LOYOLA UNIVERSITY NEW ORLEANS SCHOOL OF LAW

Report to the Provost/Vice President of Academic Affairs in Preparation
For the Annual Report to the President of the Corporation
Submitted by
Brian Bromberger, Dean
May 21, 2009

I am pleased to submit this annual report of activities at the College of Law during academic year 2008-2009. While not all activities have been reported, this report should give a fairly comprehensive picture of the progress we are making as well as some challenges that we face.

The American Bar Association (ABA) and the Association of American Law Schools (AALS) reviewed our Self-Study and for the most part they expressed satisfaction with the strides that have been taken since the previous accreditation visit. They highly regarded the change in attitude of the faculty, the improvements in the physical plant, and the improvement in the financial resources available to the College.

Both the ABA and the AALS raised concerns about the level of faculty scholarship at the College of Law. In response, documentation of publications by law faculty and the increase in summer research grants was submitted. This response was satisfactory, at least to the ABA, because the latest correspondence from the ABA removed this issue from the table. However, the Executive Committee of the AALS requested an updated report delineating further progress in the areas of faculty scholarship by August 2009.

During the year, we were asked if we would participate in a television program on “Training Lawyers to be Global Leaders” produced for PBS under the direction of Hugh Downs. This was done and the result can be seen on the Home Page of the College of Law website.

Under the guidance of Professor Verchick, our students bid for the privilege of hosting the National Association of Environmental Law Society’s Annual Conference. Two schools reached the finals, UCLA and Loyola with Loyola ultimately being selected. This is a great honor.

As a result of overtures from the Ytebbe University in Istanbul and Sagang University [the only Jesuit University in South Korea], in Seoul, South Korea, we have entered into an arrangement to accept LL.M. students from these institutions.

Admissions. Law school applications have increased about 11%, and at this time it appears that
we will meet our target of 280 freshmen. The results of the June LSAT have not yet produced any applicants.

In reaction to the extremely large class of 2007-2008, and the apparent stabilization of attitudes toward New Orleans, I asked the Admissions Office to ensure a class closer to our usual 250 and this year we enrolled 248 freshmen. It appears that our proactive attempts to reduce attrition succeeded again with the result of an attrition rate of about 1%.

Faculty. Three new tenure track professors have been hired to begin the 2009-2010 academic year. Craig Senn, graduated with a B.A., Summa Cum Laude, Phi Beta Kappa from The University of Georgia and received his J.D. with honors from the University of North Carolina where he was articles editor of the North Carolina Journal of International and Commercial Law. Karen Sokol received her B.A. from the University of Texas and her J.D. from Yale where she was articles editor of the Yale Human Rights and Development Law Journal. Imre S. Szalai received his B.A. from Yale and his J.D. from Columbia where he was a member of the Columbia Human Rights Law Review.

At my request, the Provost has agreed to allow the College of Law to increase its faculty complement by three tenure track positions.

Following some years of discussion and dissatisfaction, I have assembled an ad hoc committee to examine the rank and tenure provisions of the College of Law. Numerous meetings, two brown bag luncheons, and three extensive faculty meetings resulted in a final document that will be presented to the Provost for approval.

In order to assist the two tenure track faculty members in the Legal Research and Writing program, two adjunct faculty members were hired to assist with the teaching of this course and the supervision of the upper class student teaching assistants.

Physical Plant. Plans for remodeling the former Dominican Conference Center have progressed to the stage where we are currently awaiting conceptual drawings from the architects.

Distinguished Speakers/Visitors

For 2002-2003, we were “over-enrolled” in spite of attempts to limit enrollment to 250 students. However, this was not a phenomenon limited to Loyola inasmuch as 2/3 of the law schools in the country were over-enrolled by at least 25 students due to increased yield factors. Our over-enrollment, however, yielded an increase in net revenues of $841,891 which was projected last May.
As a result of recommendations made by our Admissions Consultants, Craig Engle of Noel-Levitz, and Dean Peter Winograd, a number of changes have been implemented. Some of the changes had to do with the allocation of scholarship money. Undoubtedly, some adjustments and “fine tuning” could yet be done to maximize the efficiency of our financial aid budget. However, it appears that basically this money is being well spent as indicated by the following:

Once it became clear last summer that we definitely were going to go over on financial aid, we stopped awarding it to students who had been sent acceptance letters and met the criteria for either an Academic Scholarship or a Minority Grant Scholarship. These students were notified that they were “financial aid eligible” but that no funds were available. Of this group, 10 out of 65 (or 15%) who were eligible for but not offered Academic Scholarships and 5 out of the 16 (or 31%) of those eligible for but not offered Minority Grant Scholarships actually chose to matriculate at Loyola. By contrast, of those who were actually offered financial aid (i.e., before the money ran out) of those offered Academic Scholarships 67 of 231 (or 29%) and 43 of 91 (or 47%) of those offered Minority Grant Scholarships chose to matriculate at Loyola.

Publicity: The law school was named one of the “Best Values” in legal education by the National Jurist magazine in its March, 2002 edition. National Jurist placed Loyola in the top 23 out of 105 private ABA accredited law schools. The survey, based on 2000-2001 ABA data used a weighted formula consisting of tuition, bar passage rates, employment rates, median grants, clinic slots, and faculty-student ratio.

Our Moot Court teams continue to garner publicity and successes at the international, national, and regional levels:

1. The Jessup International Moot Court team placed second overall in the Central Region, which was held at the University of Missouri at Columbia.


3. The International Commercial Law Arbitration team, for the third year in a row, placed in the final eight in a worldwide competition of over 130 law schools. For the second year in a row, we were the only U.S. team, out of 25 or so, to make the final round.

4. The Law Review Editorial Board solicited and has published or will publish articles by such well-known and distinguished authors as Professor Geoffrey Hazard from the University of Pennsylvania, Professor Kathryn Spaht from Louisiana State University, as well as on of our distinguished visiting professors from the University of Queensland in Australia, Professor Gabriel Moens.
5. With the assistance and support of faculty members, the Law Review inaugurated the Symposium on Critical Issues in the Civil Law which will be held annually. The Law Review also sponsored a symposium on the Culture of Professionalism in Law Firms.

6. Loyola ranks fourth nationally in the number of ABA-Approved Foreign Summer Programs with six offerings in Vienna, Austria; Moscow, Russia; Budapest, Hungary; Cuernavaca, Mexico; San Jose, Costa Rica and Sao Paulo, Brazil.

7. We obtained impressive local TV coverage of the Law School’s 2003 graduation with the compelling human interest story of quadriplegic Derrick Edwards’ successful completion of Law School.

Law Clinic. The Loyola Law Clinic continues to be very active in the New Orleans community. In the past year, third year law students have represented low income individuals in over two hundred cases involving legal issues of:

Adoption
Child Custody
Child in Need of Care
Constitutional Rights
Criminal Defense in Jefferson, Orleans and St. Bernard
Criminal Prosecution in Jefferson and Orleans

Immigration
Mediation
Child Support

For Fall 2003 the Loyola Law Clinic has 60 students enrolled. Students make appearances in nearly every state, local, and federal court and agency in the metropolitan New Orleans area. There is a weekly class component for the course and students are strongly encouraged to participate for at least two semesters.

The Gillis Long Poverty Law Center continues to provide a wide range of activities for Loyola students and graduates including summer clerkships with public interest law firms and loan repayments to graduates engaged in low paying public service work. Lecture topics of community interest are sponsored by the Center. The Law Clinic and the Gillis Long Poverty Law Center have several joint projects including the Student Pro Bono Project, the Homeless Advocacy Project, and the Catholic Legal Immigration Network Project on Detained Immigrants.

Bar Exams. Our first-time Louisiana Bar passage rate continues to be a source of concern, since we are usually third in the state after LSU and Tulane. A recent study cover the past two years of Bar exams indicated that over 92% of first- and second-time takers passed the Bar exam by the second sitting. Ultimately, the increase in our entering credentials is expected to yield positive results on the bar exam.
The ABA site visit report raised issues concerning the pass rate of our minority graduates on the Louisiana Bar Exam, citing the July 2000 results. In some states, minority students who do not pass the first time don’t ever pass it or don’t “persist” in taking the exam. We pointed out that of the nine minority students who initially did not pass, eight are now (as of last September) members of the Louisiana Bar and six passed on their second try. This reassured the ABA that our minority graduates do go on to become practicing lawyers.

Meanwhile, the Curriculum and Bar Exam Committee continues to look at ways in which our Civil Law curriculum can be improved. After conversations with faculty and students, the Committee recommended a restructuring of the required Civil Law courses in the first year of law school. The faculty adopted these recommendations last fall and the changes will be implemented beginning with the fall of 2003.

Career Services. The addition of two career counselors (and a second law trained professional) have been hired in the Career Services office so that the office is now staffed by four people. The additional personnel have greatly reduced the number of student complaints about the level of service of that office. The employment rate for students six months after graduation continues to be high. The number of graduates seeking L.L.M. degrees has increased to fourteen – approximately one-third over past years. The director of Career Services, Pam Occhipinti, has been appointed to the Research Advisory Council for the National Association for Law Placement. This appointment brings national recognition to our Career Services Office.

Foreign Summer Programs. Foreign Summer Programs were advertised nationally through ads in two national law student magazines: Student Lawyer and National Jurist. An ad was also placed in Ad Rem: The Quarterly Magazine of the International Law Students Association. Posters and brochures were sent to all accredited law schools in the United States, Puerto Rico and Canada. For students searching for summer abroad programs via the Internet, our programs are advertised on the Law School’s own web site and <studyabroad.com>. Programs were held this summer in Vienna, Austria; Budapest, Costa Rica, Hungary; Cuernavaca, Mexico, Moscow, and Russia.

Our programs offer an opportunity for our own students to obtain an “on site” comparative and international legal education experience with students from other American law schools and students in our host countries. A total of 195 students (138 from Loyola - 57 visiting students from other U.S. law schools) attended our programs. Also, students in our host countries attended on a non-credit, tuition-free basis.

Marketing. In August of 2003, the School of Law, for the third time, had an exhibit at the American Bar Association Annual Meeting in San Francisco. For the first time, the school also exhibited at the National Bar Association Annual Meeting here in New Orleans. Exhibit booths highlighted the Admissions, Career Services, Law Clinic, Gillis Long Poverty Law Center, and Foreign Programs offices. Judges inquired about student job placement. Deans from other law schools, parents of prospective students, alumni, law professors, and attorneys from around the country were interested to know about Loyola and our programs. Fellow exhibitors graciously complimented the School of Law for having a very active, well-visited, and successful exhibit.
The International Programs Brochure and other specialized publications are used to publicize other strengths such as Moot Court, the skills curriculum, and the Gillis Long Poverty Law Center. We are also highlighting the fact that Loyola was named to the “Honor Roll” of the top 20 law schools in the country for public interest programs by the National Jurist magazine. These will supplement our general interest admissions materials.

**Fundraising, Alumni and Community Relations.** The percentage of participation among law alumni has increased from 16% in 2000-2001 to 20% in 2001-2002 with 100% participation by the Law Alumni Board.

The Board of Regents approved the State match of $800,000 to fund the Gauthier-St. Martin Chair. Preparations are underway to select a candidate to fill this position.

The following major gifts were received from May 1, 2002 through May 19, 2003:

Tanya Stewart and  
M/M Sal Anselmo: $5,000 for Anselmo/Stewart Scholarship  
*Morris Bart: $80,000 for Morris Bart Electronic Classroom and Video Conferencing Equipment  
Pamela Bonura: $10,000 for Henry F. Bonura, Jr. Professorship  
Nick Clemente: $5,000 for Nicholas Clemente Endowed Scholarship  
Doug Schmidt: $10,000 for Douglas & Gustavus Schmidt Endowed Scholarship  
David Ferris: $19,700 for Ferris Law Professorship  
Raul Fonte: $7,000 for Fonte Scholarship  
Donna Fraiche: $11,000 for Fraiche Professorship  
Theodore Frois: $20,000 for Wynne Prof. IV  
Anne Gauthier: $600,000 for Gauthier – St. Martin Eminent Scholar Chair in Env. Law  
T. Allen Usry: $20,000 for Michaele P. Wynne Endowed Scholarship  
Jones, Walker et al: $6,120 for Jones, Walker Professorship  
Kendall Vick Public Law Foundation: $100,000 for Kendall Vick Public Law Endowment  
Louisiana Outside Counsel Health and Ethics Foundation: $60,000 for L.a. Counsel Endowed Professorship  
David J. Miller: $5,500 for David J. Miller Scholarship  
Rene Mouledoux: $5,000 for Warren Mouledoux Scholarship  
Rene Mouledoux: $8,702 for Warren Mouledoux Professorship  
La. Board of Regents: $80,000 for Wynne III and Frois Professorships  
$800,000 for Gauthier-St. Martin Chair  
Florence St. Paul: $17,500 for John and Florence St. Paul Scholarship  
Janet Mary Riley: $59,904 for Riley Professorship  
*Anonymous: $2,250,000 for scholarships
Annual Scholarship gifts received between May 1, 2002 through May 7, 2003:

- Lemle Kelleher $12,000
- Provosty Sadler $1,000
- Phelps Dunbar $12,000
- Liskow and Lewis $9,060
- Gordon Arata $1,000
- Ungarino and Eckert $2,000
- Abbott Simses $1,000
- Alumni/SBA $1,000

Total: $39,060

Grand Total: $3,419,486

New pledges to the School of Law made from May 1, 2002 through May 7, 2003:

Total: $1,503,346.20

Student Satisfaction Survey Analysis. The numerical results of both the first-year and the graduating senior survey are being archived in the University’s data warehouse so that trends can be tracked in student satisfaction over a period of years.

The top areas of student satisfaction in the 2002-2003 are as follows:

- Faculty knowledge in subject area
- Excellent quality of class instruction
- Reputation within the community
- Commitment to excellence
- Staff caring and helpfulness
- Library staff helpfulness and approachability
- Opportunity for intellectual growth
- Welcoming atmosphere

The most improved category related to the food selection available in the Pine Street Café.
Technology. The work on six “presentation” classrooms has now been completed with multi-media equipment, i.e., a personal computer connected to the network with full audio and video, DVD and VHS.

A group of students were selected to test the wireless technology which will be available throughout the law school and law library. It is anticipated that the network should be available to all students by the fall 2003 semester.

The Morris Bart electronic classroom with videoconferencing equipment was dedicated this spring. The classroom has sixteen seats in which all of the students and the instructor have computer screens. Faculty, staff, and students will receive training in specific applications including online legal research databases such as Lexis and Westlaw.

Physical facilities. Several events have converged to require us to make better use of the existing space in the law school. One of these is the restoration of two faculty positions which have been vacant since 1998. Filling these positions required us to return two offices which were previously available to adjunct faculty back to use for full-time faculty members. The ABA requires that we provide space for adjunct faculty so they can confer with students on campus with privacy. The large number of adjunct faculty required at least two offices. Over the summer one office currently used to house common printers for faculty was converted to an adjunct/emeritus office. This room is adjacent to the faculty lounge. Another office used by the Coordinator of International Programs and Special Events will be used as an adjunct office and shared by the Academic Support Program.

The Loyola Journal of Public Interest Law and the Loyola Maritime Journal will now be housed in the same office as the Loyola Law Review. The editors of all the journals involved are on board with this program. In order to accommodate the additional number of journal editors, the office was renovated with new, space-efficient furniture and carpeting.

While we have made significant progress in improving physical facilities over the past two years, we still face a critical shortage in the overall availability of space as noted by the ABA-AALS site visit team. For example, the person selected to fill the Gauthier-St. Martin endowed chair will have no office available without displacing some other important activity.
Loyola University New Orleans School of Law
Faculty Publications: Academic Year 2002-2003
(unless otherwise noted, all items are articles)

Algero, Mary Garvey

Custos, Dominique

BH 2/6/2003
Decentralization in the French Overseas Departments, Between Continuity and Renewal, 2002 Revue Française d'Administration Publique 15


La décentralisation dans les DOM entre continuité et renouvellement, Revue Française d'Administration Publique, N. 101 (2002)

Gabriel, Henry


Garda, Robert

If You've Received This Document in Error . . ., Young Lawyer (April 2003)

Harges, Bobby Marzine


Books:

Louisiana Code of Evidence, Pocket Manual (Bobby Marzine Harges 2002) (Co-author, with Gaynell Williams)

Hugg, Patrick

Book:
A Guide to European Union Commercial Practice (Oceana, 2003)

Klebbba, James
Report:
Analysis of the Internal Regulations of Tirana Law
Faculty for the Republic of Albania (The American Bar
Association Central and Eastern European Law Initiative
August 2002) (Co-author)

Lorio, Kathryn V.

Book:
Louisiana Successions, Donations, and Trusts: Cases
and Materials (Claitor's Publishing Division 2002)

Lovett, John

Another Great Debate?: The Ambiguous Relationship
Between the Revised Civil Code and Pre-Revision
Jurisprudence as Seen Through the Prytania Park

Moens, Gabriël

Preferential Admission Programs in Professional
Schools: Defunis, Bakke, and Grutter, 48 Loy. L. Rev.
411 (2002)

Quigley, William P.

The Earliest Years of Federal Social Welfare Legislation:
Federal Poor Relief Prior to the Civil War, 79 U. Det.

Book:
Ending Poverty as we Know It: Guaranteeing a Right to
a Job at a Living Wage (Temple University Press, 2003)

Rabalais, Jr.,
Raphael J.

Multi-Volume Treatise:
International Regulation of Finance and Investment (7
Vols.) (Oceana Publications 1994 to Present) (General
Editor)
Rault, Gerald

Case Book:

Woods, Jeanne M.


MEMORANDUM

May 26, 2009

To: Edward J. Kvet
   Provost and Vice President for Academic Affairs

From: Brian Bromberger
   Dean

Subject: 2009-2010 Goals

1. During 2008-2009, I appointed an Ad Hoc Committee to examine and review our first year curriculum. The committee has taken the first tentative steps and I expect their work will be completed during the 2009-2010 academic year. Given the sensitive nature of this type of plan, I expect faculty discussions to be long and intense. This type of review has not been carried out at Loyola for many years, and as theories of legal education have changed considerably I believe such a study is vital to the continued progress of the law school.

2. During 2008-2009 I appointed an Ad Hoc Committee to review the Rank and Tenure provisions of the College of Law. At the last faculty meeting of the year, these provisions were approved and I intend to ensure that they are approved by the University Administration and implemented for the large number of pre-tenured professors currently in the law school.

3. Following the purchase of the building that formerly housed the Dominican Conference Center, preliminary plans were drawn up for its conversion into a ‘stand alone’ law clinic. These plans are currently in the hands of the architect and it is anticipated that they will be completed by the end of the summer vacation. Construction is anticipated to begin this fall. The work should be finished prior to the beginning of the 2010-2011 academic year.

4. Following negotiations with the provost, the College of Law currently has two new tenure track positions to fill. These two positions along with the vacant “Entertainment Law” position will complete the current feasible size of the law faculty.

5. It has become increasingly clear that the current By-laws of the College of Law do not always operate in the best interests of the College. For this reason, I have
appointed an Ad hoc Committee to review and redraft them, submit them to the faculty, and have them approved by the University Administration. I anticipate this will be a controversial process as the current By-laws were drafted following and in response to the acrimonious departure of a previous law dean.

6. Bar passage continues to be a problem. Father Moore, Associate Dean for Academic Affairs, and I have spent many hours analyzing our bar results, and we have identified some recurring reasons. I have appointed an Ad Hoc Committee to examine these conclusions and suggest ways in which they can be rectified. It is anticipated that this will be completed during the 2009-2010 academic year.

7. In January 2010, the annual meeting of the Association of American Law Schools (AALS) will be held in New Orleans. Apart from hosting some social activities, I have been asked to present a paper on aspects of legal education and this I propose to do.

8. It has become increasingly apparent that the future development of the College of Law will be largely dependent upon the dean’s ability to supplement revenue by raising large sums of money. Although I will have raised approximately $2 million this year, I plan to exceed this number for the subsequent year.

9. Over the past few years, the number of pre-tenured faculty has increased considerably. In consultation with the faculty, beginning 2009, we will be introducing a formal pre tenure mentoring program and this in conjunction with the new Rank and Tenure provisions are designed to ensure that ALL those who are hired at the tenure track level are provided with every opportunity to achieve their ultimate goal(s).

10. During 2009 the College of Law entered into arrangements with Sagaung University in Seoul, South Korea and Ytebbe University in Istanbul, Turkey to introduce a combined L.L.M. degree. This arrangement shows great promise and I plan to extend this type of arrangement to a number of other schools throughout the world. One of the attractions of these programs is the relatively low cost and the potential for considerable income.

11. My previously submitted self evaluation is attached to this report.