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FOUNDED BY GENERAL O. O. HOWARD



OFFICE OF THE DEAN
SCHOOL OF LAW

THE EARLY ENROLLMENT PROGRAM: A REPORT

April 3, 1987

The conceptualization of the Early Enrollment Program came as a result of a meeting held between President James E. Cheek and the dean of the Howard University School of Law, J. Clay Smith, Jr., shortly after he was designated as dean on May 14, 1986. During this meeting, it was agreed that a pre-enrollment or some sort of early enrollment program was needed to aid applicants or admittees to the School of Law who were determined by the faculty to need advanced study.

In the last week of May, 1986, I discussed the early enrollment with Dr. Robert S. Knight, Associate Dean for Undergraduate Affairs, College of Dentistry, who provided me with an overview of the College of Dentistry's Health Careers Opportunity Program.

During the first week in June, 1986, I made several inquiries to various faculty members at other law schools seeking their views and ideas based upon their experiences and observations of minority students, including Professor Michael J. Moorhead, Professor of Law at Florida University School of Law, a former member of the Howard University School of Law faculty and a former director of the Council on Legal Education Opportunity (CLEO) Program. Professor Moorhead was quite helpful, especially his explanation about the performance of a summer program for entering students at the University of Florida Law School.

In early June, 1986, I appointed an exploratory committee of three faculty members; namely, Dr. Oliver Morse, Spencer H. Boyer and Alice Gresham

Bullock "to complete the design of a thirty-day pre-enrollment law program ... to be in place for financial year 1987." Memorandum - Early Enrollment Program, July 7, 1986. Professor Warner Lawson, Jr., Chairman of the Self-Study Committee, was informed of the purpose of this program so that it would be included in the report of the Self Study Committee and through that report brought to the attention of the accreditation authorities (The American Bar Association and the Association of American Law Schools) then scheduled to visit the School of Law in November 1986.

One meeting of the exploratory committee was held during the summer to which the above-mentioned faculty members discussed the concept and purpose of such a program as envisioned by the dean. It was determined that an early enrollment program would be well-suited for the School of Law. It was noted that several of our faculty had been pioneers in the development of the Council on Legal Education Opportunity (CLEO) program or had served as instructors in CLEO, or had served in management positions in that program. See Director's Reports on the Mid-Atlantic Legal Education Opportunity Program (June 15 - July 24, 1970; June 18, 1972 - July 28, 1972). (Professor Spencer H. Boyer was the program director).*/

On July 30, 1986, during the Eight Annual Howard Law Alumni Association Breakfast at the Sixty First Annual National Bar Association Convention in Denver, Colorado, the purpose of an early enrollment was explained as follows:

*/ The program was located at Howard University and was conducted by a consortium of law schools in the Washington, D.C., namely, American, Catholic, Georgetown, George Washington and Howard University Law School and the University of Virginia School of Law.

The purpose of [an early enrollment] program is twofold: first, to enable students who need a grounding in reasoning and logic to be exposed to such prior to the formal commencement of classes; and secondly, to provide an opportunity for a select group of students who might otherwise be denied admission to be given a chance to prove that they are admission-worthy during the early enrollment period ... [T]he early enrollment period would not be for credit. See Speech of Dean J. Clay Smith, Jr., Howard University School of Law: Moving Toward a New Century, July 30, 1986, at 4-5.

On September 15, 1986, the dean submitted a budget asking to President James E. Cheek, and Dr. Michael R. Winston, Vice-President for Academic Affairs requesting, among other things, that money for the Early Enrollment Program be added to the budget of the School of Law. The initial asking requested that such a program include funding in the amount of \$245,000 for 50 students and other support services. The budget justification for this program stated,

Opportunity for a legal education for black Americans is one of the elements of the mission of Howard Law School. The law school is in need of a program which permits students admitted to the law school to enroll during the summer months for a rigorous pre-instructional exercise in the study of law. The curriculum for a course is presently under review by a special committee. It is hoped that an early enrollment program can be instituted during the summer of 1987, or no later than the summer of 1988.

While it is presently undetermined whether all persons admitted to the law school should be required to participate in such a program, it is not arguable that such a program must be instituted, even if for an experimental period of time. Such a program would offer the faculty an opportunity to do diagnostic and remediation exercises to strengthen the reasoning and writing skills of students admitted. Some students, who would otherwise be denied admission because of low LSAT and GPA's, could be provisionally admitted. These students would be required to complete the program with averages established by the faculty.

Such a program is not new. Several law schools already have such programs and many of the students enrolled in these programs are black and disadvantaged Americans.

After the September 15, 1986, budget proposal was submitted, the dean met on various occasions with Dr. Michael Winston, Vice President for Academic Affairs, who showed much enthusiasm for the concept. The dean remained confident that funding at some level beneath the initial asking would be supported by Dr. Winston.

The Self-Study Report of the faculty was adopted and forwarded to the ABA and AALS in October 1986. While no mention of the early enrollment concept was included in that Report by the Committee, the content of the Report more than justified the need for an early enrollment program at the Howard University School of Law. Howard University - Self-Study pp. 9, 11-19, (October, 1986). The ABA/AALS Accreditation Team were informed of the general purposes and objectives of the program during their visit to the School of Law which actually occurred in January, 1987.

On October 23, 1986, at the request of central administration, the bottom line of the September 15, 1986 budget asking of the School of Law was scaled down, but the initial budget asking for the Early Enrollment Program remained fixed at \$245,000. On December 11, 1986, the dean was formally notified by Dr. Winston that President Cheek had approved the dean's overall budget request for \$375,000, subsequently reduced to \$350,000.*/ Of this amount, the dean allocated \$57,000 for the creation of a pilot Early Enrollment Program.

On March 6, 1987, the dean requested several members of the faculty and staff to meet for the purpose of finalizing the concept of the Early Enrollment Program. The following members of the faculty participated in those discussions: Associate Dean Jeanus B. Parks, Jr., and Professors: Spencer H. Boyer, Loretta Argrett, Dr. Oliver Morse, Alice Gresham Bullock, Warner Lawson, Jr., Michael D. Newsom, Herbert O. Reid, Sr., Jerome Shuman,

*/ President Cheek approved this amount on February 10, 1987.

Madelyn Squire, Harold Washington and Mr. John Vartoukian, Director, Communication Skills Program.

The Committee met again on March 27, 1987^{*/}, ultimately adopting a broad outline for the curriculum of the Early Enrollment Program principally drafted by Professor Emeritus, Dr. Oliver Morse, and a suggested skills syllabus, principally drafted by Mr. John Vartoukian and Professor Harold R. Washington, Both of these proposed outlines are attached to this Report.

On April 2, 1987, Professor Gary H. Palm, a member of the American Bar Association Visitation Team, informed me that he would be returning to the School of Law on Thursday, April 9, 1987, for further review of the clinical programs and that he wished to discuss the Early Enrollment Program, also.

Candidates for the Early Enrollment Program this year will be drawn from those admitted to the School of Law, whom the Admissions Committee believes would benefit from such a Program.

Next year, a conditional admittance program may be instituted during which a student may be denied admission to the School of Law if after completion of the Early Enrollment Program it is determined that the enrollee demonstrates marginal ability for the study of law.

Upon receiving from the Admissions and Financial Aid Committee the names of ten students who are to participate in the Early Enrollment Program, the dean or his designate will notify the students regarding the particulars of the Program.

Each of the ten students will receive \$4,700, of which seven hundred dollars will be used to pay for housing and eating expenses during a four

^{*/} During that meeting Professor Loretta Collins Argrett reported her discussions with Nadia Fam, the Educational Specialist at the Howard University Medical School regarding its early enrollment program.

to five week program. The remaining four thousand dollars will be available towards the student's tuition. Whether less than \$4,000 will be applied to tuition has not been fully worked out because the living costs have not been finally negotiated as yet.

Nothing is left to be done except the appointment of the faculty advisor(s)* / for the curriculum development of the Program, the establishment of a starting date and the notification of the students.

J. Clay Smith, Jr.

J. Clay Smith, Jr.
Dean

JCSjr:mt
Attachments

* / Two faculty stipends at \$3,500 were approved. Three thousand dollars (\$3,000) have been allocated for supplies, and \$7,000 has been allocated for the housing of the students.

OUTLINE

Curriculum Proposal for "Early Start" Program

Preliminaries

The curriculum of the "Early Start" Program should be designed to achieve the following objectives:

I. To inform and teach the students what skills and attributes are necessary to master the discipline of the study of law.

A. Reading, Analysis (lots of reading)

1. reading in context
2. understanding what was read
3. reading and cross-reference reading for understanding

B. Writing (lots of writing)

1. transposing what has been read and understood into writing
2. proper sentence structure and chronology
3. taking, reviewing, editing and rewriting notes, (class or otherwise)
4. briefing cases
5. writing for examinations and to be understood by others

C. Dedication and Concentration

1. daily preparation for class
2. constant periodic review and study of previously learned materials
 - a. proper management of time
 - b. use of law library
 - c. avoidance of social distractions
4. participation in Study Groups

II. To explain and eliminate some of the mystery which the study of law usually presents to the notiviate law student, such as:

- A. Legal System and Mystique
 - 1. Role of Judges
 - a. Judge -- made law -- evolution and development of Common Law
 - b. interpreters of legislation
 - c. dispute resolution function
 - 2. Legislation and Constitutions
 - a. Distinctions between prohibitions and directions
- B. Policy and other influences in the creation and evolution of laws and legal principles
 - 1. historical
 - 2. socio-economic (like Doctrine of Respondeat Superior)
 - 3. ethnic (affirmative action)
 - 4. philosophic influences

III. To provide the students with an opportunity to develop some capability to master the study of law such as:

- A. The discerning and development of reading skills
- B. Understanding what was read and the ability to analyze it
- C. Learning how to transpose ideas, concepts and thought processes into writing
- D. Attaining and maintaining good study habits "right from the start"
- E. Learning how to manage time to accommodate good study habits

IV. Daily Personal Supervision and a One-on-one Training to Insure That Every Student is Receiving Optimum Educational Benefit and Opportunity Of the Program.

V. To instill and encourage some self-confidence in the students' ability to cope with the academic challenges ahead.

Curriculum

Seemingly, the "Early Start" Program, which is somewhat similar to the "CLEO" or "Head Start" educational programs of the past, should be conceived of as transitional. The idea is to afford some special training and adjustment opportunity to those students whose academic record predict the need for such academic assistance. In other words, the program would "bridge the gap" between what was or was not learned in undergraduate school and what is academically prerequisite and necessary for the successful study of the law. If the students of this program can be initially exposed and indoctrinated as to those academic necessities, especially those whose academic records indicate or predict deficiencies in the requisite academic skills, then their chances for success become more viable.

The "Early Start" Program cannot be a panacea for all of the institutional and educational failures and infirmities of a student's previous sixteen years of education. Moreover, five weeks is not enough time to overcome the flaws of extended previous training. At best, the Program can point the way, focus the efforts and energies of its students, and give them some idea as to what the study of law is all about and what it requires as a professional educational discipline. This is why the Program must be considered as transitional and it must include some aspects of preliminary orientation.

I. Reading, Writing and Analysis

Reading, Writing and Analysis should be the main focus of the Program and pervasive in every aspect thereof. Experience has taught us that it is the failure of these skills that plague our students the most. Since we are

a law school and not a college or high school, it is academically and politically imperative that the reading, writing and analysis practice be performed in a legal context, involving simple legal materials and approaches. It would be embarrassing for our admissions process and our educational program if it is discerned that we are merely teaching college graduates to read and write. It is essential and imperative that the Reading, Writing and Analysis endeavor of the Program be presented and taught in the context of legal subjects and topics, using fact patterns therefrom as points of departure.

II. Orientation

As suggested above, some preliminary effort should be made to orient and acquaint the students on the "whats", "whys" and "wherefores" of the law, and what is essential to its successful study.

III. Subject Matter Vehicles

The courses which should best serve as vehicles for the Reading, Writing and Analysis experiences are Agency and Torts.

A. Agency is a subject which deals primarily with who is liable and not the fact of liability. In that respect, the problems presented should be less complex to handle. Procedural posture is often the key in determining who is liable and this affords the students some opportunity to understand and recognize the importance of procedural posture. Moreover, in the more elemental aspects of Agency, the fact situations can be easily recognized as within the realm of experience of most of us. The association of facts with our own experiences, personal or vicarious, makes the effort to understand them more interesting and palliative. As has been suggested

above, only those less complex and uninvolved cases with modern and commonplace fact patterns should be used in the writing experiences so as to capture and maintain the students' interests at optimum, and to encourage their constant and sustained participation in the Program.

B. Torts is also a subject which embraces fact situations which are within the realm of experiences of most people. As previously stated, the association of facts with our own experiences, personal or vicarious, renders the effort to understand them more interesting. Also, for reasons previously stated, only those less complex and uninvolved cases with modern and contemporary fact patterns should be used in the writing experience.

Submitted by:

Oliver Morse
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Dated: March 27, 1987



SCHOOL OF LAW

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FOUNDED BY GENERAL O. O. HOWARD

March 26, 1987

MEMORANDUM

TO: The Dean and The "Early Bird" Committee
FROM: H.R Washington and J. Vartoukian
RE: Suggested Skills Syllabus Outline, "Early Bird Program"

I. Diagnostic Tests (One Session).

A. Nelson-Denny Reading Test

1. 100 questions in Reading Comprehension.
2. Test is standardized.
3. Test will permit some type of "objective" ranking.

B. Essay Questions with legal overtones (for interest).

C. LSAT writing sample (alternative to above essay question).

1. Writing sample may not be best diagnostic tool.
2. Students perceive that writing sample is not base of admission, consequently may not perform up to their best standard.

II. Note-Taking (At least one session).

A. Note-taking from reading materials.

B. Note-taking from lectures.

1. Pre-lecture questions.
2. Unique terminology.
3. Abbreviations of legal terms.

4. Coordinating lecture notes with text notes.
 5. Organization of notes.
- C. Case Briefing.
- III. Issue Formulation (At least two sessions).
- A. Spotting Operative Facts.
 - B. Focus of the controversy
 - C. Framing the issue.
 1. Law applied to the key facts
 2. Language of the issue.
- IV. Instructional Reading. (At least four sessions).
- A. Mayfield's Reading Skills for Law Students.
 1. Series of fairly short opinions.
 2. Each case is accompanied by ten short answer questions.
 - B. Discussion based on questions would not turn only on legal principles involved. Discussion would track:
 1. Case vocabulary;
 2. Narrative of the case;
 3. Logical principles utilized by the court;
 4. Syllogistic process.
- V. Writing Exercises (At least four sessions).
- A. Writing of an essay on a non-legal subject, but involving fundamental fact analysis.
 1. Students will be asked to write a memorandum directed toward a specific problem.
 2. Students will be given a list of 25 to 30 facts, some relevant, some irrelevant.
 3. Students will sort through the fact list in order to write the memo addressing the problem.

- B. Fact analysis memos will progress in degrees of difficulty with the above concepts as goals.

VI. Legal Analysis Exercises (At least four sessions).

- A. Three-line fact patterns and a simple rule will be given the students.
- B. Exercises designed to introduce students to the adversarial process.
- C. Student will be required to make arguments from both plaintiff's and defendant's posture.
- D. Students will make attempts at rebuttal to arguments raised.

VII. Writing Counselling (At least one per week).

- A. Individual counselling sessions will be built around:
 - 1. Weaknesses indicated by the diagnostic tests;
 - 2. Problems perceived in the exercises.
- B. Group counselling by the Legal Writing Staff.