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New Beginnings: Texas A&M University School of Law Has the Noble Charge of Being Texas's First Public Law School in the Dallas-Fort Worth Metroplex

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PHOTOGRAPH BY DAN BROTHERS

NEW BEGINNINGS

Texas A&M University School of Law has the noble charge of being Texas's first public law school in the Dallas-Fort Worth Metroplex.

BY ARIC K. SHORT

ON THE EVENING OF AUG. 12, 2013, THE DOORS TO TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW IN DOWNTOWN FORT WORTH CLOSED FOR A FINAL TIME. The following morning, those same doors opened, and Texas A&M University School of Law began operations. During the next week, the school welcomed 250 1Ls to orientation, and fall classes began for all 770 students.

For Aggies, this transition in ownership capped a decades-long effort to bring a law school to Texas A&M University. For those of us at the law school, Aug. 13 concluded a busy and challenging year laying the foundation for our transition. More importantly, it marked a historic beginning. With the opening of Texas A&M University School of Law, the state welcomed its first fully accredited public law school in the Dallas-Fort Worth Metroplex. This new chapter for the law school, we believe, will result in great benefits for our students, legal employers, and the citizens of Texas.

A YEAR OF PREPARATION

Discussions between Texas A&M and Texas Wesleyan about a possible acquisition of the law school were shared publicly in June of 2012. Throughout the next year, in addition to running a law school, Texas Wesleyan worked hard to prepare for the possibility of new ownership.

Before ownership of the law school could be transferred, the universities needed approval or acquiescence from a variety of regulatory and accrediting bodies. In December of 2012, Texas A&M sought and obtained approval from the Texas Higher Education Coordinating Board to offer a J.D. degree. In addition, both universities requested approval of the transfer from their regional accrediting agency, the Southern Association of Colleges and Schools Commission on Colleges. The commission granted approval to the schools in the summer of 2013. But from the law school's perspective, the most important step was review by the American Bar Association.

The Council of the ABA Section of Legal Education and Admissions to the Bar has authority to accredit J.D. programs in the United States. Under ABA rules, the purchase of a law school by another university constitutes a "major change," and before such a deal can go forward, the council must review the planned transfer. Because of my experience with our academic program as associate dean for academic affairs, I was asked to take the lead in preparing the law school's application to the ABA. Several faculty members and staff from both universities helped produce reports and other information required by the ABA.

Under relevant ABA rules, we sought two related determinations. First, we asked the ABA to "acquiesce" in the transaction, essentially determining that we would continue to comply with all ABA rules after the change in ownership. Second, we sought the council's conclusion that transferring ownership would not constitute the "closure of an approved law school and the opening of a different law school." That second conclusion was important because it would allow the school's existing ABA accreditation to immediately transfer to Texas A&M University School of Law.

To determine whether this proposed transaction would result in the closure of one law school and the opening of a different law school, the ABA, according to its Rule of Procedure 20(b)(2), analyzed whether there was likely to be a

significant change in the law school's financial resources, governance, overall composition of faculty and staff, educational program, or location. Only if no such changes were likely would accreditation transfer to Texas A&M. As a result, much of our work in the fall of 2012 involved negotiations with Texas A&M administrators, including extended discussions about financial resources and the employment status of Texas Wesleyan staff and faculty.

The summer months were especially challenging at the law school. We were quickly approaching what we expected to be the law school's sale, but because the deal had not yet closed, we were unable to take important steps such as transferring student data, setting up new IT systems, and contracting for services under the presumed new name of the law school.

Finally, on Aug. 9, we were informed that the Council of the ABA Section of Legal Education and Admissions to the Bar had voted to acquiesce in the proposed ownership change and that our existing accreditation would transfer to Texas A&M. Three days later, on Aug. 12, the two universities signed closing documents that transferred operational control of Texas Wesleyan School of Law to Texas A&M University.

IMPACT OF NEW OWNERSHIP

This new chapter comes at an important time in the law school's evolution. Founded in 1989, we first operated as DFW School of Law and then, for most of our history, as Texas Wesleyan University School of Law. Our law school has established a solid and broad academic program focused on preparing graduates to effectively represent their clients. We are extremely proud of our successful graduates, who have traditionally passed the Texas bar exam and gained employment at a solid rate. Given the available resources and our institutional goals, the law school has been successful.

With our recent transition in ownership, however, the law school is poised to take a significant step forward to better serve our students and the needs of Texans. Texas A&M University is ranked among the top 20 national public research universities, is a member of the Association of American Universities, is one of three Tier One universities in Texas, and offers 120 undergraduate and 240 graduate degrees. These affiliations and resources provide exciting possibilities to help broaden, deepen, and possibly restructure our academic program—all with the goal of providing the very best legal education possible.

It has been a longstanding goal of Texas A&M to operate a law school that complements its strong undergraduate, graduate, and professional programs in areas such as engineering, business, veterinary medicine, geosciences, agriculture, and government. Acquiring this particular law school provides Texas A&M and the residents of Texas a number of unique benefits.

First, Texas A&M law school has already hit the ground running. We are fully accredited by the ABA and are a member of the Association of American Law Schools, which recognizes excellence in a school's curriculum and



PHOTOGRAPH BY DAN BROTHERS

After the Aug. 15, 2013, press conference, the law school's new sign was officially unveiled. From left: Aric Short, interim dean of the law school; R. Bowen Loftin, president of Texas A&M University; Dee J. Kelly, founding partner of Kelly Hart & Hallman and long-time law school supporter; John Sharp, chancellor of the Texas A&M University System; and Phil Adams, chairman of the Texas A&M University System Board of Regents.

the faculty's scholarship. No additional regulatory or accreditor action is necessary for us to operate. Our graduates, including those who participated in commencement in December of 2013, are eligible to sit for bar examinations in any state, including Texas.

Second, the full-time faculty at Texas A&M law school is composed of exceptional teacher-scholars. All of our professors are committed to student-centered learning, which occurs not just in the classroom, but also during office hours, over email and phone calls, and through online discussion boards. Our faculty members come early, stay late, and do what is necessary to make sure students learn. And our students gain a deeper understanding of both the law and how to practice it because their teachers all have practical, real-world experience. To supplement our full-time faculty, we hire a diverse group of experienced attorneys and judges as adjunct professors each semester.

Third, Texas A&M law school has a broad-based curriculum focused on practical skills training. Over the years, we have carefully studied national trends in legal education, and we have engaged in meaningful discussions with employers. We know that our graduates, to serve the needs of their clients, must have strong analytical skills, an understanding of a broad range of legal concepts, and training in how to practice law. In addition to core classes across a wide spectrum of subjects, the law school places significant emphasis on practical skills.

Because effective communication is critical to the practice of law, all of our students must take three semesters

of legal drafting to graduate. We also have implemented an innovative winter term with condensed one-credit, hands-on classes in areas such as deposition skills, criminal forensic evidence, and oral argument. Recognizing the value of specialization, we have created five certificate programs in subjects such as intellectual property, business law, and estate planning. We have also expanded our clinical offerings, including an innovative criminal prosecution clinic in partnership with the Tarrant County District Attorney's Office.

Fourth, our law school has a core commitment to pro bono work. Each student must perform at least 30 hours of pro bono legal services prior to graduation, and many do much more. They volunteer in a variety of settings, including legal aid placements, nonprofit organizations, and prosecution offices. The law school also sponsors a spring break pro bono service week, during which our students provide legal services to low-income rural Texans. We believe that practicing lawyers have an obligation to give back to society, and we are proud to help instill this value in our students.

Fifth, and finally, by acquiring an *existing* law school, Texas A&M University has the opportunity to make an already strong law program even stronger. And in doing so, we will not add additional new lawyers to the job market beyond those who have historically graduated from our law school. In fact, we plan to slightly reduce the size of next year's incoming class, which will help strengthen our academic program and provide more quality employment opportunities for our graduates.

THE FUTURE OF TEXAS A&M UNIVERSITY SCHOOL OF LAW

As we embark on this new chapter, the most exciting aspect for me is the potential to enhance our academic program. Our primary focus should be to produce lawyers, problem-solvers, and leaders of the highest ethical caliber. We are in the process of beginning a new round of strategic planning at Texas A&M law school, which will involve the law faculty and other stakeholder groups and will help determine the future direction and programming of the law school. As we move through that process during the coming year, I believe the following areas should be emphasized.

Interdisciplinary Learning

Lawyers rarely practice law in a vacuum. Instead, they solve client problems in collaboration with other professionals, such as engineers, doctors, accountants, social workers, and scientists. If it happens in the real world, we can replicate it in the classroom. Upper-level law students can be brought together with students from other professional or graduate programs at Texas A&M (and other schools) to simulate the complex scenarios that will arise in their careers. For example, law students trained in wills and trusts could be partnered with medical, nursing, and theology students to navigate an estate planning scenario in a dying patient's hospital room. And law students interested in environmental law could be paired with engineering students to work through state permitting requirements and prepare for a mock contested case hearing before an administrative law judge.

As a beginning step toward interdisciplinary learning, we are working with the Dwight Look College of Engineering at Texas A&M to develop an integrated degree program. If implemented, this would create close relationships between the engineering and law programs to better train students pursuing careers in intellectual property and business law. This spring, for example, Texas A&M law students with an interest in intellectual property are participating in a new law clinic at Startup Aggieland, a student business accelerator run with the help of Texas A&M's colleges of engineering, architecture, and business.

Areas of Concentration

Texas A&M law school will continue to offer a wide range of courses to effectively prepare our students to pass the bar exam and begin a successful law practice. We should also strengthen our curriculum and consider adding depth and focus in particular subjects, such as (1) business law/entrepreneurship/intellectual property and (2) energy law/oil and gas/natural resources. Both concentrations would respond to the needs of employers, build on current strengths of our law school, and allow us to leverage established programs and relationships that exist within the broader university.

Expanded Client Interaction

In the last several years, we have significantly increased our externship and clinical courses. We should continue to do so, with the goal of requiring every student to have a live client interaction before graduation. In addition, last spring, we offered our first "immersion externship" experience for a law student working in the Texas Legislature. He worked full time under the supervision of an attorney and reported regularly to a supervisor at the law school. We are currently exploring additional immersion experiences in other areas of law and hope to implement them soon.

Developing Lawyers for the Middle Class

At the same time that law graduates across the country face challenges in the job market, millions of Americans—many of them middle class—cannot afford legal representation. At Texas A&M, our program addresses that problem. We already devote significant resources to preparing students for a solo or small-firm practice. We teach law practice management, business fundamentals, and many advanced drafting courses in subjects like family law, real estate law, estate planning, and probate. Our most recent drafting course is one specifically for the small firm practitioner, providing practical drafting opportunities in several subject areas. Beyond coursework, we are working to develop a network of established practitioners to serve as mentors for our students and new graduates. We look forward to working with the General Practice, Solo, and Small Firm Section of the State Bar of Texas in this effort.

Professionalism and Leadership

We recently expanded the number of credit hours in our required professional responsibility course, and we have added classes focused on ethics in particular practice areas. Beginning with Fall 2014 orientation, we will introduce new 1L students to the concept of professionalism through an endowed leadership and ethics program. We hope these efforts will further reinforce our commitment to producing not just skilled and knowledgeable new attorneys, but also attorneys with the highest ethical standards.

Diversity

Texas A&M law school is committed to broad-based diversity. Founded as an evening school, we retain a flexible academic program that can be pursued on a part-time or full-time basis. We are also proud that our student body reflects greater racial, ethnic, and gender diversity than the national law school averages. But we should strive to do even better. This year we formed a Diversity Committee to strengthen our commitment to these issues and create the most supportive and productive law school environment possible. In addition, building on Texas A&M University's commitment to diversity, we are developing connections with communities across Texas that are historically under-represented in law schools.

*Increased Scholarships
and Loan Forgiveness Programs*

Law students at top schools across the country often graduate with more than \$100,000 of debt. This crippling burden forecloses many public interest and public sector career opportunities. That should not be the case for graduates of Texas A&M University School of Law.

I have asked our faculty to evaluate ways to reduce the cost of legal education in a responsible manner. Dramatically lowering the tuition for a public law degree is one solution. While this option should be considered, there appear to be serious problems with a cut-rate price tag for a public school law degree. If the actual costs of delivering that education accurately match the price tag, there may be valid concerns about the quality of the teaching and training. On the other hand, if the costs of supplying the degree significantly exceed the tuition charged, taxpayers will be subsidizing the difference. Both options are problematic.

As an alternative, Texas A&M University law school is seeking to significantly expand private fundraising to increase scholarships for our students. Our goal is to ensure that every qualified student can afford a law degree from our institution, regardless of his or her chosen career path. We are proud that many of our students come from diverse middle class backgrounds or are the first in their families to go to college. The doors of law

school should remain open to them.

As a complement to increased scholarships, I would like to see our school establish an endowed loan forgiveness program for qualified students. In particular, we should reward our graduates who follow their dreams into a career in public interest law or other positions that generate lower salaries but serve the public. I believe such a program would be good for the law school and good for Texas.

CONCLUSION

As we move into this exciting new era, we are grateful for the commitment, hard work, and vision of so many who helped establish and nurture our law school. With the help of our community, we will continue the process of strengthening our programs so that Texas A&M University School of Law is one of the very best law schools in the country. **TBJ**



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is the interim dean at Texas A&M University School of Law. He also has served as the school's associate dean for Academic Affairs and practiced law at Vinson & Elkins in Austin and Wilmer, Cutler & Pickering (now Wilmer Cutler Pickering Hale and Dorr) in Washington, D.C. He graduated from the University of Texas School of Law.



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