

Date: September 28, 2023

To: Penn State Dickinson Law and Penn State Law Communities

From: Dean Danielle M. Conway and Interim Dean Victor C. Romero

Re: Reunification Panel Report

Pursuant to President Bendapudi's [charge](#) to reunite the university's two separately accredited law schools, Penn State Dickinson Law in Carlisle and Penn State Law in University Park, into a singularly accredited law school,¹ a [panel](#) was appointed to advise how to best accomplish this task, chaired by Dean Conway of Penn State Dickinson Law. This document summarizes the panel's consensus report, which the President [accepted](#). It is being shared with law school stakeholders as we begin the process of bringing the Penn State Dickinson Law and Penn State Law communities together in reunification and prepare our joint submission to the American Bar Association's (ABA) Council of the Section of Legal Education and Admissions to the Bar, for acquiescence.

This memorandum is divided into four sections: (1) Executive Summary; (2) Process of the Panel; (3) Panel Recommended Option; and (4) Next Steps.

1. Executive Summary

The panel was guided in its work by four key principles. The first principle is faithfulness to the President's charge. The second principle is maintaining and sustaining stability in the current state and in anticipation of reunification for the law schools. The second principle articulates the panel's desire to achieve a substantial presence at University Park consistent with the President's charge that sets forth a primary location requirement. The third principle is a desire to achieve equity as a value proposition for faculty and staff at Dickinson Law consistent with Penn State's core values. The fourth principle acknowledges innovation as a key determinant of successful reunification for the future of legal education at Penn State.

Guided by the four key principles, the panel is pleased to report that its members achieved unanimous consensus on a recommended model that is projected to achieve the President's objectives and aligns with the principles of the panel. Further, it is noteworthy that the consensus model is supported by the University's Law School Admissions Council (LSAC) consultants.

It unifies the law schools pursuant to a two-campus model, with the primary location in Carlisle and a substantial presence in University Park. The two-campus model envisions a student cohort at each campus, including J.D. students at all levels, LL.M. students, and S.J.D. students. The model relies on natural attrition in faculty and staff ranks pre-unification as well as during and post-unification. The model anticipates benchmarking reductions in aggregate allocation now, which will be credited to the unified law school in meeting targets for successive reductions in aggregate allocation over the next five years. The model assumes a scholarship discount rate upon reunification based on benchmark

¹ The united school will be called Penn State Dickinson Law, have its primary location in Carlisle, and be led by Penn State Dickinson Law Dean Danielle M. Conway. A public [website](#) was created to document the panel's work.

credentials that align with the values of the land-grant mission of access and continued excellence. The model anticipates additional revenue from market innovation and leadership in hybrid and remote instruction in the J.D./LL.M./S.J.D. cohorts while adding a new degree, the M.S.L., to be delivered in-person, hybrid, and remote, both asynchronously and synchronously.

The panel recognizes that it has a finite universe of levers to address reunification. These levers include:

1. **Fiscal Levers:** A reunified Penn State Dickinson Law must examine methods to reduce the aggregate allocation. This examination requires acknowledgment of disparate allocations between the two law schools. Also, it requires concerted effort to leverage existing budget items to reduce costs while maintaining excellence. Already, deans have exercised fiscal responsibility by leaving faculty and staff slots unfilled and launching an assessment of processes for faculty and staff “details” (referring to the loaning of faculty and staff to cover open positions). The Finance Officers (FOs) from both law schools worked together to present budget forecasts consistent with the University’s new budget allocation model. The joint budget forecasts show the potential for reduction in university aggregate allocation to the reunified law school. The assumptions used to generate the joint budget forecasts are as follows: natural attrition in personnel in all categories; tuition discount rate reductions; structural efficiencies; and budget savings resulting from the reduction in resources expended to maintain competition between the two law schools.

2. **Increase Revenue Streams by Leveraging Excellence:**

1. **Innovation and Expertise in Hybrid and Virtual Education:** In the longer term, the panel expects innovation to create new revenue streams. A reunified Penn State Dickinson Law is well positioned to leverage the excellence at both law schools with respect to technological innovation by exploring the creation of hybrid and on-line models for legal education, including new programs such as an M.S.L.

2. **Create Centers of Excellence:** As described further below, the reunified law school can build on successful programs in which the separate schools have invested by creating Centers of Excellence focused on experiential education, the LL.M. program, and preparation for the NextGen Bar.

3. **Faculty Excellence:** A reunified Penn State Dickinson Law would bring two strong faculties together, creating tremendous expertise and synergies. Both schools are dedicated to excellent teaching and innovative research. A reunified law school will allow faculty to engage in more transdisciplinary, interdisciplinary, and pedagogical research and development, while creating conditions for increased grant and scholarship opportunities.

4. **Antiracism Expertise:** LSAC data show 2022 as the most diverse national class in history. Penn State Dickinson Law is a national leader in building antiracist institutions and organizations that seek to dismantle systemic inequity. Penn State Law has prioritized diversity, equity, inclusion, and belonging (DEIB) as an institutional core value. Reunification represents an opportunity for the unified law

school to leverage and benefit from both schools' leadership on antiracism and DEIB.

5. **Endowment Opportunities:** The panel recognizes that law schools cannot fundraise themselves out of the current challenge; yet endowment opportunities are abundant. These opportunities include bringing alumni back into the reunified law school; investing in new, innovative programs that feature access, affordability, and excellence; and demonstrating leadership in the legal academy and the legal profession.

3. **Achieve Stakeholder Buy-in:** The panel has obtained input from its stakeholders through town halls and surveys. Raw data in the form of anonymous collected responses are available. Providing transparency and communication about the entire reunification *plan* are critical to the success of the reunified law school. In addition, success in gaining consensus on reunification will provide opportunities for internal and external fundraising. The proposed Centers of Excellence provide institutional and individual donors with concrete high value targets for their investments. A united front for reunification offers funders and donors opportunities to endow student scholarships as well as positions for staff, faculty, and administrators. Finally, commitments by university leadership to avoid further restructuring of the two locations will attract endowments for programs and facilities.

2. Process of the Panel

Modeling Process and Systems Design

The panel implemented human-centered systems design thinking to develop recommendations for a reunified law school. Systems design thinking is a non-linear, user-centric, problem-solving methodology emphasizing empathy, creativity, and iteration to develop innovative solutions. Utilizing this method allowed panelists to examine possible reunified law school models from the perspective of stakeholders; question their assumptions about each model; and develop and refine new models as consensus developed. Panelists could collaboratively propose and discuss various models of a reunified law school, which encouraged input and buy-in to the process and the final recommendation.

On January 25, 2023, the panel work commenced with a full-day workshop about systems design thinking. The workshop was facilitated by Efraín Marimon, J.D., M.Ed., Penn State Associate Teaching Professor of Education, who guided the panel through exercises to understand the elements of design thinking. Panelists discussed scenarios in legal education from perspectives of stakeholders having diverse needs, backgrounds, and experiences. Ultimately, the panel developed a spectrum of models for reunification of the law schools that were each reviewed and evaluated through the design thinking process. As each week progressed, the panel drew closer to consensus as a result of these discussions.

Subcommittee Work

Early in the process, the panel created three subcommittees to examine key aspects of each model. The subcommittees addressed culture, budget and finance, and academic values. Subcommittees met weekly to discuss growth opportunities, strengths, and challenges presented by the models and considered how models fulfilled President Bendapudi's charge. The culture subcommittee discussed

internal and external impacts of each model, as well as ideas for fostering a unified culture. The academic values subcommittee discussed each model's impact on teaching, scholarship, learning, intellectual engagement, and the academic programs in each location. The budget and finance committee discussed financial implications of the various models to ensure that the models advanced by the panel were financially sustainable. Subcommittees reported their findings to the full panel each week for further discussion.

Meetings and Workshops

The panel met weekly to hear subcommittee reports and discuss each model holistically. During one meeting, the panel heard from past leaders from each law school. These leaders shared valuable advice and experiences. Each meeting included a "pulse check" to gauge progress and concerns about the panel's work. These pulse checks resulted in candid and inclusive feedback about each model.

In addition to weekly meetings, the panel met in March for a full-day, hybrid workshop. Panelists used this dedicated time to concentrate on complex aspects of the reunification process including budget, salary equity, communications, and historical documents such as the settlement agreement between the Dickinson Law Association and Penn State that the panel considered relevant to the reunification process. The panel had a third full-day meeting on May 17 to work on drafting the final report. These in-person workshops also created space for kinship and community among panelists.

Budget and Finance

During the March workshop, Financial Officers from both law schools provided a detailed presentation on budgets. The presentation provided the historic and current financial positions of both law schools as well as budget projections for the reunified law school. The budget projections illustrated a scenario similar to what is described in the panel's recommendation. This presentation provided panelists with insight into financial opportunities and impacts to guide continued discussion of models.

Input from Stakeholders

The panel obtained input from stakeholders through town halls, meetings, and electronic surveys. Surveys were sent to staff and faculty from 1997 to the present and current students using available contact information. Stakeholders meeting criteria for multiple categories received multiple surveys as each survey asked different questions. The panel also considered and evaluated proposals drafted by stakeholders not serving on the panel. The input of stakeholders is critical to the design thinking process, so multiple opportunities were provided for feedback from each group.

LSAC Assistance and Admissions Presentation

The panel benefited from the expertise of consultants from the Law School Admissions Council (LSAC), who provided input and guidance to each subcommittee, participated in weekly panel meetings, and supported the panel's work with research and relevant data. LSAC consultants developed predictive modeling that projected first-year J.D. enrollment for the unified law school. LSAC developed these projections using admissions data from both law schools and the national law school applicant pool that they maintain in their proprietary databases. Then, LSAC met with admissions representatives from both

law schools to ensure data validity and uniformity across data sets. LSAC's analysis resulted in four predictive scenarios for first-year law student enrollment.

3. Panel Recommended Option

Summary

The panel reached unanimous consensus in recommending that the University adopt a model that includes a J.D. in-residence class in Carlisle and University Park. The panel recommends adjusting the size of all cohorts and programs, wherever located, to reflect fiscal, market, and credential conditions.

As a part of this model, the panel also recommends development of a pilot remote/hybrid J.D. program co-taught by faculty at both campuses. This pilot will develop a pipeline of new student cohorts, position the reunified law school to meet the projected future demand for online education, and help to solidify a unified culture between the campuses. The panel also recommends creation of three Centers of Excellence (described below in this section).

Credential modeling using data from both law schools and data from LSAC show that the recommended model would yield a J.D. class with median credentials aligned with the class credentials of both Dickinson Law and Penn State Law in recent years while achieving a sustainable tuition discount rate. The model also represents a significant improvement over the selectivity ratings both schools have had over the past few years.

Budget and Finance

A future-state budget model has been completed based on future assumed class sizes, tuition discount rates, natural staff and faculty attrition, equity calculations, and tuition rates, including in-state and out-of-state tuition rates to align with national trends.

1. Reduced Aggregate Allocation

The panel projects a 68% decrease in aggregate allocation over a five-year period.

2. Natural Attrition

The model anticipates a reduction in faculty, staff, and administrator positions pursued primarily through natural attrition over a few years.

Structural efficiencies

The model anticipates that structural efficiencies will be achieved upon reunification. For example, combining operations in student affairs, library, clinics, admissions, and other functions will allow a unified law school to significantly reduce costs of travel, acquisitions, and staffing. The panel also expects this model will produce administrative savings and allow the unified law school to continue to deliver quality services in a more efficient manner and consistent with ABA standards.

Centers of Excellence

The panel reached unanimous consensus and recommends that the reunified law school create three Centers of Excellence that would build on existing strengths of the two law schools and make the unified law school attractive to J.D. and LL.M. students well into the future. The three centers would focus on experiential education, the LL.M. program, and the NextGen bar.

Experiential Education: Both law schools have developed clinical and experiential education courses that give students invaluable practice experience while serving their regional communities and, in some cases, the Commonwealth at large. A Center of Excellence in Experiential Education would give students in-person and remote client contact and would also enable them to take advantage of technology to represent clients throughout the Commonwealth.

LL.M. Education: Penn State Law currently has one of the largest and most successful LL.M. programs in the United States. Most law schools design their LL.M. programs without considering the unique needs of LL.M. students. A Center of Excellence surrounding the LL.M. program would enable the unified law school to set the bar for high-quality LL.M. education that gives international students the tools they need to achieve academic success and pass the bar. The LL.M. program would be administered by the University Park campus of the unified law school because the academic infrastructure already exists and is performing at peak efficiency.

The NextGen Bar: The two law schools currently have very successful programs to prepare their students for the bar exam. The bar exam is changing with the anticipated arrival of the NextGen Bar in 2026. A NextGen Bar Center of Excellence would position the unified law school to be a leader in preparing J.D. and LL.M. students for this new exam.

4. Next Steps

The reunification process is expected to take several years, and the leadership of the two law schools together with the university and the American Bar Association (ABA) are beginning to define that process now. Next steps include:

- **Convening of ABA Ad Hoc Committee:** The ABA Ad Hoc committee will be co-chaired by Danielle Conway and Victor Romero. Six additional members, three from each law school, will compose the rest of the committee. As the work begins, there will be a need to create various subcommittees where additional members will be assigned to help assist in the work ahead.
- **ABA Acquiescence:** The ABA Ad Hoc committee will be responsible for producing an acquiescence report consistent with various ABA standards. The committee anticipates a completed report by spring 2024, which will be submitted to the ABA for review and comment.
- **Workplace Equity:** Panel members reached unanimous consensus that workload and salary inequity should not exist in the unified law school. Panel members recommend that the University address all workload and salary inequities that may exist between the two locations as the reunification process unfolds.