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May 1, 2017

Dr. Ann Weaver Hart
President
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1200 East University Boulevard
Tucson, AZ 85721

Dean Marc L. Miller
The University of Arizona
James E. Rogers College of Law
1201 East Speedway Boulevard
Tucson, AZ 85719

Dear President Hart and Dean Miller:

Attached please find the decision of the Accreditation Committee at its meeting on April 20-21, 2017, with respect to the request of The University of Arizona James E. Rogers College of Law to modify the following non-J.D. degrees: General, LL.M.; Indigenous Peoples Law and Policy, LL.M.; Undergraduate Degree in Law, B.A.; Indigenous Governance, M.P.S.; and Legal Studies, M.L.S.

The Honorable Scott Bales and Ms. Judith Leonard, Esq., recused themselves from participation in the Committee's consideration of this matter.

Please feel free to call me, Manager of Program Administration JR Clark, or Executive Assistant Cathy A. Schrage if you have questions or need clarification or guidance.

Sincerely yours,



Barry A. Currier
Managing Director of Accreditation and Legal Education

BAC/jrc
Attachment

DECISION OF THE ACCREDITATION COMMITTEE

April 2017

At its April 20-21, 2017 meeting, the Accreditation Committee (the "Committee") considered the application of The University of Arizona James E. Rogers College of Law (the "Law School") for acquiescence in several changes to the following non-J.D. degree programs: General, LL.M.; Indigenous Peoples Law and Policy, LL.M.; Undergraduate Degree in Law, B.A.; Indigenous Governance, M.P.S.; and Legal Studies, M.L.S. The proposed changes include the removal of enrollment caps, offering residential programs online (some by mixed modality and some outside the United States), and adding concentrations/specializations to some programs. The Committee had before it the Law School's completed Request for Information Regarding Proposed Change in a Non-J.D. Program and Request for Modification of Enrollment Cap for Existing Non J.D. Program forms, as well as an accompanying letter from Dean Marc L. Miller dated February 17, 2017.

FINDINGS OF FACT:

(1) The Committee acquiesced in the Law School's applications for the non-J.D. degree programs related to this modification request on the following dates: General, LL.M. (2015); Indigenous Peoples Law and Policy, LL.M. (2001); Undergraduate Degree in Law, B.A. (2014); Indigenous Governance, M.P.S. (2013); and Legal Studies, M.L.S. (2013).

(2) At the time of the acquiescence, the Committee set an enrollment limit of 18 full-time students in the General LL.M. degree. The Law School seeks to have the Committee remove this enrollment limitation. In addition, each of the above mentioned non-J.D. programs is currently offered in-residence, within the United States, and without concentrations/specializations. The Law School seeks to modify the degrees as follows:

- General, LL.M.: offer online, by mixed modality, and outside the United States, and adding concentrations/specializations;
- Indigenous Peoples Law and Policy, LL.M.: offer online;
- Undergraduate Degree in Law, B.A.: offer online and by mixed modality;
- Indigenous Governance, M.P.S.: offer online, by mixed modality, and outside the United States, and adding concentrations/specializations; and
- Legal Studies, M.L.S.: offer online, by mixed modality, and outside the United States, and adding concentrations/specializations.

(3) The General LL.M. degree first enrolled students this year and has an enrollment of three students. The Law School has 368 students enrolled in its J.D. program as of fall 2016. If the enrollment cap is lifted and if the other requested changes are allowed, the Law School anticipates 20 students to enroll in the General LL.M. degree program in the fall of 2017 and 30 in the fall of 2018.

(4) In addition to the Law School's request for a modification to these five programs, as considered by the Committee at its April 2017 meeting, the Law School also offers an LL.M. in International Trade Law, a S.J.D. in International Trade Law, and a S.J.D. in Indigenous People's Law and Policy. The Law School's total non-J.D. enrollment is 192 students, none of whom are taking their coursework online.

(5) The non-J.D. programs are directed by Kathie Barnes, a full-time member of the Law School faculty. The Law School has not proposed any changes in the description of the programs, the course requirements, or English proficiency requirements. The Law School expects to hire an additional teaching assistant for every 50 students who enroll in these programs. At 100 students, the Law School will also hire an administrative support person. Budget-wise, this means that for 100 students, at an average annual tuition of \$12,000, these programs would generate \$1.2 million in tuition and require expenditures of \$160,000 (two teaching assistants and one administrative person). Once enrollment exceeds 250 students, the Law School would likely hire an additional full-time faculty member.

(6) The Law School expects to maintain a residential General LL.M. program so that anyone wishing to complete the LL.M. in residence is able to do so, but will offer the General LL.M. online and by mixed modality at partner institutions and for those for whom in residence is not an option.

(7) The Law School states that it is moving toward offering more of its degrees online or by mixed modality. In addition to substantial University resources to support this effort, the Law School has its own online learning and instructional design team. The Law School is also looking to form additional partnerships with educational institutions outside the United States, so that it can offer foreign students the opportunity to earn a dual degree or to earn a degree from the Law School's parent University by studying in their home country and/or at the parent University's campus in Tucson.

(8) The Law School asserts that acquiescence in its requests will benefit its J.D. program without any negative impacts. Non-J.D. students taking courses online or mixed modality methods will not be in the classroom with J.D. students, except to the extent that they are currently in J.D. classes. This will not change if acquiescence is granted. Acquiescence will expand options for J.D. students because having a rich array of specialty online classes will allow J.D. students additional curricular options, especially for those J.D. students who take advantage of Arizona's early bar option (taking the Arizona Bar Exam in February

of the third year) or those who want to spend a semester in a city other than Tucson. For all non-J.D. degrees, non-J.D. students will be allowed to take courses offered in the J.D. program on a space available basis. Non-J.D. students enroll at the same time as the 3L class. No J.D. students have been excluded from any course in the past two years because of non-J.D. enrollment. No J.D. student would ever be excluded from a course because of a non-J.D. student. Very few upper division J.D. courses have caps on the number of students. The Law School expects the increase in enrollment to be largely online.

(9) Projected revenues starting in year one are \$480,000 and projected expenses are \$55,000. Projected revenues for year four are \$3,600,000 and projected expenses are \$380,000.

(10) On February 14, 2017, the Law School faculty approved the program. A copy of the minutes from this faculty meeting was attached to the Law School's original Questionnaire.

CONCLUSIONS:

(1) The Committee concludes that the proposed modifications to the General, LL.M.; Indigenous Peoples Law and Policy, LL.M.; Undergraduate Degree in Law, B.A.; Indigenous Governance, M.P.S.; and Legal Studies, M.L.S. will not interfere with the ability of the Law School to operate in compliance with the Standards and to carry out its program of legal education. [Standards 105(b) and 313.]

(2) Accordingly, under authority delegated by the Council of the Section of Legal Education and Admissions to the Bar, the Committee acquiesces in removal of the enrollment cap for the General LL.M. degree and the other modifications to the General, LL.M.; Indigenous Peoples Law and Policy, LL.M.; Undergraduate Degree in Law, B.A.; Indigenous Governance, M.P.S.; and Legal Studies, M.L.S. described in Finding of Fact (2). [Standard 506 and Rule 3(b)(3).]

(3) Acquiescence in a degree program other than the J.D. is not an approval of the General, LL.M.; Indigenous Peoples Law and Policy, LL.M.; Undergraduate Degree in Law, B.A.; Indigenous Governance, M.P.S.; and Legal Studies, M.L.S. themselves and, therefore, the Law School may not announce that the degrees are approved by the Council. [Standard 313 and Interpretation 313-1.]

(4) The Committee calls the attention of the Law School to the requirement that enrollment in these and every non-J.D. program offered by the Law School must be limited such that enrollment does not interfere with the ability of the Law School to operate in compliance with the Standards. [Standard 506.]