging role of technology in the delivery of legal services and the opportunities for attorneys, including the applicability to the rural practitioner;
- **Rural Semester-in-Practice:** Launching a Rural Semester-in-Practice where students obtain credits through classroom and experiential coursework fully located in rural practices;
- **3+3 and PLUS:** Expanding the “3+3” program, in which undergraduates can complete an undergraduate and Law School course of study in 6 years, and maintaining the PreLaw Undergraduate Scholars (PLUS) program;
- **Transactional Law Clinic:** Developing and launching an experiential learning program that will enable JD students, working with MBA students, to gain skills and knowledge in transactional law and related areas of expertise;
- **Cross-Disciplinary Curriculum:** Leveraging expertise of Law School and other System faculty to support the mission of the Maine Center by preparing graduates to serve Maine businesses and institutions; and,
- **Maine Community Law Center:** Integrating Maine’s only legal incubator into Maine Law, and expand its reach with a facility in Bangor.

As form must follow function, so too must the Law School’s infrastructure be re-developed to support its 21st Century mission. We recommend a three-year transition period in which the Law

School's leadership, core capabilities, and governance be aligned to its mission. Specifically, we recommend:

- **Dean Search and Selection:** The search for a new dean should commence immediately and involve a cross-section of the community in the selection process.
- **Rebuild and Redirect Core Law School Functions:** For reasons discussed below, resources needed for some of the Law School's core capabilities have been redirected to fund budget shortfalls. Business and Commercial Law expertise, in particular, must be restored as necessary to meet the needs of curricular innovations and the Maine Center.
- **Online Learning and Partnerships:** To the extent permitted by accreditors, develop and implement an online learning plan, which may include partnerships with other law schools to lower the cost of delivery and expand the breadth of course offerings.
- **Governance:** For the transition period, direct oversight of the Law School should be provided by a subcommittee of the BOT (maintaining the *status quo* for operational support from USM) and development of an appropriate structure for Law School governance;
- **Performance Budgeting:** Law School performance should be measured, and rewarded, consistent with key performance indicators.

There is no time to waste in setting the Law School on secure footing. As discussed more fully below, Maine Law has already begun to cannibalize core functions in order to balance budget priorities. If Maine is to have a law school, then it must be repositioned within three years, funded, and led by a skilled team as soon as possible.

I. THE COMMITTEE'S WORK: CONTEXT AND PROCESS

The Law School was founded in 1962. As the Board of Trustees recognizes, the Law School has "a long and distinguished history of preparing lawyers for Maine and beyond." The Law School has graduated more than 4000 students over its 57 years as an institution. Among its graduates are 5 governors, members of the Maine Legislature, federal and state judges, CEOs and, of course, lawyers in the smallest and largest firms in our state.

Maine Law's contributions to justice and leadership in Maine are ongoing and important. Forty-four percent of attorneys practicing in Maine (and 42% of those practicing outside of Cumberland County) are Maine Law alums. In rural counties, up to 57% of the practicing lawyers are Maine Law alums. Because 75% of Maine Law graduates stay in Maine, the Law School's alumni contribute to the advancement of our civic institutions through service on boards and commissions from Kittery to Fort Kent. Maine Law is a strategic asset of the State of Maine.

The Committee was convened by the Board of Trustees in February 2019 to assess Maine Law's present condition and to make recommendations for its future. The Committee has met seven times and read and discussed analyses of the current state of legal education both at Maine Law and nationwide. We heard presentations from faculty, staff, the Dean, students, alumni, law firms, the public interest bar, and the Law School's Foundation and Board of Visitors.

Kim Jenkins, UMS Director of Organizational Effectiveness, conducted two focus groups and made a report to our committee, and the Committee retained a national expert on legal trends, Professor William Henderson of Indiana School of Law, to advise on a path forward.

Emerging Crisis: Changing Times and Fewer Students

Like many industries, the legal industry is being disrupted. What lawyers do and where they work is transforming rapidly. Total employment in the U.S. legal services sector declined by approximately 55,000 jobs since the high-water mark in 2007. Meanwhile, the growth rate for in-house lawyers nationally has doubled since 2007, and now the number of in-house lawyers working in the U.S. equals the number of lawyers at the top 200 law firms' U.S. offices combined. While recruitment of law graduates (and even students) by law firms and businesses is on the rise in the last two years and law career recruitment has returned to pre-recession levels, there is no doubt that the legal services industry is in the midst of an unprecedented transformation.

Some of the causes of disruption in the legal industry are obvious (i.e., changes in technology, policy development, a preference for alternative dispute resolution, and a maturing U.S. economy), but there are forces at work today that we will not fully understand for decades. Moreover, the disruption in the legal industry is occurring at a time when the demand for higher education is generally decreasing. Fewer candidates are competing for seats in our institutions of higher learning, and the Law School is not immune from such trends. The number of students applying to law schools nationwide peaked in 2010, totaling 87,476. Despite a slight upward trend, the number of law school applicants in 2018 was 60,387 (down 31%). New England applicants and Maine applicants mirrored the national trend with a 31% drop. Since the makeup of Maine Law's incoming classes is 60-75% in-state students, the resulting Maine resident applicants (to any law school) dropped from 252 students in 2011 to 151 in 2017.

ABA Accreditation Standards Limit Response Capability, U.S. News Fosters Fierce Competition for Desirable Students

We will not delve into the influence of the byzantine ABA accreditation requirements or U.S. News and World Report rankings here. It suffices to acknowledge that the collective impact of these two institutions has been to constrain the ability of most law schools to lower costs through innovation and to encourage schools to allocate all available resources to awarding scholarships to desirable students. Smaller law schools and those not associated with and supported by a university are particularly vulnerable to these pressures.

Left with few opportunities to innovate, law schools have responded by heavily discounting tuition, unleashing a war of attrition. Research has revealed an average 6% decrease in law school net tuition revenues (\$1.5 billion annually) between 2011 and 2017. Six law schools have closed, several are struggling, and a few within the same state or city have been forced to merge to avert closure.

Maine Law Holds Its Own In a War of Attrition – But Not Without Great Cost

When the enrollment crisis started to bite in 2013, the Law School deployed all available resources to tuition scholarships. In Fiscal Year 2019, the Law School granted \$1.9 in tuition waivers and scholarships, which represents over 22% of its budget. Education & General (E&G) spending of all kinds has been curtailed. The impact on the institution has been substantial:

- Since 2013, faculty have forgone nearly \$200,000 in salary because of five years of COLA suspensions;
- Since 2010, there are 6.5 fewer tenured or tenure-track faculty and 4.5 fewer full-time faculty, and 8.5 non-faculty positions have been permanently retrenched or remain unfilled; and,

- Core components of the curriculum, including First Year courses, are taught increasingly by adjuncts or visitors.

In the midst of the crisis, and despite substantial budgetary limitations, the Law School has held on to its accreditation, high-quality program, and solid numbers of incoming first-year students. The Law School has managed by:

- awarding tuition scholarships and using a range of effective non-financial enrollment strategies;
- focusing on its core mission of providing a student-centered legal education;
- emphasizing “place-based” education; and,
- identifying new programs and funding to build on this strength, such as:
 - Pre-Law Undergraduate Scholars (“PLUS”) program,
 - 3 + 3 pipeline programs,
 - Rural Lawyers Project,
 - Information Privacy Certificate; and,
 - Non-JD programs (e.g., Compliance).

We have concluded, after carefully assessing the information presented to us, that the State of Maine needs talented and dedicated Maine Law educated attorneys to serve the legal needs of the state and the well-being of its citizens.

II. A STRATEGIC PLAN FOR A 21ST CENTURY LAW SCHOOL IN MAINE

When any business or institution confronts a crisis the first, and usually appropriate, response is to use the tools available to preserve the business model. If the crisis persists, and the business or institution does not succumb, the typical result is a lean organization focused on its core mission, but unable to execute a new strategic direction. The institution is then left with a true Hobson’s Choice: start cutting resources from its core mission or attempt to change strategy and develop new business models without appropriate resources. Either option results in failure.

Businesses and institutions that arrive at this juncture typically require external help to confront reality and to develop and execute a new model. Maine Law is poised for success. With sufficient resources, it can develop and implement programs to advance its mission of addressing the legal needs of Maine and the broader legal marketplace. It has a culture of excellence and community-building. It has a small but dedicated staff and faculty who have built a rigorous program of legal education with value-added components including non-JD programs and initiatives aimed at addressing critical needs in Maine such as the shortage of attorneys in many Maine communities. An ethos of public service is infused throughout the Law School’s program. We believe that a proper strategy that is well resourced and appropriately governed can move Maine Law forward.

The Committee identified seven principles upon which any successful strategy must rest:

Principle 1: Emphasize Place-Based Education

The Law School’s mission should be guided by the school’s primary purpose: serving the needs of the people of Maine, including access to justice and the legal system, particularly in underserved rural parts of the State.

Principle 2: Emphasize Student-Centered Education

Decisions about the Law School's mission, growth, programming, curriculum, and staffing must be guided primarily upon what best serves the needs of students.

Principle 3: Maine Law Should Not Decrease Admissions Standards to Increase Enrollment

Maine Law has earned a reputation of providing a rigorous legal education to well-qualified students. Maine Law must not decrease its admissions standards or sacrifice its course of education to increase enrollment.

Principle 4: Define Limits and Ensure Predictability in Scholarship Use

For the foreseeable future, use of tuition scholarships is necessary to compete effectively for qualified students. The Committee believes that tuition scholarships are a necessity and should continue as one important tool to help the Law School attract qualified students. However, the Committee recommends that the scholarship rate be allowed up to 2 percentage points above that used during the current admissions cycle over the next three years. It is important to establish a limit on scholarship rates for two reasons: first, this provides predictability in the admissions and budgeting process, and second, a limit on scholarship rates places the emphasis on finding new ways to market the Law School's value to prospective students.

Principle 5: Appeal to Students Through Adding Value to Legal Education

Maine Law's long-term success depends upon finding ways, other than tuition scholarships, to appeal to qualified students. Currently, even with substantial scholarship offers, some highly-qualified applicants (including those who are Maine residents) choose to attend higher-ranked law schools that can offer full, tuition-free scholarships (and even cash incentives).

Principle 6: The Mission Requires Adequate Funding

The Law School's financial challenges are a symptom of the deeper problems discussed in this Report. However, for Maine to continue to reap the benefits of its only law school, its funding needs to be adequate, predictable, and reliable.

Principle 7: Measure and Reward Success of Adding Value to Legal Education

One of Maine Law's strengths is the unusual dedication and innovation of its faculty and staff. As such, Maine Law is uniquely situated to take advantage of performance-based funding. The metrics we propose below will align state, student, and institutional imperatives.

Consistent with the Seven Principles and the direction given to us in the Charter, our plan recommends:

- specific courses of action to better serve Maine's 21st Century legal needs;
- buttressing Maine Law's core functionality to support the 21st Century mission;

- attracting and enrolling high-quality students using a blend of enrollment strategies designed to supplement tuition scholarships;
- immediate commencement of a Dean’s search, with a committee representative of the Law School, the System, and the community they serve;
- direct oversight of the Law School by the BOT for the duration of the 3-year plan period;
- key performance indicators (KPIs) for the new Dean, and the faculty, which KPIs will serve as measures of success as well as justifications for incremental funding; and
- certain operational considerations related to finance and governance.

This plan will require new resources. However, we believe that this plan, executed within three years, will position the Law School to thrive in a rapidly changing environment.

A. Specific Courses of Action to Serve Maine’s 21st Century Legal Needs

The Committee retained a consultant to provide guidance on national legal education trends: William Henderson, Professor of Law at Indiana University Maurer School of Law whose research focuses on the empirical analysis of the legal profession and legal education. He prepared and presented a report to the Committee at its March 25 meeting, which is attached here as Exhibit 2. According to Professor Henderson, Maine Law is well-positioned to develop new opportunities for students in the rapidly evolving legal market. Professor Henderson identified “possible avenues for exploration” as part of strategic planning for Maine Law’s future. These include:

- curricular innovations;
- innovation in the delivery of legal education, including collaborations around the development of online learning to reduce costs and increase the diversity of course offerings;
- diversifying legal education outside the Juris Doctor market; and,
- deepening collaboration with the other programs in the Maine Center.

Our recommendations for positioning the Law School to meet the current and future needs of the state and the legal market augment Prof. Henderson’s prescription with an added focus on the legal needs of rural Maine. We also note that the initiatives described below all require expanded faculty and staff resources, and, in some instances, they may require one-time or ongoing investments in equipment or planning before implementation. The Committee believes that the courses of action set forth below represent worthwhile investments of additional resources rather than being pursued at the expense of the core mission described above.

1. Curricular innovations to prepare Maine Law graduates and other professionals for the future of the legal profession and legal services industry

Maine Law has developed expertise in key areas that are likely to demand well-trained attorneys. In addition to Maine Law’s renowned clinical programs, Professor Henderson lauded Maine Law for its Information Privacy Program, which directly addresses the implications and challenges presented by digital technology. Another example of where Maine Law prepares students for changing legal needs is in the areas of immigration and human rights. In both the classroom and its well-regarded Refugee and Human Rights Clinic, the Law School is training attorneys to meet the legal implications of human migration around the world.

The Committee sees additional value drivers for Maine Law and recommends the following strategies:

- Law and Technology: Expand course offerings on the emerging role of technology in the delivery of legal services and the opportunities for attorneys, emphasizing the applicability to the rural practitioner;
- Rural Semester-in-Practice: To prepare students for practice in Maine's underserved rural communities, launch a Rural Semester-in-Practice where students obtain credits through classroom and experiential coursework fully located in rural practices; and,
- Transactional Law Clinic: Develop and launch a clinic or other experiential learning program that will enable JD students to gain skills and knowledge needed in transactional settings, including business formation, intellectual property, and community economic development. Location of such a program in the Maine Center can provide an opportunity for Law and Business School students to collaborate and share expertise to serve the needs of Maine entrepreneurs and innovators. To enable the Law School to train competent transactional lawyers and contribute productively to its affiliation with the Business School and the Maine Center will require strengthening traditional courses in contracts, commercial law, taxation, estate planning, bankruptcy, remedies, and conflict of laws, all of which are important for an effective transactional practice.

However, the Committee believes that as new programs are developed, Maine Law must ensure that the curriculum it develops stems organically from Maine Law's connection to the community and businesses in Maine. We believe that the above programs and offerings (i) leverage the Law School's core capabilities, (ii) serve the education needs of Maine students in an evolving job market, and (iii) are consistent with Maine Law's mission for place-based education.

RECOMMENDATION: Expand resources to add course offerings in law and technology, to develop a rural semester-in-practice program, and to launch a transactional law clinic.

2. *Innovation in the delivery of legal education, including collaborations around the development of online learning to reduce costs and increase the diversity of course offerings*

Technology is providing opportunities for distance and flexible education that were inconceivable a generation ago. Indeed, most students have come of age in an interconnected and mobile world and are demanding greater choice, agency, and cost-effectiveness in their educational experience. The System has been a leader in providing new platforms for education to its students. However, the delivery of JD courses via online instruction is a very recent development in the legal academy. This delay is due in large part to the reluctance of the ABA to permit accredited law schools to include fully online courses in their curricula based on concerns about such courses' quality and learning outcomes for students.

Law schools, including Maine Law, have offered hybrid courses and other uses of technology for several years. At least two law schools have sought, and received, accreditation waivers from the ABA to deliver online JDs. The Committee believes that the Law School would be able to enhance its ability to achieve its mission by providing greater access to remote students and, potentially, adding to its course offerings by accessing online content in partnership

with other accredited law schools. Improving access, quality, and cost effectiveness could all be achieved by embracing technology and developing new partnerships.

As this is a new area of focus for the Law School and the Law School has limited staff and faculty resources to expand its current level of online instruction, the Committee recommends that the Law School, in collaboration with the other Maine Center programs, investigate and develop a distance instruction strategy. The potential for online learning within the law school context is something of an unknown, because of ABA accreditation rules and other variables, such as the resources required for delivery of high-quality instruction. As a result, the Committee is not making a prescriptive recommendation about online instruction.

We do note, however, the possibilities for online legal education. For example, Maine Law could:

- offer a hybrid or online JD allowing mid-career, working professionals and other place-bound students in under-served communities to receive a legal education;
- offer JD coursework in its signature areas (such as Information Privacy) in a distance format, making them available within a consortium of law schools;
- source signature course offerings from other law schools within that consortium;
- enable students who are doing field placements beyond Southern Maine to enroll remotely in standard-delivery courses taught at the Law School; and
- deliver existing and new non-JD certificate programs (i.e., Compliance) to an expanded market through an online format;

The Maine Center staff could include a Director of Education Innovation, or similar title, whose responsibilities would include following the rapid developments in online delivery of JD coursework or full programs, and, as appropriate, working with the ABA and other law schools to explore potential collaboration around online legal education. Other areas of innovation within Director's charge should include new experiential learning opportunities located in the Maine Center, such as a cross-disciplinary experiential learning program and partnership with Maine's legal incubator, the Maine Community Law Center, ideally expanding its reach within Maine.

RECOMMENDATION: Expand resources to enable the Law School to identify and pilot online learning opportunities for JD and non-JD students. Build into the design of the Maine Center the staff and expertise to identify, develop, or expand remote and innovative educational experiences and leverage technology and disrupted legal education market to form partnerships with other institutions, including other law schools.

3. Diversify legal education outside the Juris Doctor market

The Law School has been actively designing and, in some cases, launching non-JD offerings. For instance, the Law School offers a professional education program in Compliance Law. In partnership with the Maine Center and several Maine businesses, the Law School's Compliance offering addresses the needs of non-attorney professionals to gain knowledge of compliance concepts and requirements. Moreover, Maine Law has developed, but has been unable to launch due to budget constraints, a Master of Studies in Law program of study.

The Committee believes that building on the success of the Compliance program, and in collaboration with the Maine Center, the Law School should identify other areas of need within the business and non-profit communities to develop additional certificates and other short-term

credentials. Executive education, micro-credentialing for non-attorney professionals, and professional certificates (e.g., in Information Privacy Law or Cybersecurity Law) should be considered and, if appropriate, funded and pursued.

Finally, as the System's law school, Maine Law is a resource for law-related education to students beyond the JD program. Maine Law faculty engagement, including direct instruction, with undergraduate and graduate students within the System can contribute to the educational experience of students and yield the myriad other benefits of cross-disciplinary learning.

RECOMMENDATION: Direct the Law School, working with the Maine Center, the System, and local businesses, as appropriate, to develop and propose to the BOT, or its designee, a least three potential new non-JD educational strategies by July 15, 2020.

4. *Deepen collaboration between the Law School and other programs in the Maine Center*

The Law School was an early and eager participant in developing the Maine Center's strategic framework. The Law School identified that its participation in the Maine Center provides an array of opportunities that will not only enhance the delivery of legal education in Maine but graduate education as a whole. Specifically, further engagement with the Business School and Muskie School through the Maine Center can benefit Maine Law by:

- supporting increased enrollment through market-relevant programming and integrated marketing messaging;
- fostering greater academic alignment with UMS campuses including pathways for students to post-graduate opportunities;
- developing a broader array of non-JD educational and credentialing opportunities; and,
- supporting faculty capacity and engagement by leveraging cross-disciplinary opportunities (including experiential learning), as well as increased financial support (pending fundraising success) for new program development, among others.

These benefits will help drive improvements in ranking and reputation, which has the positive reinforcing effect of increasing enrollment of desirable candidates. The implementation and marketing of customized programming will enhance the value proposition of Maine Law to prospective students, which should lessen the pressure on scholarship escalation.

RECOMMENDATION: Ensure the Law School's continued and expanded engagement as a member of the Maine Center as it develops its cross-disciplinary program of education.

B. Buttress Maine Law's Core Capabilities to Support the 21st Century Mission

Maine Law will best serve Maine's 21st legal needs by attracting the most qualified students, providing them with a high-quality legal education and transitioning those that plan to remain in the state to careers in Maine. Within the three-year transition period, Maine Law must strengthen its capabilities so that it may execute a program of education consistent with the needs of a 21st Century legal education.

1. *Fill open faculty positions, replace imminent retirements and departures*

Since 2010 there are 6.5 fewer tenured or tenure-track faculty and 4.5 fewer full-time faculty overall at Maine Law. Through impending retirements and recent departures, all but one faculty position in Business and Commercial Law subject area are, or soon will be, unfilled due to budget constraints. The lack of depth in the Business and Commercial Law disciplines is particularly concerning given the direction of the legal profession, and the needs of the Maine Center's future students.

RECOMMENDATION: To maintain the Law School's quality place-based education, funding for at least two tenure-track positions must be restored and imminent resignations and retirements replaced to ensure a critical mass of law faculty to cover core parts of the curriculum, to provide service to the state, bar, and the academy, and to conduct research. The Committee strongly believes that the Business and Commercial Law capabilities of the Law School, in particular, be resourced to support the cross-disciplinary vision for the Maine Center.

2. Budget for COLA and merit increase

A core faculty with a mutual commitment to the institution is essential for designing and implementing curricular and program initiatives and innovations, mentoring and supporting students, populating the numerous committees through which much of the Law School's work is done (particularly in light of the limited number of staff), partnering with admissions to encourage new applicants, collaborating with other System faculty and programs, and serving Maine courts, bar, organizations, and businesses. Maine Law must be positioned to retain its full-time faculty and attract and hire high-quality faculty candidates who demonstrate promise and commitment to serving the Law School's core mission. The current faculty should receive COLA increases consistent with those provided to represented faculty, as well the opportunity for merit-based increases, consistent with Law School faculty personnel policies and practices, in the current year and over the three-year transition period.

A key component of Maine Law's core mission—and a factor in its outsized impact—is its commitment to a student-focused program of legal education. This commitment is reflected across the Law School's functions, beginning with its aim to attract and enroll excellent students, from Maine and beyond. The full faculty and staff, and many students as well, are actively engaged in the admissions process to serve this objective. The Committee believes that this commitment, if followed by continued results, should be rewarded. As discussed more fully below, the Committee believes that measuring the Law School's performance against key performance indicators ("KPIs") is crucial to navigating this dynamic moment. We believe that the Law School faculty and staff should be eligible for merit-based increases commensurate with meeting or exceeding the established KPIs.

RECOMMENDATION: Faculty should receive COLA increases, and faculty and staff should be eligible for merit pay during the transition period.

3. Support student success

Maine Law's rigorous program of legal education is designed to prepare graduates for a wide range of careers in government, private practice, business, nonprofits, and other settings. The Law School has long been ahead of the curve in providing a rich array of experiential learning opportunities. Maine Law has enhanced its legal writing, professionalism, and student success programs. However, the preservation and enhancement of all of these efforts depend on personnel and other resources. Unlike most other System institutions and other law schools, Maine Law currently has no dedicated student success professional to ensure that students maximize opportunities at Maine Law.

A Director of Student Success or similar title would enhance Maine Law's overall program of legal education while also improving outcomes for Maine Law students and alumni in law school courses and on the bar exam. The ABA has recently imposed a bar passage metric (75%) for schools to maintain their accreditation. The Law School has studied the efforts of other schools and learned that schools investing in academic success programs saw measurable improvement in their graduates' bar passage rates. The Law School's student body includes many non-traditional students (who completed their undergraduate degree several years before enrolling) and first-generation college-goers, many of whom would benefit from the personalized support of an academic success program. An effective program requires one-on-one meetings, skills workshops, early bar exam preparation courses, identifying and monitoring at-risk students, and other measures that are beyond the capacity of the full-time faculty and student services office as presently constituted. A full-time professional would also support the faculty in key initiatives now underway to improve student learning assessments.

RECOMMENDATION: Hire a Director of Student Success.

4. *Prepare Maine Law graduates to meet Maine's legal needs, with an emphasis on rural and other underserved communities*

The legal system in Maine relies on competent, well-trained, licensed attorneys to provide many of the core legal services to individuals, businesses, and government. However, serving the needs of rural and underserved areas is challenged by shifting demographics and economic dislocations. The Law School, particularly through its involvement with the Maine Center, is in a unique position to make a substantial contribution to ongoing efforts aimed at ensuring that rural and underserved areas of the state have access to legal services.

Maine Law has pioneered the education of rural lawyers with a range of strategies, from its clinical program, designed specifically to prepare students for solo or small firm practice, to its Rural Lawyer Fellowship program, which places Maine Law students with firms around the state. In addition, its recent symposium on rural lawyering drew experts from around the country to share insights on the needs of rural lawyers and communities. However, Maine Law does not have the resources to sustain or expand its program of rural legal education. The Rural Fellows program, for instance, is in its final year of funding, and this program, while effective, cannot fully address the worsening problem of access to justice in rural Maine.

Working with the Maine Center programs, the Law School can help the Maine bench, bar, and communities identify innovative business models and methods of delivering legal services to rural parts of Maine and other states, placing Maine Law in a leadership role for addressing the problems of underserved rural populations.

The Committee sees enormous potential for further enhancing Maine Law's leadership in both experiential legal education and responding to the needs of rural Maine by a formal relationship with the Maine Community Law Center (MCLC) through the Maine Center. Launched in 2015, MCLC is Maine's first and only "legal incubator." The brainchild of Maine Law alumna and highly-regarded attorney Elizabeth Stout, MCLC hires new Maine Law graduates for two-year fellowships during which they serve paying clients on a sliding-scale fee basis while honing their skills and building their law practices, all with guidance and mentorship from Ms. Stout. In just its first 4 years, MCLC has brought on nearly a dozen Maine Law graduates. Its former fellows have joined small firms or launched their own. A legal incubator program would be ideally suited for a location closer to Maine's rural counties, but MCLC (a non-profit corporation based in Portland) lacks the resources to expand its program. It also

cannot provide health insurance to its fellows, which limits the reach of the program. There is potential for significant admissions and placement benefits to Maine Law if MCLC were to be an official program of the Maine Center, especially with a second location closer to where many Maine students are drawn and hope to return after graduation.

RECOMMENDATION: Permanently fund the Rural Fellows program and include the legal incubator Maine Community Law Center under the Maine Center’s umbrella. Explore the launch of a second MCLC location in the Northern half of the state to seed or support new law-focused businesses in rural counties.

C. Attract and Enroll High-Quality Students Using a Blend of Enrollment Strategies Designed To Supplement Scholarships

Maine Law furnishes Maine with lawyers and leaders by educating students, from within Maine and beyond, who plan to remain in Maine. In service of this role, the Law School seeks the most qualified students for its course of legal education. The Committee strongly believes that a successful enrollment strategy will not sacrifice the caliber of students Maine Law attracts merely to fill seats at the institution. Providing tuition scholarships is an enrollment strategy that is used throughout higher education, including at all System campuses, to attract qualified students.

Over the past several years, Maine Law has managed the challenging admissions climate through a combination of scholarships and other strategies, including pipeline programs, fellowships, and engagement of the full-time faculty in active recruitment efforts. A more aggressive enrollment strategy that relies less on scholarship incentives, but does not relax admissions standards, will be comprised of (a) increased marketing and targeting, (b) a deeper engagement within the System, (c) creating opportunities for employment post-graduation, particularly in rural Maine, and (d) establishing a predictable but capped tuition scholarship rate for the transition period.

1. Enhance marketing and targeting

Nanci Tessier’s 2018 Review and Recruitment Plan for the Law School, attached here as Exhibit 3, provided recommendations to enhance the work of Maine Law’s Admissions Office. The Law School has implemented many of Ms. Tessier’s recommendations. The Committee believes additional gains are achievable through:

- **Marketing:** Enhancing the current marketing plan using various delivery systems (brochure content, website, email marketing, search engine marketing, and social media marketing) and expanding outreach strategies, both within and outside of Maine, and design and print support for updated materials.
- **Collaboration with the System and the Maine Center:** Use System resources, such as through the Office of Institutional Research, to compile data and make recommendations on where investments could be made to raise the Law School’s national profile. Collaborate with the Maine Center to reach new audiences and to support the Maine Center in its mission.
- **Deploying Yellow Arrows:** Expand use of national admissions consulting firm (Yellow Arrows) so that they provide strategic support, scholarship strategies and critical data collection throughout the admissions cycle (as is used for most law schools).

RECOMMENDATION: Increase marketing, collaboration with the System and Maine Center, and deploy Yellow Arrows.

2. Deepen involvement with students and the System: 3+3 and PLUS

Greater coordination with the System to service students already within the System is, potentially, a powerful enrollment strategy. The Law School has developed partnerships with the University of Maine and University of Southern Maine (USM), among other undergraduate programs, which enable students to receive an undergraduate degree and JD in six years. Since their inception in 2016, these “3+3” programs have resulted in five Maine Law enrollments and three more are expected this fall, with dozens more potential students in the pipeline across Maine. Marketing this program more aggressively and expanding it to cover all System campuses is an efficient means of offering more opportunities to students that are already served by the System. In addition, expanded Law School faculty involvement in undergraduate and graduate education and research could expose more System students to the potential benefits of a legal education.

Similarly, Maine Law’s PreLaw Undergraduate Scholars (PLUS) Program, which recently completed its fourth year, has been a source of recruitment. The 3-week immersion program was launched with a grant from the Law School Admission Council, and it provides an opportunity for undergraduates to explore their leadership potential and a career in the law. It is designed primarily for college students from rural areas, first-generation students, students of color, immigrants, and low-income students, reflecting the ultimate goal of bringing more diversity to the legal profession in Maine. Maine Law also hopes to inspire young people from rural communities to consider law as a career. Taught by Maine Law professors and staff, students in the PLUS program enter a rigorous curriculum of foundational lawyering and professionalism skills, including in subject areas such as criminal law, administrative law, and constitutional law. A total of 85 undergraduates have participated in PLUS over the 4-year period. However, the PLUS program’s funding is ending this year. On June 13, 2019, the final class of PLUS graduates presented their final reports. While the PLUS program was a pilot, it appears to have engaged students effectively. Thus far, five former PLUS participants have enrolled at Maine Law.

RECOMMENDATIONS: Expand and promote 3+3 Systemwide, provide permanent funding to maintain the PLUS program.

3. Establish an allowable but capped tuition scholarship rate for the transition period

While data on other law schools’ use of scholarships to compete for students is challenging to gather, it appears that Maine Law has used tuition scholarships at rates well below its peers. Nevertheless, the volatility of Maine Law’s scholarship requirements has been challenging for the System and USM to accommodate. As Maine Law’s internal resources have been depleted, it has had to rely increasingly on the System and USM to close the gap. The scholarship pressure experienced by Maine Law has, therefore, created operational uncertainty for the System and USM.

The Committee recommends allowing scholarship awards during the transition period at up to a 2 percentage points increase above the current admissions cycle rate, which is in line with practices elsewhere in the System.

RECOMMENDATION: Allow tuition scholarship use at up to a 2 percentage points increase from the current admissions cycle rate during the transition period and provide support for increasing fundraising efforts aimed at scholarship donations.

D. Operational Considerations

The execution of this plan, as well as the long-term success of the Law School, is dependent upon compensation review for faculty, clear and measurable success metrics during the transition period, strong leadership, support from the community, and appropriate alignment within the System.

1. Faculty salary review

The faculty have foregone COLAs for five years, and faculty turnover is at a historic high. While this report does not recommend specific salary increases for the faculty at this time (beyond the restoration of COLA increases in line with other UMS faculty and the opportunity for merit pay increases), the Committee believes that, to retain and recruit a qualified team, the BOT or System should conduct a compensation review to compare Maine Law compensation packages for faculty to those offered at similarly situated institutions.

RECOMMENDATION: To retain and attract faculty, engage a compensation consultant to verify, if possible, that current compensation levels are consistent with the Law School's peers.

2. Key Performance Indicators: Measures of success and proof of concept

The Committee strongly believes that the strategy we recommend herein, and the Law School's performance generally, be measured against KPIs. We recommend the following KPIs:

- Student selectivity (as measured by average LSAT scores, undergraduate GPA, and acceptance rate);
- Graduate placement and bar passage success;
- Rate of applications, including the percentage of Maine applicants;
- Faculty service and scholarship; and
- Advancement measured in funds received and percentage of constituency engagement.

While we believe that these are the right KPIs, establishing specific metrics and periods of performance are typically done collaboratively. We recommend that the BOT oversight committee, in consultation with the Interim Dean, establish specific metrics as soon as the oversight committee is seated.

The KPIs we recommend will gauge the Law School's performance in the legal education marketplace and establish a baseline against which the success of the strategies we recommend. In addition, we believe that they can and should be used to measure the performance of the Dean and the Law School team. We believe that the BOT oversight committee should consider incentive compensation for the Dean and Law School faculty and staff based on performance at or above KPI thresholds, to the extent appropriate.

RECOMMENDATION: BOT oversight committee and Interim Dean establish metrics to evaluate the Law School's performance during the next three years and to provide resources for incentive compensation.

3. Dean selection criteria and process

To enable the System and the Law School to achieve successful implementation of the strategic plan recommended in this Report, Maine Law's next dean should be outward-facing, visionary, and bold. The dean should be able to work collaboratively with USM, UMS, and the Law School's Maine Center partners and have a strong management record. The dean should be able to forge external partnerships, strengthen philanthropic giving to the Law School, and have a proven record of developing and leading a quality team. Some members of the Committee believe that the next dean should be appointed for a short term and specifically to implement the above proposed 21st Century Plan. Others believe that a permanent dean selection is the best approach. However, the full Committee agrees that the key qualities for the next dean are those that will best ensure that the plan is implemented effectively and successfully.

The Committee recommends that a Dean Selection Committee be appointed by the Chairman of the BOT or the Chancellor and that committee be comprised of: one member of the Law School staff; two members of the Law School faculty; three members of the public; and one current Trustee of the System. The Dean Selection Committee would present a candidate, or candidates, to the President of USM, or whichever governance body the BOT determines has authority to make the appointment.

Finally, given the complexity of requirements of the position, we believe that a search firm be engaged to aid in the selection of appropriate candidates for Dean.

RECOMMENDATION: Select a dean with the characteristics and by the process described above. Immediately engage a search firm and commence a search for a dean.

4. Advancement

Maine Law has only one professional, a Director of Advancement, solely responsible for development, fundraising, and alumni relations. Several of the Law School's valued and effective programs (both new and established), such as the Rural Lawyers Project and the Cumberland Legal Aid Clinic, are funded in whole or in significant part by external funding sources. They continue to be dependent on such funds because all available E&G funds are applied to tuition scholarships. Excluding grants and sponsorships, the Law School's source of private funds are its annual fund and endowment interest.

In 2001, Maine Law's Foundation raised \$3 million for endowed scholarships and in 2012-13, raised \$500,000 to honor the law school's 50th Anniversary. The total endowment is a little over \$4 million and is administered by the University of Maine System. Overall giving decreased after 2013 until an experienced development professional was hired in September of 2017. Annual giving increased from \$252,000 in 2017 to \$333,000 in 2018 as did the number of alumni giving from 10% to almost 14%. However, the amount of individual donations from most alumni is modest at best.

- Alumni gifts range from \$5 to \$10,000
- The majority of alumni donors give \$100 or less (in FY18 that was 56% of donors)
- Usually 10% or less of alumni donors give between \$1,000 and \$10,000 (in FY18 it was 7% in that category, which was 44 donors)

Current fundraising is focused on increasing the annual fund dollars and alumni participation. The Dean has been asking area law firms for real-time operating funds and has current commitments of \$125,000 over five years. Maine Law participates in a working group

with the Universities of Maine and Southern Maine and Maine Center Ventures to raise funds for the Maine Center. When Law School fundraising dollars are used as matching dollars for its Center participation, such funds should also directly benefit Maine Law.

Private giving from Maine Law's alumni, affinity groups and friends must be a part of the broader solution to stabilize the Law School's finances. Advancement can be part of the overall enrollment strategy: when philanthropy is used to launch new or enhance existing scholarships, a broader community is engaged in student success. The Foundation, if it had the assistance of additional development staff, would be well-positioned to set and achieve specific goals to raise real time operating as well as long term scholarship funds. The System should ensure that the Foundation can effectively unlock that potential by clarifying that the fundraising benefits and obligations of Maine Law to the Maine Center do not undermine or limit the Law School's own fundraising efforts, such as, for example, if the Foundation were to launch a future capital campaign to increase scholarship funds and support its clinics.

RECOMMENDATION: The Law School should hire an additional development staff member to aid the Foundation's efforts to support scholarships and clinical programs.

5. Long-term operational issues: Finance and Governance

As a final matter, two key aspects of the Law School's position within the System were raised by a range of stakeholders throughout our work: finance and governance. We believe that the BOT should take the opportunity to address these issues as it works through the governance and finance imperatives associated with the "One University" and Maine Center initiatives.

a. Financial Considerations

Maine Law has two primary sources of revenue: tuition and state appropriation. Gross tuition revenues have been relatively stable. However, net tuition revenue has steadily declined since 2015, due to increased tuition scholarships as financial aid packages have grown to compete for students. The Law School's base budget state appropriation was set at approximately \$900,000 in a written agreement with USM starting in 2011, with the understanding that this amount would decrease or increase in proportion to any increases in USM's allocation as a whole and adjustments would be made as needed to ensure that Law School faculty would receive salary increases in line with those given to other University faculty. This agreement was abrogated in 2016, and there was no permanent increase of state-appropriated dollars from USM or the System.

Maine Law exhausted its limited reserves in FY17. In FYs 15, 18, 19 and 20, USM contributed increasing funds from its reserves to plug the gap, while requiring further cuts by the Law School. In FY18 and 19, The University System also has contributed reserve funds. Maine Law has a minimum \$500,000 deficit beginning July 1, 2019, for FY20, which the UMS will cover. This financial model is not sustainable.

The Committee recommends changing the current state appropriation model. Maine Law's allocation of state appropriation funding should be set and funded directly at the System level, rather than through one campus, as is the present practice. The Committee further recommends that the System undertake a peer-group analysis-based allocation system specific to the Law School, similar to that now being performed for the other campuses. The results of this analysis can be used to inform the development of an appropriate level of System allocation for the Law School going forward. The UMS Vice Chancellor for Finance and Administration has noted that the process of identifying peer institutions and analyzing the appropriate allocation will likely

take at least two budget cycles. The Committee requests that the System allocate, in the interim, additional funding to support the recommendations herein.

b. Governance

Although Maine Law is a statewide strategic asset and serves as the System's law school, it is an "administrative unit" of USM. For all practical purposes, however, it is *sui generis* in terms of its operations and governance. The Law School has separate personnel who handle recruitment, enrollment, career and student services, finance and personnel matters, and advancement/alumni relations. It is accredited and evaluated by a different set of regulators. The System provides procurement, HR and IT services for Maine Law as it does for all university institutions. USM provides financial aid and registration processing for students and supports the Law School's facilities, among other "back-end services." Maine Law's Foundation resources are held separately and administered by the System.

The Dean reports to the President and currently attends his cabinet meetings. The Law School has its own Board of Visitors that advises the Dean but does not have an identified role as an advocate for the Law School within the System or actively in the broader community. Perhaps most significantly, the Law School has a strong brand identity—within and beyond the System—that is wholly distinct and apart from USM's.

As noted already in this report, the Committee recommends that the BOT appoint both an oversight committee and a Dean Search Committee. The Committee further recommends that during the three-year transition period, the BOT identify a new governance structure for the Law School in light of its position statewide and as System's only professional school. The timing of such analysis would be fortuitous, as the System now faces significant changes and opportunities, particularly through the development of the Maine Center and the System's "One University" initiative. As decisions are made to implement these and other initiatives, the place and reporting structure of the Law School should be a key consideration so that it is optimally positioned and strengthened. The Law School's Board of Visitors should be included in opportunities to meet regularly with the BOT as do other institutions' boards and serve more broadly as an advocate for Maine Law as a valued System-wide asset.

III. CONCLUSION

The Committee was charged with advising on the future direction of the Law School, not whether Maine should have one. In a state that is not rich in resources, it is fair to question the wisdom of investing in a form of higher education that appears less desirable to today's students and therefore, one could argue, has a less compelling public mission. While there are clearly fewer qualified students seeking a legal education, the need for good lawyers in Maine, particularly in rural Maine, is enduring and will only increase as the current generation of rural lawyers retire from practice.

The Committee heard from dozens of Maine citizens about the disproportionate role Maine Law graduates play developing Maine business, serving rural communities, defending and prosecuting criminal cases, governing and policymaking, and serving the most needed in our society. Indeed, nearly half of the lawyers serving rural Maine are Maine Law graduates. Moreover, a cadre of educated Maine citizens schooled in the rule of law and expert in the architecture of our democracy serves as the skeletal structure of our institutions and civic life.

While one could argue that without Maine Law lawyers educated elsewhere will come to Maine, there is little evidence to suggest that those lawyers will settle anywhere but in Maine's largest cities. Without Maine Law, Maine businesses, institutions, and people will be underserved in the communities that most need legal services.

We wish to express our thanks to the BOT for valuing the Law School by appointing this committee and for providing us the opportunity to work together and to learn more about Maine Law and its current work, mission, and people. We also extend our appreciation to the many faculty, staff, students, and alumni of the Law School who supported our work over the past months by providing information, answering questions, and sharing their thoughts. The Committee received excellent staff support from Maine Law, the System, and the University of Southern Maine.

Respectfully submitted,

Kurt Adams, Co-Chair, CEO, Summit Utilities

Deirdre M. Smith, Co-Chair, Professor and Director of the Cumberland Legal Aid Clinic,
University of Maine School of Law

Martha Casey, Partner, O'Neill, Athy & Casey

Ben Devine, Principal, Devine Capital

Ben Gideon, Esq., Berman & Simmons

ADM Gregory Johnson, Member of the UMS Board of Trustees

Peter Mills, Executive Director of the Maine Turnpike Authority

Heather Sanborn, Maine State Senator, Co-Owner Rising Tide Brewery

Teresa Sutton, CEO, Maine Center Ventures

Adam-Max Tuchinsky, Dean of College of Arts, Humanities and Social Sciences and Associate
Professor of History, University of Southern Maine

Vendean Vafiades, Executive and Leadership Support Consultant

Exhibit 1

Committee to Advise on the Future Direction
of the Law School, Charter
(February 15, 2019)

**COMMITTEE TO ADVISE ON THE FUTURE DIRECTION OF THE LAW SCHOOL
CHARTER
15 February 2019**

BACKGROUND

The University of Maine School of Law (Maine Law) is Maine's only law school, preparing those going into legal practice as well as those entering professions and occupations that benefit from elements of legal training. As the legal profession has an essential economic and societal role, it is critical that Maine Law is well positioned to serve its students, the profession, and the State.

Maine Law has a long and distinguished history of preparing lawyers for Maine and beyond, of providing the value of a quality legal education to those engaging in other pursuits, and of serving as a vital repository of the exceptional culture of high quality, ethical and civil practice embodied by the Maine bench and bar.

Like similarly situated law schools across the country, a confluence of factors is significantly impacting the school and presenting serious challenges that must be addressed. These factors include a changing market for legal services that requires new and innovative approaches to legal education, a decline in law school applicants creating a highly competitive market for qualified students, and a state experiencing a severe demographic challenge and growing skills gap. Furthermore, as a small school, Maine Law is challenged with respect to having a stable and predictable funding stream sufficient to achieve its fundamental mission of providing a high-quality legal education.

This is also a time of opportunity. A small, nimble and innovative school, properly resourced, can re-envision and reposition itself to play a lead role in how legal education can better serve its students and, indeed, Maine as a whole. The timing is fortuitous: the University System's One University initiative encourages and supports new collaborations and innovations, the Maine Center for Graduate and Professional Studies project brings new resources and partnerships to the table, and greater Portland and the University of Southern Maine is becoming an attractor of talent and capital.

Given these challenges and opportunities, the University of Maine System Board of Trustees acting through the Office of the Chancellor is assembling a small group of internal and external stakeholders to act as an *ad hoc* Committee to Advise on the Future Direction of the Law School (the Committee) to advise it on these key issues. This advice will take the form of a report to be delivered to the Chancellor's office for consideration at the July 2019 BOT meeting. Interim or additional briefings may be requested by the Chancellor or Board Chair.

CHARTER PURPOSE

The purpose of this Charter is to set the tasks, roles and responsibilities for the Committee.

CHARTER SPONSOR

The UMS Chancellor acting on behalf of the System Board of Trustees is the Charter Sponsor.

COMMITTEE COMPOSITION

The Committee is co-Chaired by Kurt Adams and Deirdre Smith. Additional Committee members are Martha Casey, Ben Devine, Ben Gideon, Gregory Johnson, Peter Mills, Heather Sanborn, Chief Justice Leigh Saufley, Terry Sutton, Adam Tuchinsky, and Vendean Vafiades. The Committee will be staffed by the UMS General Counsel and Chancellor's Chief of Staff Jim Thelen who will be able to call upon additional UMS and campus personnel as needed.

COMMITTEE CHARGE

The Committee will deliver a report that includes:

1. an analysis and opinion as to the direction of 21st century legal education, with topics to include: how legal education can best serve Maine's legal profession and the emerging legal services industry, how best to develop options for new or expanded student markets (e.g., non-traditional and international students as well as students pursuing legal training for other professional and career reasons), and how to improve access to legal services in rural parts of the state;

2. a summary and assessment of how Maine Law is currently addressing the topics discussed in response to Charge #1, including its program of legal education and other programs and initiatives;
3. an analysis of opportunities for Maine Law as a member of the Maine Center consortium and in partnership with Maine Center Ventures, with recommendations including, but not limited to: expanded programming and (micro-) credentialing, multi-modal course and program deliveries, and greater academic alignment with UMS campuses including pathways for students to post-graduate attainment;
4. a review with recommendations of Maine Law operations, including, programs, finances, organizational issues including back-end services with UMS and USM, advancement, enrollment strategies, and statewide public engagement;
5. a recommended profile for the new Dean of the Law School informed by the Committee's findings;
6. other matters that may advance the Law School, its students, and its impact on Maine statewide.

The use of an outside professional consultant who is expert on national trends and developments in legal education is strongly recommended. The Co-Chairs will collaborate with the Board Chair and Chancellor to identify and engage this individual, with the final decision resting with the Board Chair.

RESOURCES

There will be an initial allocation of \$2500 from the Chancellor's office for the Committee's incidental expenses. The Co-Chairs may request additional resources from the UMS Chancellor to complete its work including the cost of external consultants.

CALENDAR

The Committee's report will be delivered to the Chancellor's office in time for review and subsequent consideration at the July BOT meeting. A specific date will be determined later. Interim or additional briefings may be requested by the Chancellor or Board Chair.

CHARTER EXPIRATION AND MODIFICATION

This Charter and the Committee's work will expire with the chairs report delivery in July 2019. It may be extended or modified with written approval by the Chancellor or the Board Chair.


J. Page
Chancellor

Exhibit 2

Preliminary Analysis Memo, William Henderson, Professor of
Law at Indiana University Maurer School of Law
(March 9, 2019)



William D. Henderson
Researcher, Advisor, Editor
bill@legalevolution.org

Date: March 9, 2019

To: Kurt Adams, Trustee, University of Maine
Prof. Deirdre Smith, University of Maine School of Law

RE: Preliminary analysis

This memo is a preliminary analysis prepared for members of the Committee to Advise the Future Direction of the Law School, which was formed at the direction of the Board of Trustees of the University of Maine System.

Scope

The Committee to Advise on the Future Direction of the Law School seeks guidance on “[t]he direction of 21st century legal education and the legal services industry, including but not limited to:

- “Emerging and future needs of the legal profession and the legal services industry, and how law schools can and should respond to those needs;
- “Current and emerging innovations in the delivery of legal education; and
- “New and expanded student markets for legal education (e.g., non-traditional and international students as well as students pursuing legal training for other professional and career goals) and how law schools can be best positioned to compete in such markets.”

With regards to these changes, the Committee seeks guidance “on the specific roles, challenges, and opportunities for smaller and public law schools.”

High-Level Overview

My prior research, particularly for the California Bar during the summer of 2018,¹ enables me to provide some firm conclusions on the “[e]merging and future needs of the legal profession and the legal services industry[.]” Drawing upon this research, it is my belief that practicing lawyers are experiencing two seemingly contradictory crosswinds.

The first crosswind is rising legal complexity created by increased globalization, digital interconnection, and associated regulatory pressures. It is no exaggeration to conclude that the peace and prosperity we all desire requires a well-functioning legal system that is

¹ See William D. Henderson, Legal Market Landscape Report, Commissioned by the State Bar of California (July 2018) online at: <http://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000022382.pdf> [hereafter California Bar Report]. The executive summary is included in Appendix C to this memo.



perceived by the public as fair and efficient. Now more than ever, lawyers are needed to guide the updating and redesign of existing legal institutions.

The second crosswind is legal industry stagnation that substantially pre-dates the 2008 recession. Despite nearly two decades of rising GDP and national population, the high-water mark for employment in private law firms occurred in 2004.² Likewise, in the aggregate, law school graduates in the class of 2017 had the fewest number for entry-level private practice jobs than at any time since the mid-1990s.³

Unfortunately, amidst these seemingly contradictory crosswinds, there is no accepted consensus on “the emerging and future needs of the legal profession and the legal industry.” Indeed, only a subgroup of legal educators and lawyers track and understand the macro-level trends that suggest widespread structural change. Further, among this small subgroup, we are limited to working hypotheses on what is causing the industry stagnation.⁴ It is very difficult to design and implement an effective strategic plan when there is (a) lack of stakeholder awareness (or acceptance) of systemic problems, and (b) lack of consensus on how to respond.

For legal education, it is imperative to think in terms of supply chain principles. For example, law schools are a supplier to the legal employers who are struggling with the two crosswinds described above. Obviously, law schools cannot change in ways that are out of synch with the pace and scale of change occurring in the broader legal industry. As the fate of buyer and supplier are interdependent, changes and adaptations ideally occur in coordination with one another. This type and level of collaboration is undoubtedly new and foreign to most stakeholders, yet it’s hard to imagine how law schools and legal employers, acting in isolation with one another, will successfully respond to a paradigm shift in the legal services market.

Although some of this dialogue is destined to occur at a national level through existing industry and regulatory groups, we also need to be attuned to the needs and opportunities that exist within local ecosystems. Indeed, one of the greatest contributions that smaller jurisdictions can make to the larger legal profession is to build high-quality local solutions that can be copied, deployed, and scaled by others.

This last insight is arguably Maine Law’s greatest competitive strength. As a small public law school—and the state’s only law school—located in Maine’s largest metropolitan area, Maine Law is ideally situated to co-create solutions in dialogue with other state and local stakeholders, including the state bar, the Maine judiciary, alumni, law firms, state agencies and legal departments.

² According to the U.S. Census Bureau County Business Patterns dataset, employment in Office of Lawyers (NAICS 541110) reached its highest level in 2004 with 1,122,723 employees. In 2016, this sector employed 1,056,512.

³ See Bill Henderson, “Four charts to better understand the Class of 2017 (060),” *Legal Evolution*, Aug. 5, 2018, online at <https://www.legalevolution.org/2018/08/four-charts-better-understand-class-2017-060/>.

⁴ My own hypotheses are set forth in the California Bar Report. See note 1. However, Maine Law stakeholders should reach their own conclusions based on a fact gathering process that simultaneously educates and creates stakeholder buy-in.



In preparation for this analysis, I conducted some initial research on Maine Law and the Maine legal sector, which is summarized in Appendix A (Maine Law) and Appendix B (Maine legal sector). Based on this research, the charge written by the Committee to the legal consultant, and my prior research, I offer the following avenues for additional exploration.

Possible Avenues for Exploration

In my experience, effective strategic planning has two crucial components: (1) a correct factual analysis of the issues and challenges facing the organization; and (2) an implementation strategy that pulls together and creates buy-in among relevant stakeholders. For high-level knowledge workers like lawyers, professors, and judges, the necessary buy-in requires their inclusion in the Step 1 problem diagnostic phase. Further, the best an outside consultant can do, even one with expert credentials, is to facilitate a process where stakeholders reach their own conclusions. If everything goes well, several internal champions and opinion leaders emerge who have the knowledge, tools and motivation to effectively lead the change effort.

With this strategic planning approach in mind, below are four possible avenues the Committee might wish to explore:

1. *Maine Legal Industry Taskforce*. The smaller scale of the Maine Bar, and Maine Law's status as a public law school located in the heart of the state's largest metropolitan area, make it the ideal convener for a taskforce to analyze structural changes in the legal profession vis-à-vis the needs of Maine citizens and businesses. Such a taskforce can be used to gather facts, educate and forge consensus. Unlike other states and law schools, it is possible for Maine Law to get all the key stakeholders into the same room. Further, the charge would be to address the needs of the state of Maine, which is destined to produce a very different solution set than national proposals that are bound to tilt toward the interests of larger jurisdictions, such as New York, California, Illinois and Texas, and the most elite law schools. Why wait for a solution that is bound to be poor fit?
2. *Curricular Innovations*. The growing complexity the legal economy cuts in two ways. First, it creates new fields of substantive law (Type 0 innovation). A text book example of this is privacy and cybersecurity, where Maine Law faculty and alumni played—and continue to play—a crucial role in the creation and growth of the International Association of Privacy Professionals (IAPP). Second, growing legal complexity requires new methods of service delivery that increase the output of lawyers and other legal professionals *per unit of effort* (Type 1 Innovation).⁵ This latter topic, which emphasizes the integration of law with data, process, technology and other allied disciplines, was one of the key topics in my California Bar Report. It would be near impossible for a law school to simultaneously focus on both Type 0 and Type 1 innovation. With Maine Law's limited resources, and the narrower needs

⁵ For additional discussion of the difference between Type 0 (substantive law) and Type 1 (service delivery) legal innovation, see Bill Henderson, "Two types of legal innovation: Type 0 substantive law, Type 1 service delivery (071)," *Legal Evolution*, Oct. 28, 2018, online at <https://www.legalevolution.org/2018/10/two-types-legal-innovation-type-0-type-1-071/>.



of the Maine legal professions as identified through a working taskforce, Maine Law should prioritize where it can be a leader and where it should be a fast follower.

3. *Innovation in the Delivery of Legal Education.* Part of the Committee's charge to the legal educational consultant requests guidance on "[c]urrent and emerging innovations in the delivery of legal education." One of the key questions here is whether Maine Law is a buyer or seller of these innovations. For example, through a waiver obtained through the ABA, Syracuse Law is experimenting with an online JD program. In its first year, it enrolled 32 students from a pool of 241 applicants. Surprisingly, the online cohort possessed stronger LSAT/UGPA credentials than Syracuse Law's residential program.⁶ In the early stages, these programs are capital intensive with the hope earning a substantial marginal return when the programs reach scale. Yet, what might be a wonderful market for a few, could be disastrous for many, as it's possible if not likely that the financial benefits of these programs will be competed away. An alternative model might be law schools collaborating in the creation of online modules, essentially spreading out the development costs and ensuring a financial return than can sustain high-quality content. Legal publishers, who are well-situated to bear the development costs, are also interested in creating online modules. Adoption of this technology could reduce the per-student staffing costs while increasing curricular variety and quality. These questions are fundamentally a build versus buy analysis, which is a decision that confronts virtually every industry. Now the topic is coming to legal education.
4. *Diversifying Legal Education Outside the JD Market.* Part of the Committee's charge to the legal educational consultant requests guidance on possible "expanded student markets for legal education" outside the confines of the traditional JD degree. With some caveats, I believe this is a fertile market that is highly relevant to Maine Law. This is true foremost because of the need of large and complex organizations to stay in compliance with a constantly growing constellation of laws and regulations. Part of the solution is destined to be cost-effective training and certifications of law-oriented content to mid-career professionals, particularly those in heavily regulated industries. In some cases, the certification programs could prove to be a substantial draw for undergraduate students. The development costs for these types of programs can be partially borne by some of the region's largest local employers seeking solutions to known organizational challenges. Because Maine Law is a public institution and the sole law school located in the economic center of the state, Maine Law is well situated to identify opportunities and fill the need. The biggest challenge, however, is likely to be law faculty who perceive this type of work as anathema to Maine Law's national profile and scholarly mission. With effective law school leadership and the many rewards of contributing to a successful regional effort, however, it is possible to successfully navigate these issues.

⁶ See Karen Sloan, "Syracuse's New Online JD Portends Popularity of Hybrid Programs," Law.com, Jan. 9, 2019, online at <https://www.law.com/newyorklawjournal/2019/01/09/syracuses-new-online-j-d-portends-popularity-of-hybrid-programs/>.



Appendix A

Overview of Maine Law

A focus on the future requires the gathering of a core set of facts. Below are some facts and figures related to Maine Law.

Location / Role in State. Maine Law is located in Portland, Maine, an attractive coastal city that anchors the state's largest metropolitan area. It is the only law school serving the nation's 42 largest state (1,342,000 est. pop. In 2019). It is also a public law school with close, longstanding connections to the state judiciary and elected officials.

Enrollment. Compared to other ABA-accredited law schools, Maine Law has relatively small JD enrollment. In the spring of 2018, Maine Law graduated 75 JD students, down from a high of 96 in 2013 and 2014. In 2018, the average JD graduating class size of an ABA accredited law school was 170; the median was 147. In terms of graduating class size, Maine Law is currently in the 8th percentile among ABA-accredited law schools. It is noteworthy that University of New Hampshire School of Law has a nearly identical enrollment (73 JD graduate in 2018).

US News Ranking (USN). Out of nearly 200 ABA-accredited law schools ranked by U.S. News & World Report, Maine Law is currently ranked #126. During the 1990s and the early 2000s, USN ordinarily ranked 50 law schools in the "first tier" and thereafter listed schools alphabetically in Tiers 2, 3, and 4. During this period, Maine Law was placed in Tier 3. In 2003, the ordinal ranking was expanded to the Top 100 (Tiers 1 and 2), with Maine Law making this list once (#100 in 2009). In 2011, the ordinal ranking was expanded to include Tier 3 (~145 ranked schools per year), with Maine Law ranked 121. Since that time, Maine Law's USN rank has hovered between #134 (in 2013) and #106 (in 2018).

Although I don't believe that USN is a valid measure of educational quality, USN has a significant effect on applicant volume, yields and the amount of financial aid necessary to hit enrollment targets. As such, it cannot be safely ignored.

Cost of Enrollment. Maine Law's tuition (both in-state and non-resident) is a relative bargain. According to data collected by AccessLex Institute, in 2018, FT in-state tuition at Maine Law totaled \$23,640 compared to average of \$27,357 for other public law schools. Out-of-state tuition totaled \$34,710 compared to an average of \$40,410 at other public law schools and \$47,633 at private law schools. Further, 68.8% of students receive grant aid, with a median grant of \$10,000. Finally, since 2011 (first year of the AccessLex dataset), tuition at Maine Law has increased by less than \$700 for in-state students and slightly more than \$800 for out-of-state students.

Employment and Bar Passage. Approximately 75% of the student body remains in Maine and takes the Maine bar exam. 56.6% of the Class of 2017 obtained bar-passaged required jobs. Another 12.0% obtained JD-advantaged jobs. 12% were unemployed and seeking



employment 10 months following graduation. These are not statistics that suggest a need for expanded JD enrollment.

Curriculum. Maine Law places a large emphasis on clinics and field placements, with roughly one open slot per year for all 2L and 3L students. Owing to several dynamic faculty and alumni, Maine Law played an important role in the pioneering of privacy and cybersecurity law. Indeed, Maine Law alumni were instrumental in the creation of the International Association of Privacy Professionals (IAPP), a highly influential and rapidly growing organization that came into being to solve the large number of complex legal and business issues surrounding digitization.



Appendix B

Overview of the Maine Legal Economy

To better understand the Maine legal sector, I quickly compiled the following statistics:

According to the Bureau of Economic Analysis (BEA), in 2017 the state of Maine had approximately 3,900 active and resident lawyers (#41 among 50 states and the District of Columbia). Roughly 2,200 of this number are either partners in law firms or the owners of their own solo practice; the remaining 1,700 work as W-2 employees in law firms, government, business or nonprofit organizations.

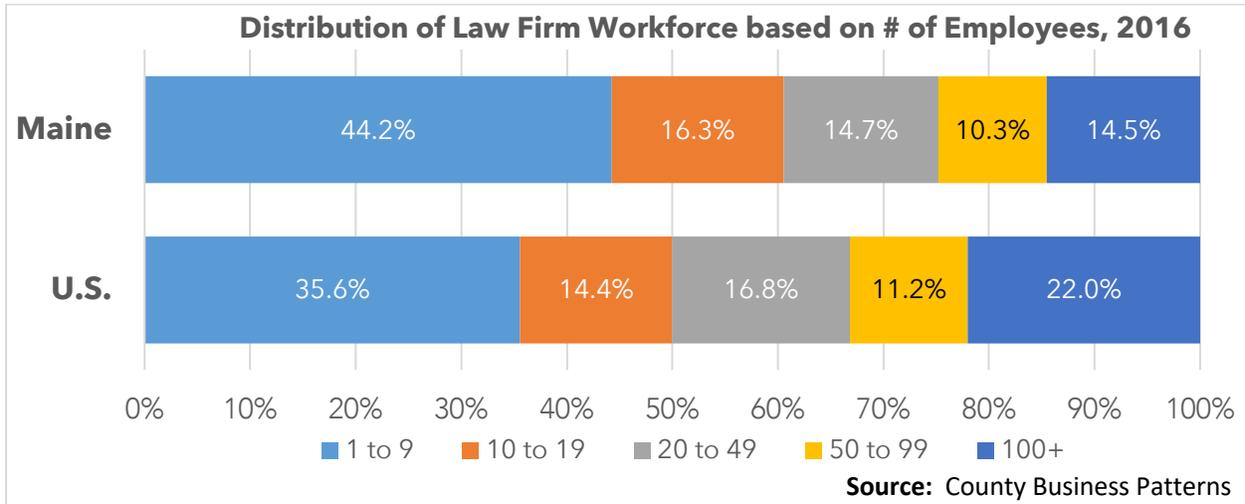
Unfortunately, among the majority of Maine lawyers who are self-employed (as partners in firm or solo practitioners), we lack a reliable data source for estimating income. However, for lawyers working as W-2 employees, we have extensive data through the Bureau of Labor Statistics.

In 2017, the average annual salary of a W-2 employed Maine lawyer was \$102,040, which is lower than other New England states, such as New Hampshire (\$119,650), Vermont (\$122,840), Massachusetts (\$157,450) and Rhode Island (\$129,410). Within the state of Maine, salaries vary widely based on geography. The table below provides a summary:

Metro / Region	Number of Lawyers	Avg. Salary
Portsmouth, NH-ME	270	\$140,010
Portland-South Portland ME	870	\$120,280
Dover-Durham NH-ME	90	\$112,230
Bangor	170	\$99,390
Lewiston-Auburn ME	140	\$92,810
SW Maine NonMetro	450	\$77,230
NE Maine NonMetro	70	\$66,380

Similar to the overall trend among U.S. law firms, employment in Maine law firms appears to be on a downward trajectory. Between 2005 and 2016, the number of employees working in Maine law firms (both lawyers and non-lawyer staff) steadily declined from 4,168 to 3,756 (-9.9%). The comparable figure for the entire U.S. was also a steady decline, but at a slower rate (-4.2%). During this time period, average salaries paid by Maine law firms increased from \$54,337 to \$67,431 (+18.8%). The comparable figures for the U.S. law firm sector were higher in both nominal dollars (\$72,192 to \$93,342) and percentage growth (+28.1%).

As shown the bar graph below, law firms in Maine tend to operate at a smaller scale than the broader U.S. law firm sector.



Finally, one of the reasons that private law firms are not growing is that businesses—which consume more than 75% of all legal services in the U.S.—are increasingly insourcing legal work by hiring general counsel and staffing legal departments with former law firm associates.⁷

As Maine Law seeks to engage key stakeholders, it would be advantageous to understand the business drivers of Maine’s most significant and dynamic industries, as they are bound to have some of the state’s largest corporate legal departments and be major consumers of legal services both inside and outside the state of Maine.

One way to identify these industries and employers is through the location quotients published by the Bureau of Labor Statistics. A location quotient is a simple statistic that compares the volume of industry economic activity in a geographic location (e.g., Maine) with the volume of industry activity occurring through the entire U.S. economy. When the location quotient equals 1.00, the location’s share of activity is proportional to the total U.S. economy. When the location quotient is less than 1.00 (down to zero), the industry is underrepresented. A location quotient of 1.50 means 50% greater activity than the nation as a whole; 2.00 means twice as much; 3.00 means three times as much, etc. According to BLS data, the following industries tend to have high concentrations of economic activity in the state of Maine (ordered by total wages paid to Maine workers).

- Hospitals (LQ 1.96, NAICS 622), \$2.1B in wages
- Insurance carriers (LQ 1.19, NAICS 524), \$783M in wages
- Transportation equipment manufacturing (LQ 1.52, NAICS 336), \$619M in wages⁸
- Paper manufacturing (LQ 4.08, NAICS 322), \$336M in wages
- Wood product manufacturing (LQ 3.38, NAICS 321), \$199M in wages
- Forestry and logging (LQ 11.69, NAICS 113), \$94M in wages

⁷ See California Bar Report, *supra* note 1, at 4-5 & fig. 2.

⁸ Of this total amount, the subcategory Ship and boat building (LQ 15.54, NAICS 3366) accounts for \$440M in wages.



Appendix C

Executive Summary to Legal Market Landscape Report

Commission by State Bar of California (July 2008)

Throughout the United States, legal regulators face a challenging environment in which the cost of traditional legal services is going up, access to legal services is going down, the growth rate of law firms is flat, and lawyers serving ordinary people are struggling to earn a living. The primary mechanism for regulating this market is lawyer ethics, including the historical prohibition on nonlawyer ownership of businesses engaged in the practice of law. However, private investors are increasingly pushing the boundaries of these rules by funding new technologies and service delivery models designed to solve many of the legal market's most vexing problems.

There is ample evidence that the legal profession is divided into two segments, one serving individuals (PeopleLaw) and the other serving corporations (Organizational Clients). These two segments have very different economic drivers and are evolving in very different ways. Since the mid-1970s, the PeopleLaw sector has entered a period of decline characterized by fewer paying clients and shrinking lawyer income. Recent government statistics reveal that the PeopleLaw sector shrank by nearly \$7 billion (10.2%) between 2007 and 2012. Throughout this period, the number of self-represented parties in state court continued to climb. The Organizational Client sector is also experiencing economic stress. Its primary challenge is the growing complexity of a highly regulated and interconnected economy. Since the 1990s, corporate clients have coped with this challenge by growing legal departments and insourcing legal work. More recently, cost pressure on corporate clients has given rise to alternative legal service providers (ALSPs) funded by sophisticated private investors. Both responses come at the expense of traditional law firms.

What ties these two sectors together is the problem of lagging legal productivity. As society become wealthier through better and cheaper good and services, human-intensive fields such as law, medical care, and higher education become relatively more expensive. In contrast to medical care and higher education, however, a growing proportion of U.S. consumers are choosing to forgo legal services rather than pay a higher price.

The legal profession is at an inflection point. Solving the problem of lagging legal productivity requires lawyers to work closely with professionals from other disciplines. Unfortunately, the ethics rules hinder this type of collaboration. To the extent these rules promote consumer protection, they do so only for the minority of citizens who can afford legal services. Modifying the ethics rules to facilitate greater collaboration across law and other disciplines will (1) drive down costs; (2) improve access; (3) increase predictability and transparency of legal services; (4) aid the growth of new businesses; and (5) elevate the reputation of the legal profession. Some U.S. jurisdiction needs to go first. Based on historical precedent, the most likely jurisdiction is California.

Exhibit 3

University of Maine School of Law: Review and Recruitment
Plan, Nanci Tessier, Higher Education Consulting
(August 9, 2018)

University of Maine School of Law

Review and Recruitment Plan

Prepared by:
Nanci Tessier
August 9, 2018

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I. Introduction

Thank you for the invitation to visit the University of Southern Maine and the University of Maine School of Law. I greatly enjoyed the time that I spent on campus in June 2018. I particularly appreciated the open and engaging conversations that I had with each member of the Maine community. I would like to give a special thank you to Dean Danielle Conway, Associate Dean for Law Admission Carrie Wilshusen, and Assistant Dean for Finance & Administration Nicole Vinal for the way in which they welcomed me to the Law School, their willingness to share information, and the candid conversations in which they engaged. It is my hope that this report assists you as you work to recruit talented students to the Law School. Please contact me with questions

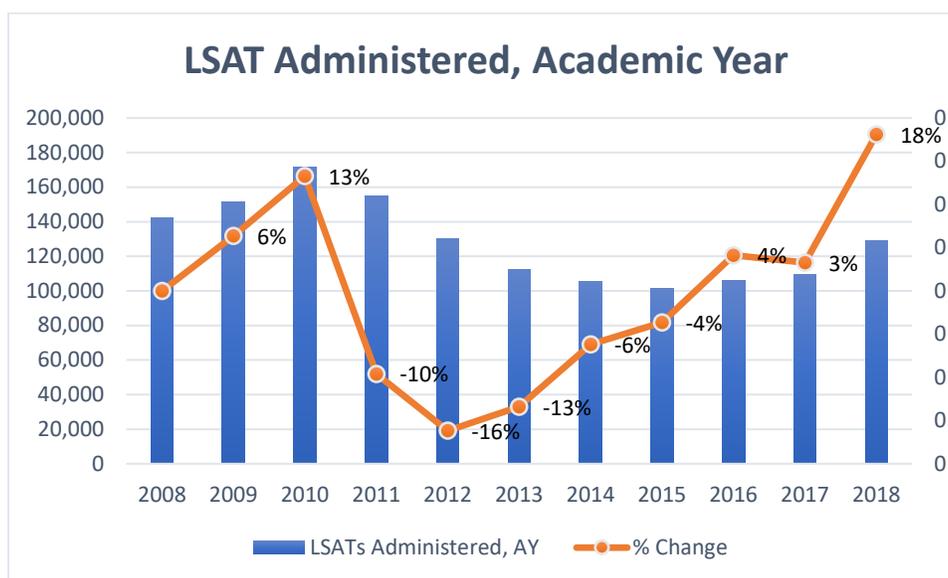
II. The Law School Market, Nationally and Regionally

Much has been written in the past few years regarding the declining interest in law schools due to a number of factors related primarily to the Recession. While I will not go into great detail on this topic, I thought it would be helpful to provide some general statistics that emphasize the very competitive environment in which law school admission offices are operating. It is within this very challenging national, regional and state landscape that Maine Law must recruit and enroll a class.

1. LSAT Test Takers Nationally

In the following chart, we see the change in the number of LSATs taken by students from Academic Years 2007-08 through 2017-18. Of note:

- In a five-year period, from AY 2010 to AY 2015, the number of LSATs administered fell from 171,514 to 101,689 – a drop of 69,825 or 41%. Each year, these declining numbers portended the drop in applications that would shortly follow.
- For the first time since 2010, there is a substantial increase (18%) in the number of LSATs administered over the previous year. However, the number of LSATs administered (129,165) in AY2017-18 is down 25% (42,324 LSAT takers) from AY10. While an upward trend is a positive indicator, it is important to understand that the demand for law school admissions remains a weak market in comparison to the years leading up to 2010.



2. LSAT Scores Nationally

In the last four years, the 25-75% percentile scores for LSAT takers enrolled at Maine School of Law ranged from a 147-157. The most desirable students fall in the 150-159 range. Of the students who took the LSAT in AY2010-11, the number scoring between a 150 and 159 was

35,198. Just six years later, in AY2016-17, just 20, 372 students scored in this same band – a drop of nearly 14,900 students or 42 percent.

3. Applicants Nationally

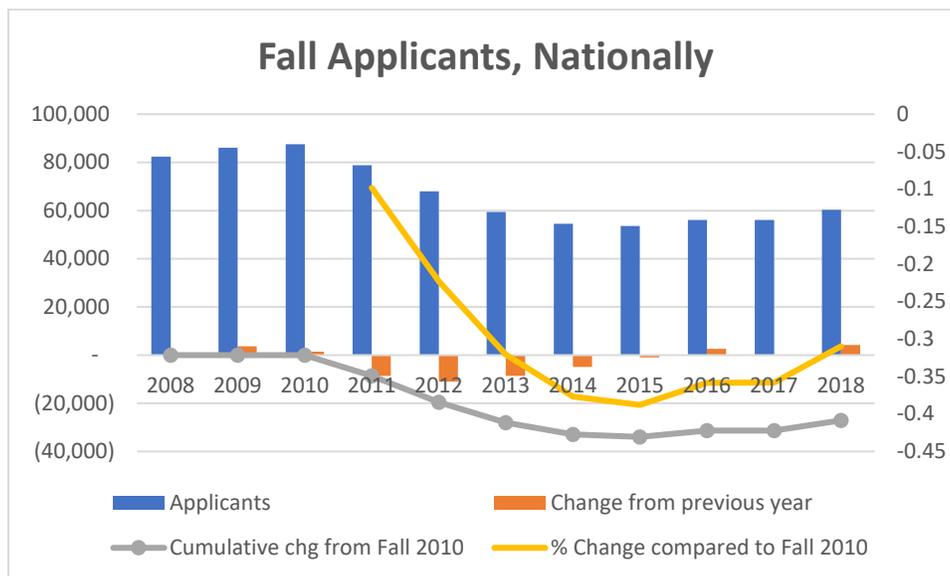
A similar pattern emerges when looking at the both the national number of students applying to law school and the number of applications submitted.

- The number of applicants declined by nearly 34,000 (39%) from Fall 2010 to Fall 2015.
- While the number of applicants grew from Fall 2017 to 60,387 in Fall 2018, it is important to note that Fall 2018 applicants are still well below Fall 2010 numbers:
 - Fall 2010 – 87,476 applicants
 - Fall 2018 – 60,387 applicants, approximately 27,000 (31%) below Fall 2010

The table below shows the national number of students applying to Law Schools with comparisons to Fall 2010 entrance.

Fall Entrance	2010	2011	2012	2013	2014	2015	2016	2017	2018
Applicants	87,476	78,881	67,95	59,426	54,527	53,548	56,126	56,168	60,387
Change from last year	1,402	-8,595	-10,924	-8,531	-4,899	-979	2,578	42	4,219
Cumulative Chg from F10		-8,595	-19,519	-28,050	-32,949	-33,928	-31,350	-31,308	-27,089
% Chg compared to F10		-10%	-22%	-32%	-38%	-39%	-36%	-36%	-31%

The following chart is a pictorial representation of the table above.



4. Applications Submitted Nationally

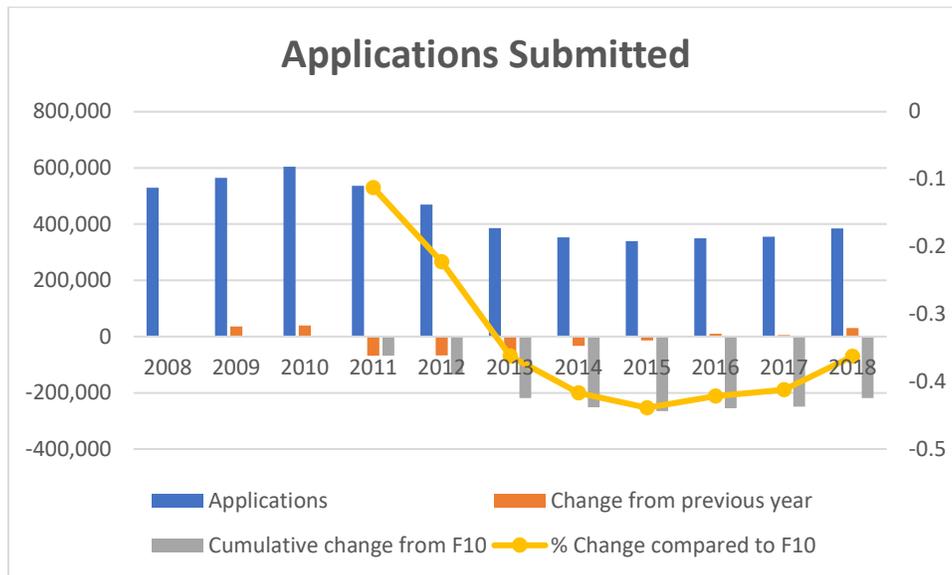
Each applicant typically submits multiple applications. In the table and chart below, we see the number of applications submitted peaked in Fall 2010 and then began a decline.

- In Fall 2015, applications had fallen by 44%, approximately 265,000 applications, from Fall 2010.
- By Fall 2018, applications remained below the Fall 2010 mark with a total of 385,000 applications submitted, down approximately 220,000 applications (36%), from Fall 2010.

The table below shows the national number of applications submitted to Law Schools with comparisons to Fall 2010 entrance.

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Applications	604,145	536,200	469,642	385,358	352,406	339,006	349,551	355,227	385,077
Change from last year	39,164	-67,945	-66,558	-84,284	-32,952	-13,400	10,545	5,676	29,850
Cumulative Chg from F10		-67,945	-134,503	-218,787	-251,739	-265,139	-254,594	-248,918	-219,068
% Chg compared to F10		-11%	-22%	-36%	-42%	-44%	-42%	-41%	-36%

The following chart is a pictorial representation of the table above.

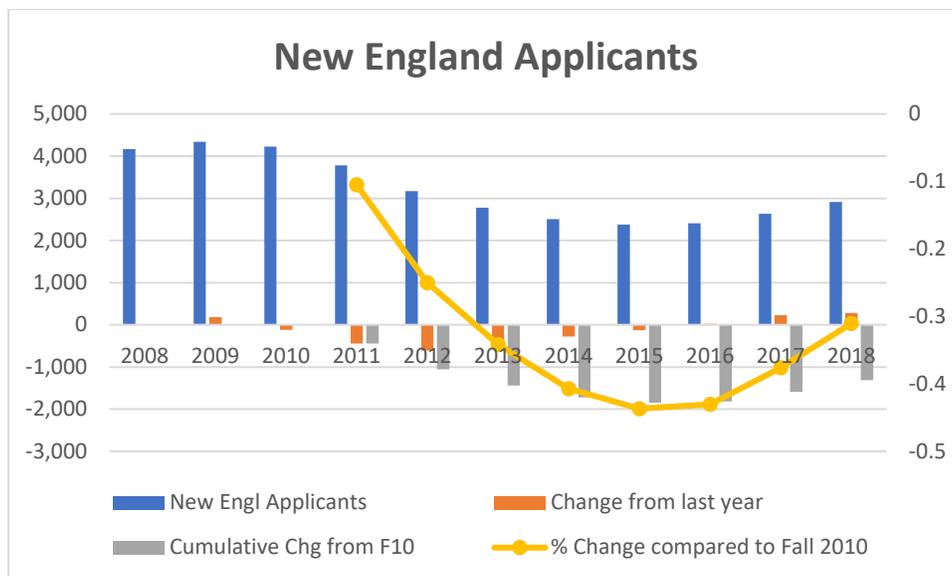


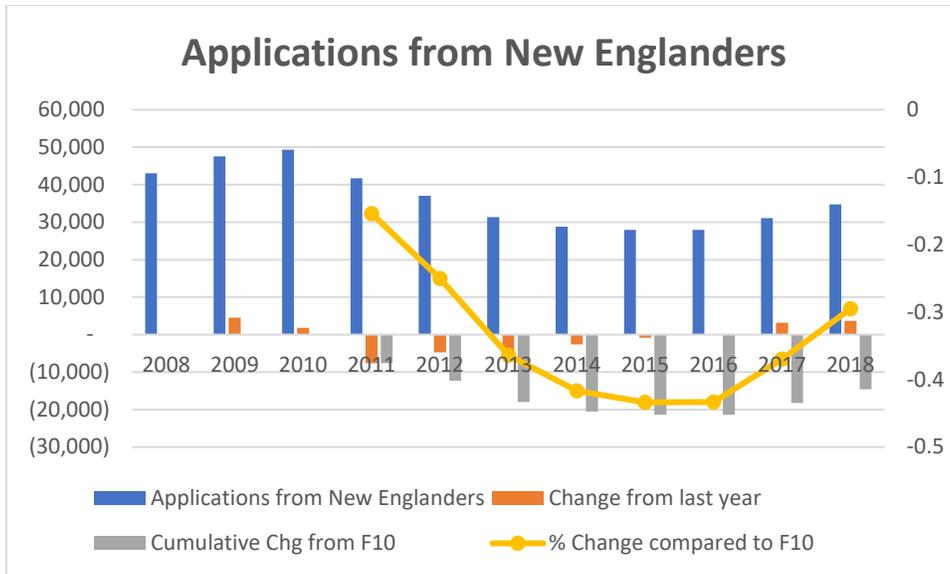
5. Applicants from New England and Numbers of Applications Submitted

Among national applicants, approximately five percent are residents of the New England states. This percentage has not changed over the past ten years. As you will see in the following two

charts:

- The number of applicants from New England states has declined by 31% since Fall 2010
 - Fall 2010: 4,224 applicants;
Fall 2015: 2,379 applicants;
Fall 2018: 2,912 applicants.
This is a decline of 1,845 students (44%) from Fall 2010 to Fall 2015 and a decline of 1,312 (31%) from Fall 2010 to 2018.
 - Thus, while there is a slight upward trend in the last two years, there are still approximately one-third fewer New England residents applying to law schools.
- On average, law school applicants from New England submit 11 applications each year. This number has not changed in the past ten years. However, because there are significantly fewer numbers of New Englanders applying to law school, the number of applications submitted has fallen by 43%, from a high of 49,331 in Fall 2010 to 27,933 in Fall 2015. In the last two years, applications have increased slightly year to year; however, the number of applications for Fall 2018 is 34,773, which is still down nearly 14,600 (30%) applications from Fall 2010.

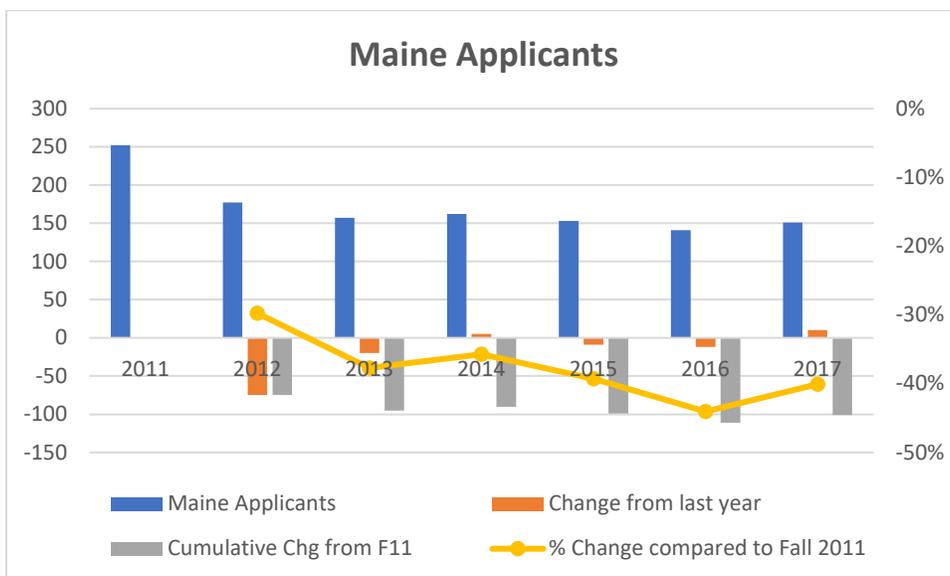




6. Maine Applicants

Each year, less than one-half of one percent (0.3%) of all students applying to law schools are residents of Maine. This number has declined precipitously since Fall 2011. The low number of applications is particularly challenging given that typically 20% of Maine’s applicant pool and 60-75% of the enrolling class is comprised of Maine residents.

- The number of Maine applicants has ranged from a high of 252 in the Fall of 2011 to a low of 141 (down 44%) in Fall 2016.
- In Fall 2017 – the most recent year for which data is available – the number of Maine applicants across the nation is just 151 students, a decline of 40% since Fall 2011.



III. Enrollment

1. Enrollment Goals

While those I spoke with seem clear as to the goal for the size of the enrolled 1L class (85-90 students), there appears to be a lack of understanding of the desired goals for the following:

- Enrollment percentages for Maine students and Non-resident students
- Median LSAT
- Median GPA
- Discount Rate and Scholarship Budget
- Net Tuition Revenue

In addition, goals for the LLM Program – enrollment, scholarship budget, and Net Tuition Revenue – do not seem clear.

In addition to setting numerical goals, the Law School articulates enrollment goals that are mission centric. For example, they have stated a need to attract and retain star students in Maine who will ultimately practice in Maine and fill key leadership roles in the state. At the same time, there is an understanding that the Law School cannot exist solely to serve Maine residents. Non-resident students are needed to enrich the classroom experience and to generate revenue. Thus, the Maine School of Law cannot be perceived as a “local” law school. The USM Central Administration and the Law School would benefit from a clear and shared understanding of these enrollment goals and progress towards them. Thus, I suggest that in the weekly reports sent to senior leadership, the following information be included:

- National Data (based on year to date comparisons)
- Maine School of Law
 - Enrollment Goals
 - Application Update
 - Scholarship Budget and Expenditures
 - Discount Rate
 - Net Tuition Revenue
- Brief narrative related to these topics

On the next three pages are examples of tables provided to show an approach to providing the data. Some of the tables would be appropriate to include at all times of the year (e.g. *Enrollment Goals* table), while others need only be included once the admission season is fully underway (e.g. *Applicant Pool Detail* table).

The National Landscape

LSAT Takers

LSAT Takers	F17	F18	F19	# Change 1-year	% Change 1-year
National					
New England					
Maine					
With Test Scores 145-149					
With Test Scores 150-155					

National Number of Applicants and Applications

	F17	F18	F19	# Change 1-year	% Change 1-year
Nat'l Applicants					
Nat'l Applications					
New England Applicants					
New England Applications					
Maine Applicants					

Maine School of Law

Enrollment Goals

	F17 Final	F18 Final	F19 To Date
1L Class Enrolled			
LSAT Median			
GPA Median			
LLM Class Enrolled			
Net Tuition Revenue			

Admission Update, 1L Class

Summary

1L Class	F17	F18	F19	# Change 1-year	% Change 1-year
Applied					
Admitted					
Admit Rate %					
Enrolled					
Yield %					
Maine (#)					
Maine (%)					
Non-Resident (#)					
Non-Resident (%)					
LSAT Median					
GPA Median					
Not Enrolling					
Decline Rate %					
No Response					
No Response Rate %					

Applicant Pool Detail

1L Class	F17	F18	F19	# Change 1-year	% Change 1-year
Applied					
Admitted					
Admit % Rate					
Denied					
Deny % Rate					
Withdrawn					
Withdrawn % Rate					
No Decision					
No Dec % Rate					
Admitted: Maine					
Admitted: ME %					
Admitted: Non-Res					
Admitted: NR %					
Admitted: LSAT Median					
Admitted: GPA Median					

Net Revenue Update, 1L Class

1L Class	F17	F18	F19	# Change 1-Year	% Change 1-Year
Scholarship Budget (\$)					
Admitted Students (#)					
Enrolled Students (#)					
Non-enrolling Students (#)					
No Response to Offer of Admission (#)					
Scholarships Offered (\$)					
Scholarships Offered (#)					
% of Admits offered Scholarship					
Scholarships Accepted (\$)					
Students accepting Scholarships (#)					
Students accepting Scholarships (%)					
Avg. Scholarship per Enrolled Scholarship Recipient (\$)					
Scholarships Declined (\$)					
Students declining Scholarships (#)					
Students declining Scholarships (%)					
Avg Scholarship declined (\$)					
No Response to Scholarship (#)					
Students not Responding to Scholarship (%)					
Avg Scholarship to Non-Respondents (\$)					
Gross Tuition Revenue					
Net Tuition Revenue (\$)					
NTR Per Matric (\$)					
Discount Rate (%)					

Admission Update, LLM Program

LLM Class	F17	F18	F19	# Change	% Change
Applied					
Admitted					
Admit % Rate					
Denied					
Denied % Rate					
Withdrawn					
Withdrawn % Rate					
No Decision					
No Dec % Rate					

A similar table related to Net Tuition Revenue can be created for the LLM program. Since some students are offered Scholarships, it is important to track aid and NTR for this group.

Enrollment and Financial Update, All Law Students

The following table provides enrollment and scholarship information on the most recent classes as well as projections for the next three years.

	FY17 Final	FY18 Final	FY19 To Date	FY20 Projected	FY21 Projected
1L Enrolled (#)					
2L Enrolled (#)					
3L Enrolled (#)					
LLM Enrolled (#)					
Total Enrollment					
1L Scholar (\$)					
2L Scholar(S)					
3L Scholar (\$)					
LLM Scholar (\$)					
Total Scholarship					
NTR					
Discount Rate					

2. Size of Enrollment

Currently, the Maine School of Law offers a traditional day 3-year program for full-time students with the exception of a couple of students each year who choose to do a Flex Program (e.g. part-time enrollment), extending their coursework beyond three years. The main 1L classroom can accommodate 90 students. This physical classroom limits the size of the enrolling 1L class to 90. In addition, the School must accommodate entering LLM students many of whom

(bar-seeking) register for 1L courses; thus, this room must accommodate both the 1L and LLM group.

I was asked if the Law School could:

- Increase its size?
- Open an evening/weekend part-time program?
- Offer online coursework?

In order to fully answer these questions, a comprehensive analysis would need to be done regarding the following topics before any decisions are made. Topics to be addressed would include the following:

- Market demand (quality and quantity of students) for both expanded day and LLM programs as well as a new evening program;
- The desired size of the LLM program with consideration of the percentage and number of students who would take 1L classes and therefore utilize 1L seat space;
- Opportunities to and feasibility of using classroom space on the USM Portland or Gorham campuses;
- The opportunity to design classroom space, particularly for the 1L class, that allows for increased enrollment in the new Graduate and Professional Center building;
- ABA [regulations](#) regarding online coursework, currently limiting online coursework to 15 credits, in the awarding of a JD degree (related ABA [article](#));
- The impact of increased enrollment on:
 - Faculty workloads;
 - Faculty to student ratio, including implications for rankings; and
 - Administrative staff;
- The need for additional faculty and/or staff and the associated costs (salary, fringe benefits, office space, administrative support, etc.); and
- Net Tuition Revenue projections for both the JD and LLM programs.

IV. Marketing Messages

I was told that prior to the recession, the Law School was able to meet enrollment goals both in terms of numbers of enrolled students and Net Tuition Revenue (NTR) without marketing itself. Since the recession the national demand for a legal education has declined dramatically and the competition for students has increased significantly. This has, of course, had an impact on the Maine School of Law. Correspondingly, there is a growing awareness of the School's need to effectively market its programs. The concept of marketing has not been readily or quickly embraced in parts of higher education and that may have been particularly true at a School that was described by one staff member as a "humble place" and "not a flaunty place". In some ways, the Law School may very well mirror the state in which it resides – where substance trumps style – and the residents it so often seeks to serve.

In the past few years, there has been a powerful shift in increasing marketing efforts to more firmly position the Law School within the competitive landscape, including helping the faculty to understand the ways in which they could engage in recruiting efforts. Still, opportunities remain to more effectively tell the Law School's story to prospective students in ways that are likely to influence application and enrollment decisions.

The School of Law considers the following areas to be their strengths when recruiting students to the Law School:

- Experiential learning, including Externships and Clinical programs, which show deep engagement with the community and prepare students for work upon graduation
 - Example: 30 (one third of all) 1L students are paid through the Public Interest Fellowship program.
 - Example: Ranked 40th in Moot Court successes. Trial Teams have the opportunity to participate in prepping and arguing cases in front of lawyers (both alumni and local attorneys), judges and law professors. Students draft briefs and participate in oral arguments, both of which provide experience and exposure that are valuable for preparing for work as an attorney and connections in locating jobs. Moot Court is offered in Civil Rights, Constitutional Law, Criminal Procedure, International Law, Trademark Law, and National Labor and Employment.
 - Example: Clinical programs such as the Cumberland Legal Aid Clinic that provides free legal aid to more than 600 low-income individuals and families each year. Students represent real clients in real cases thus gaining practical skills training.
 - Example: The Rural Pathways Fellowship that provides \$6,000 in funding for law students placed with practitioners in communities that would otherwise have limited access to legal students. Law students work in the summer under the

- guidance of practitioners on legal research and drafting, dispute resolution, general practice case management, real estate transactions, trial practice, and ethics.
- Faculty bring their practical experience to the classroom and are published in best national law reviews and journals
 - Example: [Jeff Maine](#) an expert on tax law and author (or co-author) of seven books and more than a dozen articles in the field. Formerly a practicing attorney at Holland & Knight in Tampa, Florida. His research is focused on the intersection of federal taxation and intellectual property.
 - Example: [Sarah Schindler](#) is nationally recognized for her scholarship, which focuses on property, land use, local government, and sustainable development. Her articles have been widely praised as creative and insightful additions to these fields. Professor Schindler clerked for Judge Will Garwood of the Fifth Circuit Court of Appeals in Austin, Texas and practiced in the area of land use and environmental law at Morrison and Foerster in San Francisco.
 - Example: [Jenny Wriggins](#) is a nationally recognized scholar whose work focuses on torts, insurance, health law, and family law, with a frequent focus on race and gender. She set the tone for her research with her first published article, Rape, Racism and the Law (*Harvard Women's Law Journal*, 1983), which has been reprinted in abridged form many times during the past 30 years. Recent publications have focused on federal flood insurance and climate change as well as race, racism, and personal injury damages.
 - Example: [Anthony Moffa](#) writes and teaches in the fields of administrative law, criminal law, property law, and international law, with a particular emphasis on the treatment of the environment. Prior to joining the Maine Law faculty, Professor Moffa served in the General Counsel's office of the U.S. Environmental Protection Agency. He also clerked for Judge F. Dennis Saylor IV on the United States District Court for the District of Massachusetts and Judge Kermit Lipez on the United States Court of Appeals for the First Circuit in Portland.
 - Strong areas of specialty within the Law School curriculum
 - Example: Certificate in Information Privacy Law
 - Example: Refugee and Human Rights Clinic
 - Example: Environmental Law
 - A hands-on approach from enrollment to employment, including excellent advisement throughout the three years. This phrase "Hands on from Enrollment to Employment" has the potential to be used in marketing materials.
 - Strong network of alumni and friends that aids in gaining Externships, Internships and Job Placement
 - Example: 27% of graduating students have clerkships (federal, state, local) compared to the national average of 9.3% ([Source: American Bar Association, Stats, 2017](#)).

- USNWR point to the importance of clerkships in one of its [articles](#) on the “Law School Admissions Lowdown” site.
- Example: The Dean of the Law School states, “We are a phone call away from the Chief Justice of the Supreme Court of Maine. Access is critically important to students. The faculty and staff are conduits to people of legal lore in Maine.”
 - Example: Alumni have achieved success in a variety of fields.
 - Example: Leigh Saufley '81, First Female Chief Justice of the ME Supreme Judicial Court
 - Example: Janet Trafton Mills '76, Attorney General, State of Maine
 - Example: Julia Spencer-Fleming '90, American Novelist of Mystery Fiction
 - Note – additional examples needed for alumni who are successful outside the state of Maine and the New England region
 - Location – Portland is seen as a city with personality – increasing national recognition for livability (USNWR ranks Portland #27 of Best Places to Live); artful living; great dining, 18 [breweries](#); local entrepreneurs, music venues – acclaimed bands, wine and jazz bars and intimate settings to enjoy acoustic, indie, or progressive live music; fantastic festivals; and easy access to the great outdoors – hiking, biking, kayaking, paddle boarding, skiing. While increasingly expensive for the cost of housing, Portland remains less expensive than other major US cities – Boston, NYC, Washington, DC, Chicago, etc.
 - Affordable
 - Example: Maine School of Law has not raised its tuition in five years.
 - Example: The city of Portland is less expensive than major cities on the East Coast.
 - Example: Scholarships are available.

The Law School also has data from surveys of admitted students (enrolling and non-enrolling) that should be used to inform the marketing strategy and communications. Information from 2016 surveys of admitted students both enrolled and non-enrolled point to students’ key criteria when considering whether to apply to or enroll at Maine Law.

Applicants

Q: How important was each of the following factors in deciding to **APPLY** to Maine Law?

Students are asked to indicate the level of importance: Highest, High, Moderate, Minor, or Did not influence my decision at all.

(Continues on next page)

Responses based on Rating Average (1 low to 5 high):

Enrolling Students

- Affordability (or value for price): 4.58
- Options for jobs after graduation: 4.37
- Availability of financial aid: 4.30
- Community Culture/Atmosphere: 4.26
- Location in Portland: 4.16
- Clinical/Practical training opportunities: 4.05
- Likelihood of acceptance: 3.93
- Academic reputation: 3.88
- Courses in a specialty area: 3.74
- Standing in published law school rankings: 3.37

Non-enrolling Students

- Affordability (or value for price): 4.21
- Availability of financial aid: 4.16
- Options for jobs after graduation: 3.89
- Courses in a specialty area: 3.89
- Likelihood of acceptance: 3.88
- Community Culture/Atmosphere: 3.85
- Clinical/Practical training opportunities: 3.84
- Location in Portland: 3.75
- Academic reputation: 3.70
- Standing in published law school rankings: 3.46

Of note is that for both enrolling and non-enrolling students, more students indicate that cost (affordability and/or financial aid) rather than any other topics were of the Highest Importance.

Percentage of students selecting “Highest Importance” for these topics related to cost:

Enrolling Students

- Affordability: 60%
- Availability of financial aid: 47%

Non-Enrolling Students

- Affordability: 41%
- Availability of financial aid: 38%

Based on student responses to surveys and identified strengths by the law school, it is clear that the following topics need to be front and center when recruiting students to the Law School:

1. Affordability (or value for the price) and Availability of Financial Aid
2. Options for Jobs after Graduation

In addition, these secondary topics need to be addressed in communications

3. Courses in specialty areas
4. Community culture and atmosphere
5. Location in Portland

While Clinical/Practical training opportunities do not appear in the top five on either group’s list, these opportunities are critically important to ensuring that students are competitive for job opportunities at graduation. Thus, the messaging on this topic needs to explain not only what is available to students but why participating in these programs matter.

The School’s location in Portland is both a positive and a negative. The city attracts those looking for a high-quality small city experience with access to the outdoors. Those who want a major urban environment – New York City, Chicago, etc. – will not be attracted to Maine School

of Law no matter how strong the School's messaging. Thus, you should market the attributes of Portland to attract those who are open to a smaller exciting city and not worry about those who will never be.

Admitted Students

Q: How important was each of the following factors in deciding to ATTEND Maine Law?

Students are asked to indicate the level of importance: Highest, High, Moderate, Minor, or Did not influence my decision at all.

Enrolling Students (Responses based on Rating Average (1 low to 5 high)):

- Affordability (or value for the price): 4.63
- Merit based scholarships: 4.50
- Options for jobs after graduation: 4.31
- Community Culture/Atmosphere: 4.19
- Availability of financial aid: 4.19
- Location in Portland: 4.14
- Clinical/Practical training opportunities: 4.12
- Academic reputation: 3.71
- Courses in specialty area: 3.69
- Standing in published law school rankings: 3.50

Q: Why did you decide NOT to attend Maine Law?

- *Received larger scholarship at other school: 67.9%
- I want a school with a better academic reputation: 48.2%
- Employment opportunities appear limited from a geographic standpoint: 28.6%
- Its location: 21.4%
- *Financial aid package not adequate: 21.4%
- *Its tuition was too high: 16.1%
- *I didn't get a scholarship: 7.1%
- Timing of acceptance: 7.1%
- Limited course offerings in my particular area(s) of interest: 5.4%
- Physical facilities: 5.4%
- It was too small: 3.6%
- Not enough social opportunities: 3.6%
- Felt Maine Law did not want me as much as the school I chose: 3.6%
- Lower percentage of ethnic diversity than I'd like to have in the classroom: 3.6%

*Indicate responses related to cost and affordability.

As is the case with prospective students, the topic of affordability (value for the price, financial aid, scholarships) tops the list of concerns. In addition, job opportunities at graduation, the culture of the law school, location, and academic reputation are important. Over a quarter of non-enrolling students expressed concern about getting jobs in a broad geographic area and nearly 50% wanted a school with a strong academic reputation, which is likely related to rankings. Both of these topics can be addressed in some ways by highlighting graduates who are working in states outside of New England (particularly outside of Maine) and by listing accolades related to academic programs.

V. Recruitment Plan

The Recruitment Plan described in this memo will be focused on the following:

- Definitions (Prospects, Inquiries, Applicants, Admitted and Confirmed Students)
- Creating a Prospect Pool
- Developing an Inquiry Pool
- Off-campus Recruitment
- On-campus Recruitment

Before beginning this discussion, I felt it helpful to provide definitions of each of these groups (e.g. Prospect, Inquiry, etc.) and the ways in which each student group moves through the Enrollment Funnel.

1. Definitions

Prospects (AKA Leads) are prospective students whose names have been purchased/collected from a variety of sources. For law school admissions, the Candidate Referral Service (CRS) is the primary source of these names (see below). Once the Prospective Student expresses interest in the Law School, she/he should be entered into the Inquiry Pool. This may include a subset of CRS names that are loaded directly into the Inquiry Pool based on attributes that make them highly desirable to the Maine School of Law.

Inquiries are students who have indicated an interest in the Law School. They often convert to applicants and enrolled students at the highest rates. Sources for Inquiries come from a variety of places: online inquiry form, emails; phone calls; letters; campus visits; response to a CRS campaign, recruitment travel (including college visits, LSAC Forums), etc.

Applicants are students who have submitted an application to the Law School.

Admitted students are those who have been offered admission by the Law School.

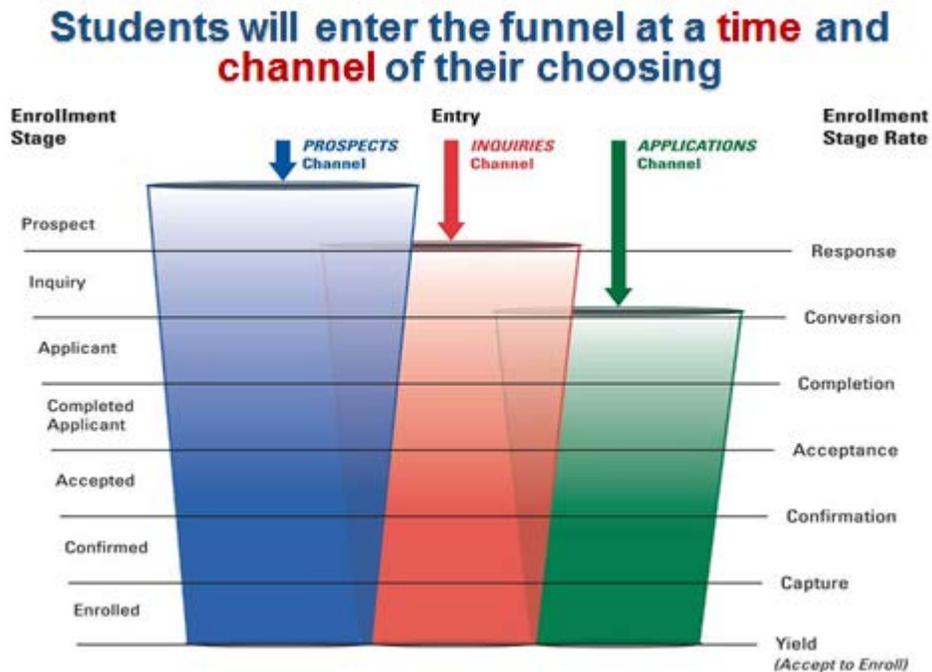
Confirmed students are those who have submitted a First Deposit and then a Second Deposit.

Enrolled students are those who arrive at the Law School to begin the semester. They are matriculating students.

2. The Enrollment Funnel

Noel Levitz (now Ruffalo Noel Levitz) created an Enrollment Funnel with Multiple Entry Channels that is relevant for the Law School. In years past, prospective law students were likely to enter the Enrollment Funnel by either responding to a Candidate Referral Service (CRS) communication or by inquiring directly. Today, many students use the Internet to search for Law Schools and remain anonymous – by choice – until the time at which they apply. It is

therefore, important to communicate regularly with students regardless of the way in which their name first came to the attention of the Admission Office. And, to ensure that prospective students receive all the information that is relevant to their search for a law school regardless of the point at which they enter the Enrollment Funnel. It is for this reason, an Admission Office creates a Communication Plan for each of these groups (Prospects, Inquiries, Applicants) as well as Confirmed students.



(Source: Cohen, Sarah. "Recruitment Strategies." *Strategic Enrollment Planning: A Dynamic Collaboration*. Ed. Hundrieser, Jim. Coralville, IA and Centennial, CO: Noel-Levitz, Inc., 2012, 14. Print.)

3. How do students first learn of Maine School of Law?

In the 2016 survey of enrolling and non-enrolling admitted students, we see how students first learned about Maine Law.

Enrolling Students

- Alumni/Faculty/Acquaintance: 69%
- Internet Search: 31%
- ABA Approved Law Schools: 18%
- Email from Maine Law Admissions: 8%
- US News & World Report: 5%
- Pre-law Advisor: 0%
- Social Media: 0%

Non-enrolling Students

- Internet Search: 49%
- Alumni/Faculty/Acquaintance: 20%
- Email from ME Law Admissions: 20%
- ABA Approved Law Schools: 14%
- US News & World Report: 14%
- Pre-law Advisor: 4%

Interestingly, nearly 70% of enrolling students and 20% of non-enrolling students first learned of Maine Law from alumni, faculty, or another acquaintance. This provides the Law School with a very important opportunity to message these groups in order to provide current and accurate information that might be conveyed to prospective students and to encourage these students to inquire. Clearly, the Internet (general search, USNWR, and ABA Approved Law Schools) is important to students as they search and emails from the Admission Office are important as well.

4. Creating a Prospect Pool

a. LSAC Candidate Referral Service (CRS)

The Prospect Pool is often the first way to contact prospective students to bring their awareness to the offerings of the Law School. For law schools, the primary source of Prospects is the Candidate Referral Service.

The Law School Admission Council (LSAC) offers the Candidate Referral Service (CRS) to its members. Through the CRS tool, an admission office can select names and contact information for prospective law school students based on some or all of the following criteria:

- LSAT score;
- Undergraduate Grade Point Average (UGPA);
- Age;
- Citizenship;
- Race or Ethnicity;
- Geographic Background;
- Undergraduate Institution; or
- Academic interest

Law Services currently does not charge for law schools to collect names of qualified students; thus, there can be an inclination to select all students regardless of their academic profile. However, I recommend selecting students who are likely to fall in the Law School's range of admissible students, understanding that the LSAT score may improve if a student retakes it. Maine Law School wants to invite qualified students to investigate the Law School and therefore should use a reasonable LSAT and/or Undergraduate GPA to select those students. Prospective students – particularly those currently enrolled in an undergraduate institution – are keenly aware of the schools that are communicating to other students. It is not helpful to the Law School's image, therefore, to communicate to students who are not within Maine's profile as it may suggest a lack of competitiveness at the School.

It is wise to consider setting parameters that fall slightly below the 25th percentiles and above the 75th percentile for the most recently enrolled 1L class (Maine School of Law Fall

2017: LSAT 149 -155; GPA median of 3.24). It may be strategically appropriate, at times to eliminate the GPA from consideration in qualifying the pool since many prospective students have graduated from college some time ago and admissions decisions on their files may be driven more by LSAT and personal qualities. The Law School's contact at LSAC will be able to advise regarding strategies to select a qualified Prospect Pool.

Prospective law school students are barraged with email communications from law schools, work environments (if employed), or college communities (if enrolled in school).

Prospective students rarely respond to a first communication from a law school; thus, the Law School needs to reach out to prospective students on multiple occasions in order to 1) provide them with compelling, relevant information about the Law School and 2) to prompt them to inquire.

Once a Prospective Student choose to inquire, the student then moves off the Prospect Communication Plan to the Inquiry Plan.

There may be some targeted groups for whom it is appropriate to move their names directly from the Prospect Pool to the Inquiry Pool given their priority to Maine School of Law. For example, it may be wise to treat the following prospective students as Inquiries:

- Maine residents
- Graduates of all colleges/universities in Maine (including current graduating seniors)
- Targeted student of color groups, which may be identified based on other criteria (e.g. testing, geography, etc.)
- Students interested in programs that are a specific strength for Maine Law (e.g. Refugee & Human Rights, Environmental Law, Information Privacy)

b. Alumni, Faculty, Acquaintance

There exists a tremendous opportunity to message these audiences in order that they effectively communicate the value of the Law School to prospective students. All names of prospective students provided by alumni, faculty, and friends of the Law School should be treated as Inquiries.

I recommend that there be an article about admission in each issue of the "Maine Law Magazine" as a way to effectively reach alumni. In the fall, a brief story can include information about welcoming the 1L class including relevant statistics (number of students, geography, gender, LSAT, undergraduate GPA, % on aid, average scholarship, etc.). Infographics can easily paint a picture of the class. Examples can be found at [Yale](#), [Columbia](#), [Villanova](#), and [Valparaiso](#). Additionally, a profile on a student from a distant location as well as a student from Maine or the New England states could be included. In the spring, an

article focusing on recent student experiences (Moot Court, externships, job placement, etc.) would provide alumni with current student success stories.

Articles in the Maine Law School magazine should continue to focus on alumni profiles in Maine, New England, and around the nation. Of special attention, should be statistics on recent alumni job placement. This will help alumni and faculty in their storytelling of alumni success around the state, region, and nation.

Dean Conway and Associate Dean Wilshusen should continue to educate the faculty about the challenges of recruiting a qualified class and speak particularly to the ways in which faculty can be involved in this endeavor. This piece of data – from the admitted student surveys – speaks volumes in terms of the role of the faculty in recruiting a 1L class. I recommend creating a one-page “Talking Points” sheet that provides key statistics and messages that faculty members can have on hand when speaking with prospective students. Something that is easy to pin on a bulletin board, keep in a portfolio, or in a jacket pocket is most effective. The goal is to ensure that all key communicators – faculty, administrators, student workers, alumni – are sharing the same information. This sheet should be updated annually.

5. Creating an Inquiry Pool

Once a student has indicated an interest in the Maine School of Law either by responding to an email from a CRS campaign or by contacting the Law School directly (Web inquiry form, phone call, letter, office walk-in, etc.), the student’s contact information should be entered into the CRM as an Inquiry.

At the time of my campus visit, the Law School did not have an online Inquiry Form but rather required that prospective students telephone the Admission Office in order to receive information. The creation of an online Inquiry Form is essential in order that prospective students can request information at any time of day or night. Information to collect should include:

- Degree/Program (JD or LLM);
- First and last names;
- Email;
- Phone (optional);
- Street address, city, state, zip;
- Program interest areas (e.g. Information Privacy);
- LSAC number (optional);
- Undergraduate institution;
- Year undergraduate degree was awarded.

For examples of online inquiry forms, see [Vermont Law School](#), [Vanderbilt](#) (includes LSAC number), and [UNH](#).

VI. Off-Campus Recruitment

The Associate Dean for Admissions is the primary person who recruits off campus. On some limited occasions Law School colleagues, alumni, or Student Admission Fellows will represent the Law School at key events. The Associate Dean should continue exercising her excellent judgment in determining the events that are worthwhile to attend based on budgetary and personnel resources.

The LSAC Forums hosted in nine cities in the U.S. and one in Canada provide prospective students with an opportunity to interact with over 150 law school representatives. Through ACES, the Admissions Office messages attendees to invite them to speak with a representative from Maine Law. Typically, Maine Law is represented at key forums – such as Boston, New York, Washington, DC – that have generated interest, applications, and enrollment. Each year an assessment is made to determine which Forums are best attended based on past results and impact on office coverage.

In addition, the Associate Dean attends fairs that are held based on past return on investment.

The Associate Dean partners with five other law schools to do panels throughout the Northeast. These sessions provide an opportunity to have substantive conversations with prospective students.

The Associate Dean has been working diligently to increase Maine Law's presence at the University of Maine schools. This can often be challenging as pre-law programs are not always well defined and pre-law advisors frequently change, which makes visiting the institution a challenge. The 3+3 program has been helpful in terms of providing an entrée to institutions and engaging in positive conversations.

All of these programs are of value as they provide the Admission Office – most always the Associate Dean – with an opportunity to interact directly with prospective students. The individual attention she provides and the personal connections she makes are very important in encouraging students to seriously consider Maine Law. The Associate Dean for Admissions is, however, limited in what she can practically cover based on the small size of her office staff and budget resources.

VII. On-Campus Recruitment

On-campus recruitment activities currently consist of Information Sessions and Open Houses.

The Information Sessions are offered twice monthly and provide an opportunity for prospective students to attend a session “Why Maine Law” that is hosted by the Dean of the Law School, a Professor involved with a clinic (e.g. Professor Deirdre Smith, Director of the Cumberland Legal Aid Clinic), and the Associate Dean for Admissions. Students participate in a student-led tour, an admission overview session, and a class led by a professor.

The dates and times for the Information Sessions should be posted on the website well in advance of the start of each semester. In addition, Prospects and Inquiries should be actively invited to attend.

The website also provides information on the Open House for prospective students. Again, an invitation to the Open House should be emailed to all Prospective Students and a printed invitation sent to Inquiries.

Students also have the opportunity to visit the Law School at times convenient for them and are able to have a personal visit scheduled. This is a testament to the School’s focus on serving the needs of each individual prospective student.

In the Spring, the Law School offers an Open House for admitted students. This event includes a student panel, mock class, and student-led tour. It is at this point that students are most interested in engaging with faculty and in receiving concrete job placement data.

Students attending an Information Session or Open House should be asked to complete a brief online survey at the conclusion of their visit to provide feedback that will be helpful in planning for future events.

VIII. Communication Plans

As mentioned earlier, each group (Prospects, Inquiries, Applicants, Admitted Students, and Confirmed Students) require a separate Communication Plan in order to provide them with appropriate information relevant to their decision-making process at each phase of the enrollment process.

1. Communicating with Prospects

Attached is an Excel Spreadsheet with a recommended Communication Plan for Prospective Students (e.g. CRS leads). Messaging is based on information gleaned from applicants – enrolling and non-enrolling – regarding their highest priorities. For example, the lead messaging will address financing a legal education is that topic is clearly a driver in the student decision making process. If we don't address that topic front and center, it is unlikely that a student will further explore the Law School and come to understand the many attributes that it offers.

2. Communicating with Inquiries

Once a student becomes an Inquiry either by responding to a CRS Campaign or by directly contacting the Admission Office, the student's name should be entered into the system as an Inquiry. An appropriate Communication Plan (Excel Spreadsheet) is attached for this group.

3. Communicating with Applicants

Not all applicants will be admitted to the Law School and, as a result, communications are minimal to that group. The exception would be students for whom their first contact is an application. They should be mailed an admission brochure. It is appropriate to provide all applicants with the following communications:

- a. Acknowledgment of receipt of their application, including an indication of when the student can expect an admission decision to be rendered.
- b. Information regarding materials that are needed to complete the student's application.
- c. An admission decision notification.

4. Communicating with Admitted Students

In addition to providing a timely admission decision notification, there are opportunities to message regarding financial aid and the quality of the law school experience. A Communication Plan for admitted students should include the following:

- a. Admission decision letter, including financial aid (e.g. scholarship notification)
- b. Financial Aid
 - As quickly as is possible, information should be sent from the University's Central Financial Aid Office regarding financing a legal education. Include a link to LSAC's

[“Paying for Law School: a Preliminary Guide”](#) that includes information on aid programs, student loans and repayment options, and budgeting in law school, among other topics.

- Admitted students often do not know how to compare the Net Price of one school to another. Associate Dean Wilshusen spends considerable time on the phone doing just that. I have created an Excel spreadsheet that she can use to easily help students compare Cost of Attendance, Scholarship Aid, and Net Price. The spreadsheet is designed for Law School Admission Office use and is not meant to be distributed to admitted students. The spreadsheet is appended to this report.
- c. Email Communication Plan consisting of three or four separate messages focusing on the following topics. This is an opportunity to emphasize that a small school is advantageous because students have access to many opportunities that they might not have should they go to a larger school.
 - Job Placement, including support services available through Career Services;
 - Clinical and Externship Opportunities;
 - Special academic opportunities based on a student’s interests (optional) or a message based on the academic opportunities in general and relationship with faculty; and
 - Portland
 - d. Mail a copy of the most recent edition of “Maine Law Magazine”.
 - e. Telephone calls to priority admits. These phone calls further emphasize the personal touch. Students selected for phone calls should be based on key consideration such as LSAT score, race/ethnicity, geography, undergraduate institution, etc. Associate Dean Wilshusen can deploy the Dean and faculty to phone selected students. In order to prepare for conversations, faculty should be provided with a brief bio of the admitted student along with key Talking Points.
 - f. An invitation to the on-campus Admitted Student Open House.

5. Communicating with Deposited Students

At this point in the process, students have committed to Maine Law School and the goal is retain them so they do not cancel enrollment and go to another law school that admits them at a later date. For this group, building a sense of community is important. Relevant information to provide would include:

- a. Orientation information;
- b. Housing information; and
- c. Information about their classmates (e.g. an example to join a Facebook Group).

6. Matriculating Students (all three years)

The University’s financial aid office staff should continue to come to the Law School to meet with enrolled students to educate them about financing their education and managing costs.

Attention must be paid to loan repayment. All students should be provided with a copy of “The Road to Zero – A Strategic Approach to Student Loan Repayment”.

IX. Publications

1. Admission Recruitment Brochure

The Admission Office has a brochure “It’s time to reimagine what a law school can be,” which is provided to students who attend an off-campus recruitment event (e.g. Law School Forum), an on-campus event (e.g. an Information Session), or who visit the Law School independently. This attractive brochure provides a general overview of the Law School. Based on research from admitted students, the brochure should be redesigned to focus on key priorities for prospective students and should include and/or address the following:

- a. Financial Aid, specifically scholarship information
- b. Job Placement statistics and information on services provided by Law Career Services
- c. Experiential learning – add to material already included
- d. Internship information
- e. Moot Court
- f. Field Placement Programs
- g. Lecture series (e.g. Justice for Women, Law & Public Service)
- h. Support Services and why they matter
 1. Legal Writing
 2. Preparing for the Bar
- i. Shots of faculty in the classroom
- j. School statistics
 1. Size of School
 2. Faculty/Student Ratio
 3. States Represented
 4. Gender Ratio
 5. Etc.
- k. Traditional law – not every student will want a specialty area (e.g. Information Privacy)
- l. There is a significant focus on Maine, which is understandable; however, the booklet needs to make it clear that students who do not plan to practice in Maine will be well served by a Maine Law education.
- m. Personal stories are critical to the School’s “small” image. Further support this by profiles of alumni, faculty, and students – with an emphasis on recent alumni and their work. Alumni working outside the state of Maine should also be a focus.

As noted in the attached Communication Plan, this brochure should be mailed to all Inquiries.

2. Pathways Brochure

The “Pathways” one-page sheets should be expanded to include profiles of a greater number of alumni working in different capacities and should be emailed to students as specified in the Communication Plans for Prospects and Inquiries.

3. Clinical Programs and Externships

The “Clinical Programs & Externships” brochure should be mailed to all Inquiries per the Communication Plan.

4. Specialized Program Brochures

Specialized program brochures such as the “Information Privacy at Maine Law” booklet should be expanded to include job placement information and should be mailed to all Inquiries indicating an interest in Privacy Law.

X. The Web

The Web is a critical source of information for students who are considering law school. Therefore, it should be a high priority for Maine School of Law.

In addition to the information that is provided on the Law School's website, there is an opportunity to provide additional information that will be helpful to prospective students. This includes:

1. Affordability, Scholarships and Financial Aid

As stated earlier in this memo, the topics of Affordability, Scholarships and Financial Aid are of paramount importance to prospective students considering law school. Messaging about these topics must be front and center on the website. Currently, it is not possible to ascertain the percentage of students who receive a Maine School of Law Scholarship, the total amount of scholarship aid provided, or the average scholarship amount. Some staff members articulated a concern that in providing this information, it would raise expectations for students that they would get a scholarship – regardless of their academic ability – and that this would make for difficult conversations during the yield season. The reality is, however, that there will always be students who don't receive a scholarship or who do receive one but feel that it is not sufficient. These conversations are had regularly even when scholarship information is not displayed primarily on the Web.

Currently, between 68-74% of full-time 1L students are receiving Scholarships from Maine School of Law*; thus, Maine can compete with other law schools on this front. Competitors are very clear about their scholarship offerings and by not providing this information in a prominent way, Maine School of Law may be losing prospective students who make an incorrect assumption that scholarships are not available. (* Source – USNWR Academic Insights)

Examples of law schools that put scholarship information front and center are: [University of New Hampshire](#), [Boston University](#), and [Albany Law School](#).

In addition, more robust information regarding the financial aid application process should be provided on the Maine Law School site rather than directing students to the USM site. Information should be easily accessible rather than requiring an additional click.

2. Visiting campus

For students who want to visit the Law School, it is helpful to provide very specific information that makes it easier for them to visit campus:

- a. Airport information
- b. Directions to campus

- c. Local accommodations information
- d. Campus map

Examples of schools that provide this information are: [Vanderbilt](#), [University of Michigan](#), and [George Washington University](#).

Information related to on-campus events (e.g. Information Sessions) must be current. Dated information regarding campus visit schedules were found on the website in the month of June. Information must be kept current at all times. If fall schedules are not yet available, language can be provided to let prospective students know when to check back for an up-to-date calendar.

3. Travel Recruitment Schedule

Information related to off-campus recruitment events (e.g. Law Forums) must be current. If fall schedules are not yet available, language can be provided to let prospective students know when to check back for an up-to-date calendar. [Albany Law](#) provides a calendar regarding their recruitment schedule.

4. Admission Staff

Include contact information and photographs for admission staff. This speaks to the Law School's personal outreach to students beginning with the enrollment process. For examples, see [Suffolk](#), [Boston University](#), and [Harvard](#).

5. Student Ambassadors

Include information for Student Ambassadors. Showing a diversity of Student Ambassadors provides another way for prospective students to see themselves at Maine Law and reinforces the personal touch. For examples, see [Albany](#) and the [University of Notre Dame](#).

6. Alumni

A number of alumni are profiled on the web. It is recommended that the Law School lists the person's current job title and firm directly under the person's name. Currently, in many cases the title is buried or not clear in the text (e.g. Farid, Headen, Turcotte, Narbus, Poole, etc.). In addition, it would be wise to regularly update the content adding additional profiles from classes from the last five years as well as to fill in missing gaps (1990's). In addition, it would be helpful to make clear the ways in which students have access to the strong alumni network.

7. Pathways Sheet

Associate Dean Wilshusen has created a number of one-page profiles (Pathways) of recent graduates that showcase their life before, during, and after Maine Law. These are designed to help students imagine the way in which they can design a path (academic, externship, clinics, fellowships, etc.) to allow them to reach their career goals. These are very well done and should be expanded particularly to include strong academic areas for the Law School and transactional law so that students interested in a traditional law setting can imagine the pathway to success.

XI. Rankings

The most influential ranking in the world of law school admission is, without a doubt, the annual U.S. News & World Report Annual Ranking. Currently, Maine School of Law ranks #106 out of 194 ranked law schools.

As noted earlier in this report (pages 18 and 19), rankings do not play the most significant role in Maine Law School applicants' decisions about where to apply to school. When asked, "How important was each of the following factors in deciding to **APPLY** to Maine Law?" (level of importance: Highest, High, Moderate, Minor, or Did not influence my decision at all), both enrolling and non-enrolling students listed "standing in published law school rankings" as the lowest of all items ranked – 3.37 for enrolling students and 3.46 for non-enrolling students. When students were asked about the importance of various factors and their influence in their decision about where to enroll, there were striking differences between enrolling students who placed rankings at the bottom of their priorities when choosing Maine Law and non-enrolling students who indicated that two of the top three reasons had to do with academic reputation and employment opportunities both of which are part of the ranking methodologies.

Survey question for non-enrolling students: Why did you decide NOT to attend Maine Law?

- Received larger scholarship at other school: 67.9%
- I want a school with a better academic reputation: 48.2%
- Employment opportunities appear limited from a geographic standpoint: 28.6%

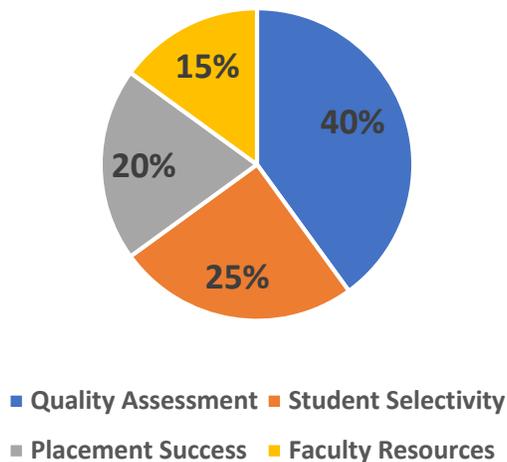
While data is not readily available about the importance of rankings to prospective law school students across the nation, there is a general consensus among law school and university leadership that rankings are a factor in this process. It is less likely that a rank difference of one or five (e.g. 101 to 106) will make a significant difference in a prospective law student's decision making; however, falling within certain categories is meaningful. For example, great attention is paid to the Top Fourteen (14 law schools that regularly claim the top spots in the USNWR rankings), top 50, top 75, and 100.

Given that the Maine Law School is ranked #106, it may be worthwhile to have USM's Office of Institutional Research conduct an analysis to better understand the School's position relative to 1) the five schools ranked above and below Maine; and 2) Maine and select institutions (e.g. 10 top competitors). And, to determine what factors, if any, might provide Maine Law with an opportunity to improve its position into the top 100 law schools. After such an evaluation is made, decisions would need to be made regarding the cost of investment to improve the rankings and the feasibility of doing so.

USNWR rankings are based on criteria and subcategories:

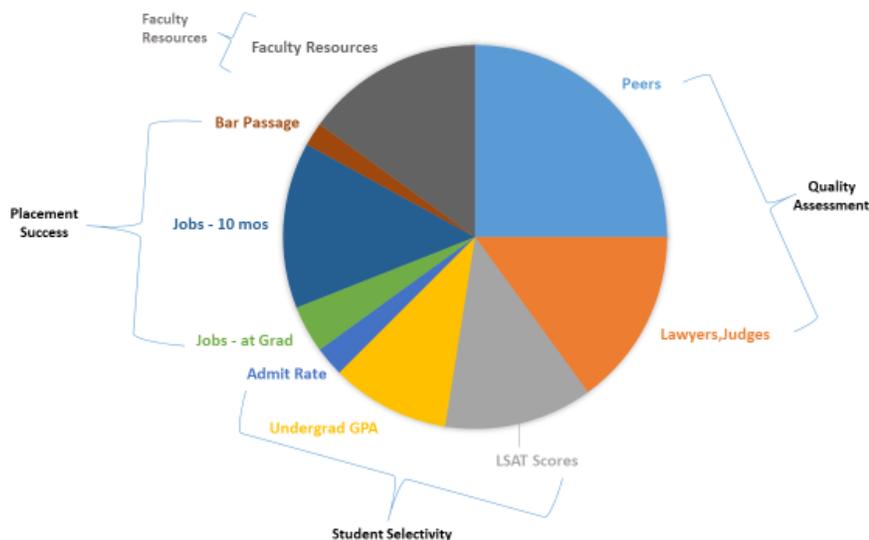
- a. Quality Assessment: 40%
 - i. Peers
 - ii. Lawyers/judges
- b. Student Selectivity: 25%
 - i. Median LSAT
 - ii. Admit Rate
 - iii. Undergraduate Median GPA
- c. Placement Success: 20%
 - i. Employment (at Graduation, and at 10 months after Graduation)
 - ii. Bar Passage Rate in Jurisdiction
- d. Faculty Resources: 15%
 - i. Expenditures Per Student
 - ii. Spending on Other Items per Student
 - iii. Student/Faculty Ratio
 - iv. Volumes & Titles in Library

USNWR Ranking Criteria



Within each criteria (e.g. Quality Assessment), there are a number of subcategories, each of which is weighted differently. They contribute to the totality of the Overall Rank as seen in the pie chart on page 36.

Contribution to Overall Rank



5

To better understand each part of the rankings and the way they contribute to the overall ranking, it is helpful to take a closer look at each of the four criteria: Quality Assessment; Student Selectivity; Placement Success; and Faculty Resources.

Quality Assessment (40% of Rank) is based on two separate surveys to:

- 1) Deans and three faculty members at each law school. They are asked to rate law schools from 1 to 5 (marginal to outstanding). The average rating is weighted by 0.25 in the overall ranking; and
- 2) Lawyers, recruiters & judges (names are provided by law schools) who rate schools on the same scale. The three most recent years' surveys were averaged and weighted by 0.15.

Student Selectivity (25% of Rank) is a measure that combines the following 2017 data for all full-time and part-time entering J.D. students: median LSAT scores (50%); median Undergraduate Grade Point Average (40%); and Acceptance Rate (10%).

Placement Success (20% of Rank) is a category that looks specifically at employment. Success is determined by calculating:

- 1) Employment rates for 2016 graduates at a) graduation (20%) and b) 10 months after graduation (70%)
 - 2) As well as Bar Passage Rate (10%)
- Note – Placement measure was calculated by assigning various weights to the # of grads employed in up to 43 different types and durations of jobs as defined by the ABA. Full weight was given to grads with a FT job not funded by their school lasting at least a year for which bar

passage was an advantage; less weight went to FT long-term jobs that were professional or nonprofessional and didn't require bar passage, to pursuit of an advanced degree, and to positions whose start dates were deferred. Least weight applied to jobs funded by the law school or university even if FT, at least yearlong, and required bar passage or for which a J.D. was a benefit. Other types of school-funded jobs were discounted more. Bar passage relates to first-time takers in summer and winter 2016 in the state where the largest number of 2016 grads first took the test.

The Faculty Resources (15% of Rank) category measures resources based on average fiscal year 2016 and 2017 expenditures per student for:

- 3) Instruction, library and supporting services (65%) and
- 4) On all other items, including financial aid (10%).

Institutional Research could create a comparison spreadsheet to assist senior leadership in understanding the strengths and weaknesses of Maine Law School in comparison to peers and competitors, to recognize opportunities for improvement, and to monitor trends.

USNWR provides for an annual fee the [Academic Insights](#) Tool that allows institutions to easily collect historical data on their school as well as competitors. It is a powerful tool to be used for benchmarking and decision making. Attached is an example of information that can be gleaned from Academic Insights. I recommend that USM and Maine Law invest in this tool.

XII. Additional Thoughts

While visiting the Maine School of Law, I made additional observations that I thought appropriate for sharing.

1. Tuition

Maine School of Law has not increased tuition for the past five years. A discussion should be had about the advantages and disadvantages of this approach moving forward. This discussion should involve leadership at the Law School and Central Administration of USM. If the Law School chooses to freeze tuition, it may want to consider providing 1L students with a guarantee that tuition will not increase for the 3-year JD program. Currently, the Law School is not benefitting from the price freeze as students are not aware that their costs will not increase and that their scholarship will hold its present day value as a result. This approach allows the Law School to increase tuition for the next entering 1L JD class.

2. Competitors

The Law School should create a list of competitors based on a) cross applicants; b) cross admits; and c) schools chosen by admitted students who do not enroll. Currently, staff reference a wide range of schools as competitors. Having one shared list will more easily allow the Law School to conduct analysis and comparisons when needed.

3. The LLM Program

Thought should be given to the role of the LLM program in the Law School (e.g. enhance the traditional JD student experience, generate revenue, both), the desired size of the LLM program, and the optimal number of LLM students in 1L class.

4. Graduate Record Exam (GRE)

Twenty-two* of the nation's law schools currently accept the GRE in place of the LSAT. The move appears to be driven by an interest in enrolling students with a strong background in science, technology, engineering, and math. The Law School may want to consider the GRE as an alternative to the LSAT, particularly as a way to attract local working adults who are in the STEM fields. [Related article](#). (*Law schools include University of Arizona, Columbia, Harvard, Northwestern, Georgetown, Washington University in St. Louis, Cornell, and NYU among others.)

5. 3+3 Baccalaureate/J.D. Program

The relatively new 3+3 Program for undergraduates studying in select Maine institutions to earn both a bachelor's degree and a Juris Doctor in six years has the potential to enroll a small number of highly qualified students. However, care needs to be given to the transition of these students at age 21 given the law school's average age is 27. Additionally, a scholarship strategy will need to be designed for these students.

6. Career Services

Students are highly interested in job placement:

- Percentage of students employed in jobs requiring a JD;
- The types of jobs held by recent alumni, including where those jobs are located;
- Services provided to support students in their job search; and
- Bar passage rate, while important, is secondary to the job placement. Students assume that if graduates are employed in a job requiring a JD then they have passed the Bar.

The work of the Career Services Office is increasingly important. With the impending retirement of the Director of that office there is an opportunity to hire a highly-accomplished Director who will be aggressive in providing students with a top-notch program that will prepare them for opportunities while in law school and for their job search.

7. Financial Aid

The Law School would benefit from creation of a Law School Financial Aid Modeling Committee to include the following members:

- Vice President for Enrollment Management & Student Services
- Director of Financial Aid
- Dean of the Law School
- Associate Dean for Law School Admission
- Assistant Dean for Finance and Administration, Law School

The purpose of this Committee would be to focus on enrollment goals (size, quality, composition), Net Tuition Revenue, and the calendar as it relates to financial aid awards.

Given the importance of affordability, scholarships, and Net Price, it is worth repeating that information regarding scholarships and financial aid needs to be front and center on all admission communications – the admission brochure, email communications, web, etc. One of the advantages that Maine Law has is that scholarships are automatically renewed year to year rather than being dependent on the student maintaining a prescribed GPA, such as a 3.0. This policy provides students with certainty regarding financing their education. That message, clearly stated in the admission decision letter, should also be clearly stated on the website and in recruitment materials.

The Law School should confer with USM's Financial Aid Office to determine the appropriate Cost of Living figure for Law Students. Currently, that amount is the same as undergraduate students, which does not seem sufficient for law students who are managing year-round off-campus costs. It would be prudent to review the way in which other law schools approach setting Cost of Living figures for law students before setting an appropriate figure for Maine School of Law.

The topic of student debt is of enormous concern to law school students. Attention should be given to having Financial Aid staff regularly communicate with enrolled law school students about managing costs in order to keep debt levels down and about loan repayment options.

8. Yellow Arrows, LLC

[Yellow Arrows](#) is a consulting firm that assists the Law School Admission Office with strategic modeling designed to inform admission and scholarship strategy. This is a strong partnership that is advantageous to Maine School of Law.

As the Law School thinks about next year's Scholarship Matrix, I would suggest considering awarding aid upfront to students who are given Fellowships, which are unfunded. If these students ultimately receive financial aid based on the Scholarship Matrix Model, then it may be advantageous to provide the Scholarship at the same time that the Fellowship is awarded.

9. Blaze Partners

[Blaze Partners](#) is an independent creative (PR) agency based in Portland. Blaze partners with a committee at the Maine Law (Associate Dean for Admissions, Law Webmaster, and the Assistant Dean for Finance & Administration) to create and refine messaging regarding the Law School and to get the message out to the Maine community. Given the Law School's reliance on the state of Maine for enrollment and funding, it is beneficial to have a strong working relationship with a local PR firm that understands the Law School and the contributions that it makes to the State of Maine. Blaze also assists the Law School with a social media strategy. While social media does not factor into the ways in which students first learn of Maine School of Law, it is a tool that can be used to strengthen their interest in and relationship to the Law School. How much time is devoted to social media will be reliant upon available resources.

10. A Constituent Relationship Management Tool (CRM)

A CRM is an approach to managing a school's interaction with prospective and current law school students. Currently the Law School works with Law Services ACES to manage email campaigns to prospective students. ACES has limitations; however, Law Services is in the process of upgrading it for the 2019-20 academic year. What those upgrades will entail is not yet known. If they are robust, the Law School may find that their needs for a CRM will be met through ACES; however, if that is not the case, the Law School should investigate partnering with USM on the use of TargetX, a robust CRM.

11. Support to Achieve Enrollment Objectives

As is the case in many law schools, the Maine School of Law Admission Office is comprised of a very small full-time staff (2 members) as well as student employees. The work that has been outlined here is substantial and they will require resources from USM in order to achieve them. Partnerships can be forged or strengthened with the offices of Enrollment Management &

Student Affairs, Institutional Research, Information Technology, and Financial Aid to achieve these goals.

XIII. Attachments

1. Communication Plan for Prospects and Inquiries
2. Academic Insights Report – University of Maine School of Law and selected competitors as identified by the Office of Admission
3. Comparing Financial Aid Awards Excel Spreadsheet