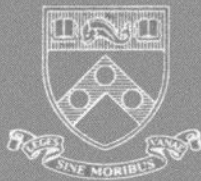


**Five-Year Plan
1989-1993**



University of Pennsylvania

The Law School

To the University Community:

The following document is the twelfth in a series of School five-year plans to be published For Comment. This draft has been considered by the Academic Planning and Budget Committee, as well as by the University administration, and it will be revised periodically by the School. Readers are urged to bear in mind the University tenets on future scale, which can be found in "Choosing Penn's Future."

Comments concerning this draft should be sent to Dean Robert H. Mundheim, The Law School, 103 Law/6204.

—Sheldon Hackney, President

—Michael Aiken, Provost

The Law School Five-Year Plan 1989-1993

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The Law School

Five-Year Plan: 1989-1993

Introduction

The Law School's plan for the five years, academic years 1989-1993, builds on the foundation laid in the School's initial three-year plan, which completed its final year June 30, 1988. That plan addressed the Law School's fundamental needs through a blend of programmatic initiatives and a vigorous development campaign.

This campaign, the most ambitious and the most successful in the School's history, targeted contributions to the School of \$16.6 million. The following amounts were raised by June 30, 1988:

Faculty Development	\$ 6,581,694
Student Financial Aid	1,288,008
Endowment for Biddle Library	681,697
Friends of Biddle Law Library	421,886
Other Restricted Gifts	5,184,404
Subtotal Restricted Giving	14,157,688
Annual Giving	3,712,610
Total: All Gifts and Pledges	17,870,298

The three-year plan demonstrated that a large fund-raising program can succeed when the School's goals are clearly and compellingly defined.

The primary objectives of the School's three-year effort have been: 1) to build the faculty, 2) to restore the quality of the Biddle Law Library, 3) to increase student aid, and 4) to enhance both the School's interactions with other parts of the University and its links to the legal community.

The decade of the 1980s has been a time of transition for the Law School. During this time many of the School's best known faculty have retired or pursued other paths. Thus, the major emphasis over the past few years has been to attract new faculty and to expand the size of the faculty. Over the past five years the effort to attract mature scholars and to retain distinguished faculty has been significantly aided by more than doubling the number of endowed chairs.

In the recent campaign two members of the Law School's class of 1938 have led parallel efforts to increase funding for Biddle Law Library. The Biddle endowment has grown by almost \$700,000 under the active leadership of William White, L'38. At the same time, the Friends of Biddle Library, under the guidance of Sylvan M. Cohen, L'38, have raised more than \$400,000 for the Library's operating budget. Biddle Law Library budget for 1987-88, at \$1,685,000, was more than twice that of 1982-83.

Under the leadership of Biddle Library Director Elizabeth Kelly, the Library has initiated an enterprising array of services for students and faculty, and moved the Library ahead in automation as well as in the availability of computers for research and word processing. Electronic delivery of legal information, information packaged in microform, video

or audio tape, have become as common place in the Library operation as traditional books and journals. Despite these improvements, two major challenges remain for the Library: increasing the research quality of the collection and completing its automation projects. The Library's most urgent need, however, is additional space.

During the three-year campaign, almost \$1.3 million flowed into endowment resources reserved for financial aid to a student body whose academic records and intellectual abilities place them in the top percentiles in the nation. Since tuition and fees at all law schools are increasing, there is little doubt that need for more financial aid endowment will continue, as will the search for innovative approaches to making the financial burden more manageable for students and their families.

During the past three years, the Law School has expanded its links to other parts of the University. In particular, the Institute for Law and Economics, the joint effort of the Wharton School, the Department of Economics and the Law School, has grown to be a vital force in supporting team teaching and research and otherwise enhancing the intellectual vitality at the Law School. The School's newly launched Center on Professionalism reflects a commitment to teaching and research on ethical questions of interest to the wider University community. Other evidence of the School's active involvement in the intellectual life of the University can be seen in the School's strong tradition of secondary appointments of faculty whose primary academic departments are elsewhere in the University, the heavy use of Biddle Library by University faculty and students, and the new Gruss Visiting Professorship in Talmudic Civil Law and its associated program.

During this same 1985-88 period the School has also strengthened its ties to the legal community. Faculty have taught in an extensive continuing legal education program to which area law firms and corporations have sent their professional and paraprofessional staff. Biddle Library has developed a subscription plan and a transaction-based plan through which its research collection can be used by lawyers throughout the tri-state area. Alumni have increasingly been involved in the School's academic program, as lecturers in classes such as the required first year course in Professional Responsibility and the Legal Profession, as participants in special programs sponsored by the School or by the Council of Student Representatives, and as the underwriters of new lecture series such as the Irving R. Segal Lectures in Trial Advocacy.

The success of the three-year program positions the Law School to proceed with a more ambitious five-year plan for 1989-93, a period during which the School will mark the 200th anniversary of the James Wilson Law Lectures of 1790, predecessor to the Law School as it exists today.

The five-year plan builds on identified strengths and blends the School's specific goals with a strategic campaign for securing necessary resources.

Executive Summary

The Law School of the University of Pennsylvania has always been regarded as one of the preeminent national law schools. This Law School takes pride in its position at the forefront of legal education. The Law School is a relatively small school, with a faculty of 35, including senior fellows, and clinical faculty, and a student population targeted at 720, including 45 graduate law students. At the beginning of AY 1988-89, the Law School will expand its faculty to 39. Despite the School's small size it has always been a significant force within the University community and, relative to the size of its faculty, has been unusually active in providing leadership in a variety of University activities.

The faculty, which is organized as a single department, is projected to grow to 45, including five clinical faculty, at the end of the 1989-1993 period. This objective will be achieved by adding at least one faculty member per year for the next five years.

The Law School's emphasis on increasing the size of its faculty reflects a need for 1) improving opportunities for student-faculty interaction, 2) encouraging collegial collaboration to nurture productive research and teaching, including team teaching and research with faculty from other schools within the University, and 3) continuing faculty participation in University and School activities without imposing an undue burden on time for teaching and research.

A second objective for 1989-93 is the full implementation of the faculty-endorsed recommendations of the Gorman Curricular Report. (Appendix A).¹ This report examined the Law School's course offerings for first, second and third year students, and proposed changes. In 1985, the faculty considered, refined, and adopted the report's recommendations for the first year curriculum. (Appendix B). The report's remaining recommendations were endorsed by the full faculty in 1986. The School's Educational Program Committee has been charged with implementation of all the recommendations. (Appendix C). Among the central Gorman proposals are those which encourage 1) the development of a series of related courses so that students can probe in increasing depth into a particular area of law, 2) the offering of courses which provide perspectives on law from other disciplines, 3) integration of regular and clinical law classes closely supervised research and writing projects, and 4) the addition of skills training opportunities.

While new resources and new leadership have allowed the Biddle Library to make substantial progress over the last three years, fulfilling its major remaining needs constitutes the third objective of this five-year plan. Biddle Library's automation agenda and the development of its research collection, including the ability to access information electronically, are important to providing support for the School's academic program. The Law School's most pressing library need, however, is additional space to accommodate the School's present student users, automation equipment, video, microform and computer-assisted research services, and anticipated collection growth over the next 20 years. Peer school comparisons and criticisms of existing facilities by the U.S. Superintendent of Documents and by a joint Association of American Law Schools/American Bar Association site evaluation team underscore the urgency of addressing this space problem.

The implementation of the Gorman Curricular Report and the program for building the faculty also require additional space. The present number of regular and clinical faculty, visiting faculty, lecturers and emeriti cannot be housed in the School's present facility. The Law School currently adapts expensive and not very conducive dormitory space for these needs. Lack of space hinders the expanding activities of the Institute for Law and Economics and the new Center on Professionalism. Collaborative work with colleagues outside the Law School would be enhanced by the availability of meeting space in the Law School.

In addition, the Gorman proposals contemplate more small and medium-sized classes. These classes are designed to involve students in more intensive writing and research experiences and to integrate lawyering skills such as negotiation, interviewing, counseling, and mediating skills into the curriculum. These curricular decisions necessitate new,

appropriately sized and better equipped classrooms.

The present size of the student body, an increase of more than 25% over the number of students for which the present facility was designed, the growing number of student organized activities (e.g., three law journals, the food stamp clinic, the Gilbert & Sullivan Light Opera Company), and the centrality of adequate and inviting space for students to talk, argue, and work together underscore the urgent need to address the inadequacies of the Law School's physical facilities.

The School recently concluded a space inventory and needs assessment. The School Building Committee, composed of faculty, students, administrative personnel and Overseers, together with the architectural firm of Davis, Brody, and Associates, identified needs for more than 150,000 additional net square feet. The Committee recommended that the School construct or renovate facilities adding 80,000 net square feet to the currently available space. The bulk of this space will be used for an expanded library facility. The balance of the space is needed for additional seminar rooms, medium-sized classrooms, faculty offices, and student activity areas.

Organization of the School

For the AY 1988-89, the faculty of the Law School includes 32 standing faculty, two senior fellows, and five clinical faculty. This group provides most of the instruction in the School. Regular faculty instruction is supplemented by a substantial number of lecturers who bring specialized experience to the classroom, and by visiting professors, many of whom add an international or cross-cultural dimension to the Law School community. An example of the latter is the Gruss Visiting Professor of Talmudic Law, who brings alive a rich tradition for law students while permitting the Law School to contribute actively to the University's plan to expand its program in Jewish Studies.

The School looks to its Dean as head of the faculty and chief administrator. The Dean is assisted by a Vice Dean, who takes particular responsibility for student related activities and problems; an Assistant Dean for Admissions and Financial Aid; a Registrar; a Director of Career Planning and Placement; a Director of Development; a Business Manager, a Building Manager; and a Library Director who is also a tenured member of the faculty.

Students who successfully complete three academic years in Law School and meet requirements as to residence and fitness to practice law, earn the degree of Juris Doctor (J.D.). The present student body of approximately 720 includes 675 J.D. students from most of the 50 states and several foreign countries.

In cooperation with other schools of the University, the Law School offers joint programs, each of which leads to the J.D. degree and a graduate degree in another discipline. The established joint programs are in business, city planning, economics, and public policy and management. A student, with the permission of the Law School and another school or department, can fashion a joint master's or Ph.D./J.D. program. A J.D. may also be earned in conjunction with a certificate in Islamic studies from the University's Middle East Center.

Within the Law School a program of graduate study normally leads to the degree of Master of Laws (LL.M.). Students evidencing special capacity for scholarly research and writing while studying for the LL.M. degree may be admitted to candidacy for the degree of Doctor of Juridical Science of Law (S.J.D.). There are at present about 45 candidates from more than 20 countries pursuing advanced degrees in law.

Three research centers and one institute now operate within the School offering special opportunities for faculty and student participation. The Center for Study of Financial Institutions and Securities Markets concentrates on corporate law questions and the regulation of financial intermediaries and capital markets. The Center for Advanced Studies in Legal History provides a framework for the encouragement of teaching and scholarship in legal history. The Center on Professionalism examines questions of professional ethics and responsibility; its sponsored research, educational programs, and special projects contribute to developing perspectives on the legal profession as a whole. The Institute for Law and Economics, a joint venture with the University's Wharton School and the Department of Economics, supports interdisciplinary teaching, student and faculty research, conferences and visiting scholars.

¹ Appendices are available upon request from the Law School Development Office. Call 898-7489.

The Next Five Years

This plan outlines a set of goals, including major facility expansion, which as realized over the next five years, will complete a period of unparalleled growth and revitalization and enhance the Law School's position among the nation's leading law schools. The plan has been made available to the faculty, students, alumni/ae, and the Board of Overseers. It has been discussed in a variety of forums and changes have been made to reflect these discussions.

In the 1990s and beyond, the quality of the Law School will depend, as it has in the past, essentially on three elements: the strength and dedication of its faculty, the talent and character of its students, and the availability of an environment in which the analytical and human qualities that make for superb and influential lawyers can flourish. In the past, the Law School has had these strengths. Meeting the goals for the next five years will assure that these strengths are enhanced—building upon the past to forge new achievements.

The Faculty

Increasing specialization in the law, the need to integrate the teaching of non-law disciplines into the education of law students, and the importance of facilitating intensive interchange between the faculty and students make an increase in the size of the School's faculty a primary and urgent need. The plan to increase the size of the faculty, including clinical faculty, to 45 by 1993 has been supported by the present Law School faculty and Overseers as a prime objective for several years.

The composition of the faculty over the last three years has been:

	July 1, 1986	July 1, 1987	July 1, 1988
Professors	13	18	18
Male	13	17	17
Female	0	1	1
Minority	0	0	0
Associate	6	6	7
Male	4	4	4
Female	2	2	3
Minority	2	2	3
Assistant	8	5	7
Male	5	3	4
Female	3	2	3
Minority	0	0	0
Senior Fellows	1	2	2
Male	1	2	2
Female	0	0	0
Minority	0	0	0
Clinical	4	4	5
Male	0	1	3
Female	4	3	2
Minority	2	0	0

The School's student body has numbered approximately 720 during the last few academic years. This is an increase of more than 150 over the number of students registered twenty years ago. The present student/faculty ratio is much improved over the ratio at the start of the three-year campaign, but is still on the high side for peer schools with similar or smaller student bodies.

At the present faculty size, courses are taught each year to classes of more than 180 students, a number too large to allow adequate interchange between faculty and students either in the classroom or in office conferences. Further, the student/faculty ratio does not permit faculty to spend enough time in intensive supervision of student research and writing. The Gorman Curricular Report urges a much more pervasive instructional use of research and writing experiences. Also, the proliferation of specialties makes it difficult in a small faculty for a faculty member to find colleagues who share interests in specific areas, not only as an aid to improving teaching, but for collaboration, formal and informal, in the research and writing that are major responsibilities of faculty members.

In addition, the faculty is called upon by long tradition to participate in Law School policy-making and in administration of such basic areas as curriculum, admissions, and appointments. Moreover, University com-

mittees traditionally draw heavily on Law School faculty, and as the University becomes more enmeshed in formalized procedures, the experience of the Law School faculty will be increasingly called upon. The demands of such activities are great and divert the faculty from their basic tasks of teaching and research. The smaller the faculty, the smaller the number of people who are available to share these obligations.

The faculty must also have time to devote to public service. Faculty are called upon to contribute to the development of law outside of the Law School and the University, thus meeting a variety of societal needs. For example, two faculty members recently participated in Governor Casey's Judicial Reform Commission; one serves on the Council of the American Law Institute; two serve on the Council of the American Bar Association's Section of Business Law; one serves as President of the American Judicature Society; one serves as a Commissioner of the National Conference of Commissioners on State Laws; and one is a Public Governor of the National Association of Securities Dealers.

The process of building a faculty to the size and quality needed will be particularly costly in the present legal environment. The Law School must provide inducements sufficient to persuade very good people to come from practice and from other law schools and to retain faculty who receive offers from a variety of sources, including other law schools. To be successful, the School must offer attractive salaries and conditions fostering research, writing, and teaching.

Major resources have been committed to bring faculty compensation to a competitive level, a level which the School will substantially reach in the 1988-89 academic year. The history of the marketplace, however, has been a rush to pull even and then a falling behind. Thus, the Law School must plan not only for an increase in the size of the faculty, but also to fund adequate faculty support services and research and release-time to engage in scholarly activity. Law School faculty have not been aggressive in seeking funding from outside sources to support its scholarly activities. However, the award to five Law School faculty members of support from the University's Public Policy Initiatives Fund indicates a growing faculty awareness of the desirability of self-generation of support. A major effort must be made to provide faculty with incentives to seek such support. For example, the Law School allows directors of Institutes and Centers who are successful in raising the money needed to support the activities of their organizations to supplement their compensation with summer salaries of up to two-ninths of their regular salaries. In addition, the Law School will consider following the lead of other schools in the University by including efforts to raise money as a factor in setting compensation levels or awarding bonuses or other compensation supplements.

Since the Law School must continue to concentrate effort on attracting mature scholars who can act as mentors for the excellent younger faculty who have been hired over the last five years, it plans to create three additional faculty chairs in the next five years. In addition, at least \$2.875 million dollars in endowment must be raised to support faculty research.

The Students

The School's student population in 1967, totalled 549 LL.B. candidates and 16 graduate students. Twenty years later as the 1987-88 school year commenced, there were 676 J.D. candidates enrolled, and 54 graduate students. This enrollment is sufficiently large to support a quality legal education without being so large as to lose the character of a smaller law school with the opportunity for intensive faculty/student interchange. While the School's present curricular goals contemplate an increase in faculty numbers, they do not anticipate any change in the size of the student body.

The School's competitive identity as a smaller, informal and friendly place, and the School's open door tradition encourage students to know their professors through informal interchange. Indeed, a major effort is made to include students in the formulation of Law School policy and practices. Almost every faculty committee, including the External Appointments Committee, has student members. The Council of Student Representatives meets regularly with the Dean and the Dean participates in a series of CSR sponsored forums designed to provide the student body with information and to allow public questioning on

specific Law School issues. These patterns of interaction do not eliminate controversy at the Law School. However, the open lines of communication and the habit of working together allow the Law School to move promptly and effectively in addressing issues. For example, the Law School has been cited as a campus leader in the effort to deal with the issue of sexual harassment.

Although pressures to increase the size of the student body exist (particularly to swell the revenues earned by the Law School), there is agreement among faculty, students, and alumni that these pressures should be resisted to maintain the essential character of the Law School. That conclusion is buttressed by a concern about the size and quality of the long run future law school applicant pool.

Nonetheless, the fact that there are currently over 25% more students than the physical plant was designed to accommodate has a major effect on the present space needs of the Law School. It increases the space needed for student seating within the Library and it increases the space needed for students' formal and informal activities. In the last five years alone, two new student-edited scholarly journals have been established. Students have rekindled interest in service to the community and a number of related activities are flourishing. The Law School has never had a more lively or varied offering of special lectures, conferences, and other programs.

A comparison of the undergraduate grade point averages and Law School Aptitude Test scores of the Classes of 1986 and 1991 reveals that the first year class is even stronger than its counterpart of five years ago. Maintaining the quality and diversity of the School's student body has been in part due to the Law School's ability to admit students on a need-blind basis and then to find grants and subsidized loans for students with need.

The composition of the student body over the last three years has been:

	May 1, 1986	May 1, 1987	May 1, 1988
Male	430	447	425
Female	293	292	276
Minority	105	108	113
Foreign	37	40	36
Joint Programs	26	29	22

The cost of attending the Law School for one year has increased by almost 33% in the past five years. The School's scholarship aid has increased by 17% and the loan indebtedness of Penn law students has increased by 31%. As estimated student budgets increase because of higher tuition and living costs, the problem of providing adequate financial support will become more acute.

The Law School should continue its past policy of structuring the student aid package to provide for increasing reliance on loans. This approach makes sense for the bulk of our graduates because they are paid substantial sums in their first jobs after graduation, and therefore can afford to meet the obligations they incur to receive their education. However, the Law School must try to provide sufficient help so that students do not leave school with an unmanageable debt burden. Moreover, the Law School cannot move too far ahead of its peers in cutting back grants without endangering its ability to attract the best students. Further, major cutbacks in the ability to grant scholarships might result in substantial and undesirable changes in the composition of the Law School student body, particularly in the ability to attract a significant number of minority students into each class. Finally, the accumulation of too heavy a repayment burden on graduating students will drive them toward accepting the best paying jobs and deter them from taking positions in government, public service organizations, or in other public interest positions that are not as well compensated.

The cost of providing needed additional student financial aid is hard to predict, particularly because of the pivotal role of future government subsidies and because of the increased debt burdens with which students will probably be entering the Law School. Present plans call for increasing the amount of money available for scholarship support at least at the same rate as tuition increases. Additional support should also be available to help relieve the debt burden for those students willing to accept lower paying public interest jobs.

As one part of maintaining a competitive program of financial aid, the

Law School must add to the endowment for financial aid at least \$2.25 million over the next five years.

The Law School Intellectual Environment: The Changing Curriculum

The graduates of this Law School traditionally have been not only leading practitioners but also have played significant roles in government, in academe, in their local communities, and in their nations. Assuring continuation of that tradition in an increasingly complex and international milieu constitutes the central mission of this Law School.

The educational requirements for fulfilling this mission have become more demanding. Since no law school can hope to prepare its students for the diverse problems which they will be asked to address in practice, the School's curriculum must emphasize training in analytical skills, the ability to think like a lawyer. Since the decade of the eighties has seen the practice of law become more specialized and more transaction oriented, there is an urgent need for young lawyers to bring to their practice a broad appreciation of the role of law within society as well as a facility with analytical techniques. Thus, the traditional training in legal doctrine and legal analysis must be accompanied by exposure to the broad perspectives furnished by history of law, jurisprudence, economics, and other social sciences. An intense intellectual experience remains the hallmark of a great law school. Moreover, a period when the commercial aspects of practice are increasingly stressed requires that great law schools foster the sense of public responsibility and the sense of professionalism which has characterized the best and most influential lawyer citizens of the United States.

The Gorman Curricular Report was written to develop recommendations which would shape the Law School's curriculum to meet the needs of its future graduates. The Report reflects more than two years of dialogue among all constituencies within the Law School community. It was based in part on the results of a questionnaire distributed to all living alumni of the School, and on conversations with groups of alumni engaged in differing types of legal work. Suggestions regarding improvement of the curriculum were solicited in open student meetings and reports formulated by a number of student committees were generated. Students also serve as members of the School's Educational Program Committee which has a special responsibility in developing Law School curriculum. The faculty's views at the initial stages of the study were expressed in individual interviews and at two faculty retreats. The recommendations made by the Report were then discussed in several formal faculty meetings, and were also reviewed by the Law School's Board of Overseers and the Board of Managers of the Law Alumni Society.

The Gorman Report's recommendations for the first year curriculum built upon what had been widely recognized as an innovative approach. The first-year program takes substantial steps toward developing in students a broad vision and a sense of professionalism. The School's first-year program has traditionally been distinctive because it incorporated a significant amount of public law, statutory law, and administrative law. As a consequence of the Gorman Report, the first-year curriculum also gives students an opportunity to examine legal systems from the perspectives of other disciplines. Moreover, it mandated for all students, after their first semester of study, an intensive course in professional responsibility and ethics and on the role of the lawyer in American society.

Perhaps the most intransigent problem in American legal education has been the program of study for the second and third years of law school. These years have long been essentially undifferentiated from the first-year in pedagogical approach and in the materials of study. The faculty's decisions regarding the direction of the curriculum in the next several years are designed to confront that problem by offering students more challenging and specialized educational opportunities and by using different teaching techniques.

It is expected that, over the next several years, the curriculum will move in a number of directions concurrently.

(1) An effort will be made to develop a number of substantive "concentration" areas to which students can devote a significant amount of

sequenced study in their upper-level years. This study will include not only classroom discussion of traditional legal doctrine and analysis, but also, integrated clinical work, field research, and collateral readings from other subject areas. It will afford many students the opportunity to undertake a closely supervised, intensive research paper and will provide students with a sustained scholarly experience. The principal requisite for meeting this objective is growth in the size of the faculty. Although the School currently has depth in a number of curricular areas (e.g., labor, commercial law, and professional responsibility), many other areas (e.g., health, corporate and international law) are too lightly staffed by regular members of the standing faculty. These needs will be given particular attention as the Law School continues to build its faculty over the next five years.

(2) An effort will be made to expand the number of course offerings which incorporate the scholarship and approach of fields such as history, medicine, urban planning, and economics. The Law School already devotes significant resources to this goal. As the legal environment grows more complex and as the horizons of legal scholarship expand, the well-educated lawyer will need to bring to the practice of law a perspective which integrates legal and non-legal studies. This process will be achieved through a combination of gradual curriculum growth and strategic faculty appointments, and joint teaching and research with other schools within the University.

(3) More emphasis will be placed upon the basic skills of legal research and writing. The present student/faculty ratio makes it extremely difficult to offer law students sufficient opportunity for serious, closely supervised research and writing. More such writing experiences in small classes will be introduced; at the moment, however, the Law School lacks the facilities and the faculty for such experiences.

(4) Other lawyering skills, which are also faculty intensive, such as interviewing, counseling and negotiating, are being increasingly taught in American law schools. There is a high degree of student demand for instruction in such skills. The addition of more such courses, typically in a "simulation" or "client service" context, is one way to respond to the legitimate educational interests of its students.

These additional courses will also permit the School to develop new teaching techniques and to sensitize students to issues of professional responsibility and non-adversarial dispute resolution. In some instances, the School will also address the need for skills instruction by incorporating skills training into more traditional course contexts through team teaching or other collaborative use of clinical faculty. The Law School has traditionally fostered an approach to teaching clinical courses which draws out the academic insights to be gleaned from practical experiences. More could be done if there were greater opportunity for clinical and other faculty to collaborate. This collaboration is not likely to occur unless the clinical faculty which currently is located in dormitory office space is physically integrated with the rest of the faculty.

(5) A high priority in the next five years will be attention to the materials and methods of teaching. This objective is consistent with the emphasis the Law School faculty has placed on teaching, both in the classroom and through informal contacts with students. The materials and methods of legal education have expanded in recent years with the advent of new technologies. Video technology is regularly being used to record and to evaluate student performance in various courses, especially the clinical and advocacy courses. Gradually, computerized exercises are becoming available, and a number of faculty are cautiously assessing their utility for communicating legal information. Assessment of these developments, and incorporating the best of them into the curriculum, will be a significant part of the educational agenda in the next five years.

The Law School and The University

The centrality of law, broadly conceived, to other university curricula becomes more apparent each year. There is a legal core to research and teaching in a myriad of disciplines, a core embracing the interrelationships of individual rights, the impact of government on individual and organizational behavior, mechanisms for resolving disputes, and intergovernmental and cross-cultural interactions at both formal and informal levels. Legal education in the next quarter of a century will see

progressive relaxation of the narrowly defined scope of traditional legal subjects, whether viewed from a teaching or a research point of view.

Examples of the trend are already evident within the Law School. Members of the Wharton, Economics and Law faculties, usually within the framework of the Institute for Law and Economics, cooperatively teach Economic Analysis of Law, Microeconomics for Lawyers, Labor Market Regulation, Banking, Tax Policy, and Government Institutions. The Institute, a model of formal interdisciplinary work, supports joint teaching as the surest route to stimulating joint faculty and student research. It sponsors round-table discussions of faculty research papers, organizes lectures, and publishes a series of research papers.

The Law School's Center for the Study of Financial Institutions has long supported work among members of the Law School and other faculties. The Center is the academic home for the unique International Faculty for Corporate and Capital Market Law. This faculty consists primarily of academics (lawyers and non-lawyers) from nine countries who meet periodically to exchange ideas. Its work is reflected in the Law School's *Journal of International Business Law*, founded by the International Faculty over ten years ago. In addition, members of the International Faculty have taught at the Law School and have invited members of the Law School faculty to teach at their universities.

The newly created Center on Professionalism was launched, in part, to foster work which would compare the approach to professional responsibility among a variety of groups.

The Law School offers joint degrees with other schools in the University. The joint MBA/J.D. program, in existence for the last two decades is the best known and has the largest number of participants. The total number of joint degree candidates in the past three years has been:

Class of 1986	24
Class of 1987	28
Class of 1988	24

As the University encourages the forging of closer links among schools, the number of participants in and variety of joint degree programs should grow.

The relatively large number of foreign students at the Law School will provide increasing incentives for exploring links with programs such as those at the Lauder Institute. An informal program bringing together students from the Lauder program and U.S. and foreign law students has already begun. In addition, Law School faculty have been encouraged to take scholarly visits abroad to enhance the School's ability to deal with subjects of transnational interest.

Nonlegal materials are increasingly integrated into existing Law School courses and law students indicate growing interest in non-Law School courses as a supplement to their legal training. During the next five years, if space permits, the School expects to welcome more cross-registration from University students. Signaling this trend is the Law School's Talmudic Law course, entitled Topics in Jewish Civil Law, taught by Gruss Visiting Professor Haym Soloveitchik, with an equal enrollment of law and non-law students.

The intensified relevance of the Law School and its resources to the rest of the University community is evidenced by the increased use of Biddle Library by students and faculty from other University programs. Prearranged Biddle Library use for non-Law School class assignments rose to a new high in 1986-87 with 450 students in 15 courses using the Library evenings and weekends. Another 100 non-law students brought individual research projects to Biddle Library. To put this use in perspective, these additional 550 non-law students represent an additional user population which is three-fourths the size of the Law School student body. Wharton Legal Studies faculty and students use Biddle Library more heavily than any other library within the University. Courses outside the traditional law-related mainstream are also sending their students to Biddle Law Library. Among these courses are The Language of the Law (SAS), Forensic Engineering (SEAS), Cities and Urbanization (SAS), and Public Policy and the Maternal/Child Health Needs of the Poor (Nursing).

Biddle Library

The Law School's research laboratory is its library, scene of creative work, synthesis, and the testing of hypotheses. New legal solutions to old societal problems are fashioned in the law library, or are developed in a process which is stimulated by legal or social science information from the law library. Great law schools without exception have great law libraries. A law school which emphasizes the quality of its library signals its faculty interest in research and publication.

In recent years, the Law School has concentrated substantial resources to build up the quality of Biddle Law Library. The Library's operating budget has more than doubled since 1982-83. Its 1987-88 budget of \$1,685,000 plus a special supplement of \$400,000 allows it to provide a satisfactory level of service to the Law School and to other Library users from the University and the legal community, and to function responsively as an integral part of the legal education process. Nonetheless, two major tasks remain: completion of the automation of the Library's technical processes, including implementation of an online patron access catalog and enhancement of the Library's legal information budget to restore the quality and depth of the research collection.

The Biddle Library has already begun the process of installing a sophisticated but easy to use online catalog and automating technical processes such as acquisitions, fund accounting, and serials control. Completion of these projects will allow much wider utilization of the library and will stimulate more effective exploitation of the very substantial capital investment the School has made in its library collection. The process of retrospectively converting Biddle Library's catalog records, manually created over 95 years, is another step needed to bring the library into the modern world of accessing information.

The contemporary legal information budget must purchase not only books and journals, but also video recordings and microforms and provide access to both remote and on-site electronic databases. The annual cost of meeting this need requires substantial additions to the amounts presently allocated.

Biddle's present pace in collecting books, journals and similar materials alone results in annual additions of 14,000 volumes. To repair the damage which the collection suffered during the Library's straitened economic circumstances in the 1970s and to provide a comparable research environment to that offered by peer law school libraries will require an additional 4-6,000 volumes annually.

Over 20 years, the Biddle acquisition program would likely add between 280,000-400,000 volumes to the 420,000 volumes expected by late 1991. Using the Library's conservative formula of 14 volumes to each net square foot of shelving space available, a Biddle Law Library of 820,000 volumes would require 58,000 net square feet of library shelving. At present only 18,000 net square feet are available.

Today, the Library places a book in storage for every volume it purchases, and within three years the number of volumes which the library will shelve at remote sites will approximate 35,000, a fact with both tangible and intangible costs for the School. Thus, space for the collection remains a critical Library need.

The major space planning question for the collection is whether or not the new information storage technologies will decrease the number of physical volumes which the Library will purchase over the next 20 years, with a corresponding decrease in necessary shelving capacity. The Law School's Building Committee employed a nationally respected expert on the impact of information technology on libraries, Richard Boss, of Information Systems Consultants, to make available to it the latest unpublished research and to help the Committee apply that data to the law library's projected growth for the next 20 years. Boss forecasts that an academic law library, such as Biddle, will see no impact on its book purchasing pattern for the next eight to ten years. During the following decade, there would be a three to five percent diminution in the purchase of physical books, likely offset by space requirements for computer equipment.

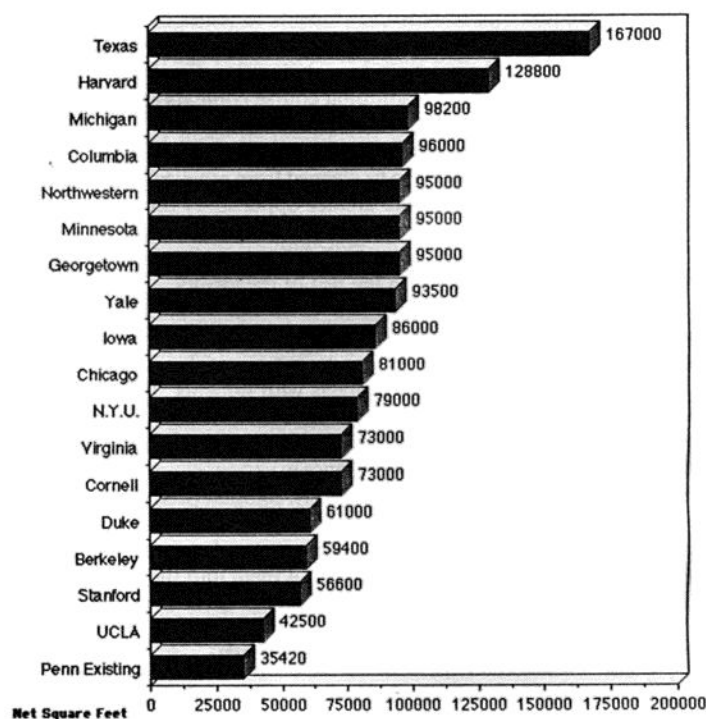
The Library's present seating capacity of 306 is wholly inadequate and does not meet minimal requirements under the accreditation standards of the American Bar Association/American Association of Law Schools.

Minimum standards require 468 seats for a student body of 720. In light of the heavy use of the Library by non-law students, at least an additional 25% over the required 468 seats should be included in the Library's seating plans.

Several categories of space are designed to house activities which are routinely part of contemporary library operations, but which were not provided for 20 years ago. For example, the Library supports the School's academic program by providing video recording and playback for a wide variety of curricular activities. The Law School has no facilities dedicated to student viewing of tapes outside of class, for editing of tapes, for housing a video collection or equipment. Yet the call for video services by the Library is more extensive each academic year.

Law students need, routinely, instruction and practice in computer-assisted legal research. Computer laboratories provide space for group teaching as well as a practice setting. The Library cannot currently meet those needs. Neither does it provide study spaces which can accommodate personal computers, a technological advance which will be required long before there is a reduction in the number of physical volumes which the Library purchases.

Group study rooms currently do not exist in the Law School. They are needed for moot court preparations, use by study groups, and assigned joint projects which simulate the way law firms handle problems. The present Library facility cannot house terminals for an online public catalog of the collection. Nor is there room for a controlled access reserve reading room for heavily used books and journals. The bottom line is that the present Library facility is so cramped that it cannot provide adequately either for traditional library functions, like the reserve reading room or indices to journals, or for the new services which technology has allowed libraries to initiate in support of study, research, and writing. Overall Library space needs are underscored by a comparison with the net area occupied by other law school libraries as reflected in the following table.



Space under construction/to be built is included for Duke, Cornell, Yale, Georgetown & Columbia.

Additional Physical Facilities Needed

Successful implementation of the Law School's academic program and the hope of fulfilling its aspirations for continued leadership in the law school world require a prompt solution to the inadequacies of the existing physical environment. Mid-sized classrooms and seminar rooms are needed for the curricular offerings contemplated by implementation of the Gorman Curricular Report. More faculty offices are needed, as are flexible office clusters for formal and informal research groups. Law students and faculty, and other University researchers must have room to work within the Library. The School's strong national position and its institutional and collegial working relationships with scholars within the University and in the wider national and international arenas require a legal research facility which has a very rich collection in both traditional and alternative media. The projected growth of this collection and its diversity of format have space requirements, which cannot be met without building substantial amounts of new space.

To formulate its proposed building program, the Law School appointed a Building Committee, composed of faculty, students, administrators, and Overseers. This committee selected the architectural firm of Davis, Brody, and Associates to assist in the programming required to develop a Law School MasterPlan. Among other things, the committee and the architects visited other law schools, studied comparative data on peer law schools, and analyzed the present utilization of Law School classrooms. The summary of the needs analysis and the proposed building solution, which contemplates the construction of a new building, primarily to house the Library, and restoration of Lewis Hall to meet most of the other needs, is represented in the table below.

The implementation strategy for the new Law School building proposal is illustrated in the table at right.

**Law School Master Plan:
Base New Construction By Space Type**

Space Type	Unfinished Space NSF	Finished Space NSF	Total NSF
Instructional		2,100	2,100
Library	16,995	50,360	67,355
Shelving	16,000	—	—
Seating	20,000	—	—
Public			
Services	8,030	—	—
Staff	6,265	—	—
Student Journals		6,045	6,045
Student Lounge		1,000	1,000
Alumni/Development		2,500	2,500
Total	16,995	62,005	79,000

The cost of the proposed new construction in 1988 dollars is estimated at \$22.2 million. Needed renovations in Lewis Hall to accommodate the balance of the needs identified in the Program Report summary are estimated in 1988 dollars to cost \$5.6 million.

The Law School envisions a timetable which would see construction on the new building begin in 1990 and occupancy in AY 1991-92. Renovation of Lewis Hall would begin in the summer of 1992 and be completed by 1994.

Five-Year Financial Outlook

The revenues for the Law School have always relied heavily on tuition income. They still do so today and will in the future. However, over the last five years the Law School has sharply increased the amount it receives from current spendable gifts and endowment income. In AY 1982-83 \$697,000 was received from spendable gifts. For AY 1987-1988 \$1,850,000 was received. Over this same five-year period income from endowment has increased from \$531,000 to \$1.076 million.

Law School Program Report Summary					
Space Type	Master Program Needs Over 20 Years (NSF)	Priority Needs to Be Implemented Near Term (NSF)	Existing Space* (NSF)	Program Needs to be Met in New Construction (NSF)	Program Needs to be Met in Renovation (NSF)
1.0 Faculty and Support Space	16,784	16,784	10,850	—	18,483
2.0 Instruc- tional Space	18,611	18,611	14,791	2,100	15,386
3.0 Library Space Library Shell Space	92,231 —	66,731 16,995***	35,420 —	50,360 16,995***	18,481 —
4.0 Student Space	10,634	10,634	8,214	7,045	3,910
5.0 Clinical Edu- cation/Legal Writing	4,765	4,765	1,870	—	4,412
6.0 Administration and Support Space	11,178	9,267	7,828	2,900	6,382
7.0 Dining	3,417	—	—	—	—
Total	157,620	143,787***	78,973	79,000**	67,054**

* Includes space the Law School occupies in Pepper and Roberts, the School's 1962 Chestnut and Sansom Street wings and Lewis Hall. Some of this space would be eliminated to build the new structure, some would be reallocated to meet program needs.

** The needs summed up in column 2 are met by new construction in column 4 and renovation in column 5. The total of columns 4 and 5 is slightly larger than column 2 because the efficient use of reallocated Lewis Hall space results in use of some spaces which are larger than the program requires.

*** Future library expansion is available in this unfinished shell space as well as in 8,945 n.s.f. of space finished as student journal and administrative space.

Over the last five years the Law School's financial results have consistently been positive. These favorable results derive in part from more successful than anticipated fundraising and from better than anticipated performance from a substantially increased endowment. These results also reflect the lower cost associated with too small and too young a faculty. The advantages of these lower costs are disappearing as substantial strides are made in expanding the faculty and attracting more mature scholars.

The Law School's unwillingness over the past five years to spend all of its anticipated income reflected an intense awareness that substantial funds would be needed to meet urgent building needs. As of June 30, 1988 the Law School has "saved" roughly \$5 million toward meeting the costs of its building program.

The budget for AY 1987-88 and for the following five years are set out on the following page. The five-year budget projection builds on the 1987-88 budget of both restricted and unrestricted funds.

The tuition revenues are calculated on a full-time equivalent enrollment of 720 students. As indicated in the section on Students, the Law School does not anticipate increasing the size of the student body over the next five years.

Special Fees include admissions application fees, law firm recruiting fees, and Library service fees. It is expected that the number of applicants, firm recruiters and students will remain stable over the entire five-year period. The additional income from fees reflected in the budget will be provided from increases in charges over the period.

The spendable gifts are based on anticipated cash receipts during the five-year period and do not take into account capital gifts for building or for additions to the endowment. The vast majority of the spendable gifts consists of \$8.5 million dollars in contributions to Annual Giving over the five-year period. This amount seems within reach since the Law School raised \$1.3 million in 1987-88, and increases Annual Giving by 10% a year. These assumptions are realistic based on past performance.

Endowment income is provided by earnings on current shares in the University's Associated Investment Fund. The budget projects only modest increases in the rate to be earned over the next five years. The endowment income projections assume that \$8 million will be added to endowment (exclusive of funds for building) over the next five years. These additions equal \$1.5 million in 1988-89, \$1.5 million in 1989-90, \$1.5 million in 1990-91, \$1.75 million in 1991-1992, and \$1.75 million in 1992-93.*

Sales and services represent income from the sale of course books and materials. The original cost of books and materials for resale to students is included in the operational expense line to provide a net zero balance.

Faculty salaries are projected to increase at 6% a year. The projections include an increase in the allocation for summer research support. The number of faculty positions is also planned to increase by seven over the five-year period to bring the total in 1992-93 to an equivalent of 45 including five clinical faculty. Staff and Administrative salaries are projected at 5% increases each year. Additional faculty and administrative support staff is also projected over the period.

Financial aid for law students is projected largely to increase at rates equal to tuition. The total aid projection includes fellowship awards by the Institute for Law and Economics based on its funding projections.

Special Educational Investments represent allocations for unusual costs to meet urgent Law School needs. For example, in 1987-88, the Library reported that it had accumulated huge deficits by spending significantly more money for books and journals than had been budgeted. The Law School expects to make substantial investments in facilitating student and faculty access to electronic methods of receiving and communicating information. The Special Educational Investment allocation also can be used to fund important research projects for which other financing cannot be immediately found or to help meet a special need of a faculty member the School wishes to attract.

A special increase in indirect costs is anticipated with the addition of a

building containing 79,000 net square feet in 1992-93. Since 16,995 square feet of this new building will constitute unfinished shell space during the 1990s, the estimates for maintenance are calculated on the 62,005 net square feet which will be in use. The projections are based on current charges for similar University buildings taking into account annual increases of 7.5% for non-utilities, 8.5% for utilities and 6% for net space charges.

The Law School's academic needs, excluding the building, as outlined in this report, require that over the next five years the Law School raise \$23.5 million. Of that amount, \$11.875 million would be spent to support continuing operations. \$6.625 million would be allocated to faculty chairs and building an endowment for faculty research, \$2.25 million would be allocated for financial aid, and \$2.75 million would be allocated to increase the endowment of the Biddle Law Library. The Law School has raised funds at a rate higher than these amounts over the past three-year period.

Projections for the cost of a new building and necessary renovations to existing facilities are estimated to total \$27.8 million, \$22.2 million for the building and \$5.6 million for renovations.

The Law School's development staff, in consultation with the University Vice President for Development and University Relations, is confident that the Law School can raise \$38.5 million in cash and pledges over the next five years. This confidence is based on a careful review of Law School prospects and reflects an intensive three-year effort in cultivating potential Law School sources of support.

With the amount the Law School has "saved" toward the building and if the University provides \$6-8 million in additional capital, the Law School can meet its academic needs and build the necessary additional physical facilities.

The most disturbing aspect of the Law School budget projections is the fact that the Law School will no longer show a favorable financial position by 1989-90. There are a number of options for dealing with the projected deficit. The most helpful solutions involve increasing the revenues earned by the Law School. As indicated earlier, the Law School should provide incentives for faculty to take an increasingly entrepreneurial role in raising research and other support funds as a way of financing its academic program. The Institute for Law and Economics, which now has an annual budget of \$470,000 shows that this type of effort can succeed in the Law School. The recently launched Center on Professionalism should also be a solid base for raising substantial funds. Other potential sources of revenue include expansion of services for fee programs, such as continuing legal education activities or the sale of library services. In addition, the Law School should formally consider the feasibility of operating a profit-making summer school in its facilities. The other candidate for increasing revenues, enlarging the student body, runs counter to the clearly asserted preferences of the faculty, students, and alumni.

A substantial part of the change in the Law School's projected financial health relates to the increasing burden of the unreturned portion of the University's tuition tax and the increasing burden of the University's indirect charges which rise at a steeper rate than anticipated Law School revenues. During the next five-year period, the Law School will have contributed to the University \$2.195 million in unreturned tuition tax alone. The Law School's ability to meet its academic needs will be compromised unless the University can help the Law School make substantial changes in this allocation of Law School expenses. Other options for cutting Law School expenses involve holding the size of the Law School faculty below 45, limiting the amount of compensation paid faculty or the funds used to support faculty research and teaching, or reducing financial aid and forcing students to rely even more heavily on loans. These options contemplate some compromise with the academic priorities outlined in this plan.

The driving theme of the five-year plan is enhancement of the Law School's place in the forefront of legal education. To be successful, the Law School must surmount serious financial challenges. We are confident that, working with the University, our faculty, alumni/ae, and friends, we can successfully meet those challenges.

* The balance of the \$11.625 million in anticipated increase in endowment is expected to be received after 1993.

Law School 5-Year Budget Projection (June 30, 1988) In thousands of dollars

	1987-88 Budget	1988-89	1989-90	1990-91	1991-92	1992-93
Direct Revenues						
Tuition (Gross)	8730	9512	10178	10891	11653	12469
Tuition Tax to University	-1746	-1902	-2036	-2178	-2331	-2494
Tuition (Net)	6984	7610	8143	8713	9323	9975
Special Fees	354	420	456	493	529	567
Gifts (Current Spendable)	1820	2000	2165	2344	2513	2750
Endowment Income	1076	1458	1540	1626	1716	1819
Sales and Services	250	280	294	309	324	340
Total Direct Revenues	10484	11768	12598	13485	14405	15451
Direct Expenditures						
Academic Salaries & Benefits	3286	3864	4229	4623	5048	5508
Admin/Staff Salaries & Benefits	2565	2752	2944	3151	3374	3614
Financial Aid	1256	1484	1643	1753	1871	1997
Operational Expenses	2338	2733	2908	3097	3301	3520
Special Educational Investments	500	250	250	250	250	250
Total Direct Expenditures	9945	11083	11974	12874	13844	14889
Direct Position	539	685	624	611	561	563
Indirect						
University Subvention	1749	1749	1749	1749	1749	1749
University Indirect Charges	2230	2412	2611	2827	3063	3321
Increased Indirect Costs and Maintenance for Occupied 62,000 Net Sq. Ft. Addition	0	0	0	0	800	870
Net Indirect Expenses	481	663	862	1078	2114	2442
Performance	58	22	-238	-467	-1553	-1879

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