



Florida A&M University College of Law Assessment

Report of Findings and Recommendations

Prepared for
Florida A&M University

January 31, 2025

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EXECUTIVE SUMMARY

At its June 2024 meeting, Florida's State University System Board of Governors (SUS BOG) expressed concern about the flagging licensure exam pass rates for Florida A&M University's (FAMU) Nursing, Physical Therapy, and Pharmacy programs, and the College of Law. The SUS BOG called for FAMU take an "honest look" at the College of Law and its programs and faculty to determine why exam pass rates are not meeting benchmarks and what steps FAMU will take to improve pass rates and achieve benchmarks.

Prior to 2021, the College of Law's Bar exam and academic success supports included a voluntary two-week Summer Comprehensive Academic Legal Enhancement (SCALE) program; a mandatory ten-day pre-Orientation "Boot Camp"; mandatory Introduction to Analytical Skills for 1Ls; an upper-level Advanced Analytical Skills course mandatory for students on academic probation; and upper-level Multistate Bar Law & Skills (MBLS) and Florida Bar Law & Skills (FBLS) elective courses. These supports were implemented at various times throughout the years.

The College of Law has implemented a plethora of initiatives since about 2021 to try to increase first-time Bar exam passage rates, including recruiting students with higher LSAT scores and UGPAs; replacing SCALE and the "Boot Camp" with BARBRI's online law school prep course entitled "Lawyering Fundamentals"; administering a diagnostic exam to students after their 1L year; requiring students whose GPA is below 2.7 after their 1L year to take Advanced Analytical Skills, MBLS, FBLS and other Bar-tested courses; giving students free access to commercial Bar prep programs; implementing a new Bar study support initiative called Resources for Increasing Success on Exams (RISE); giving faculty access to Multistate Bar Exam (MBE) questions for use in the classroom and for creating exams; commissioning pedagogical training for faculty.

It is evident the College of Law has done many things over the years to try to increase its first-time Bar passage rates. There are several reasons these efforts have been unsuccessful. As the College admitted in its 2019 Self Study, efforts have been and continue to be inconsistent. They reflect a lack of strategic focus and planning. They are not data driven and, thus, their effectiveness cannot be properly assessed. There is insufficient buy-in from the faculty. The most recent initiatives and frequent program changes reflect a crisis response approach to Bar passage improvement that, while understandable, can be neither effective nor sustainable. Thus, although the July 2024 67.2 percent Bar passage results for the College of Law suggest the recently implemented initiatives have had a positive effect, it cannot be said with any confidence this improvement in Bar passage is sustainable.

While the MBE has been the focus of all the College's efforts and initiatives, beginning July 2028, Florida will no longer administer the MBE. Instead, Florida will move to the NextGen Bar Exam. Unlike the MBE which tests substantive knowledge and analytical skills with given fact patterns and multiple-choice or essay questions, NextGen will test foundational doctrine knowledge together with basic lawyering skills. In other words, NextGen will be a true practical test, requiring test takers to demonstrate competence in skills like identifying which legal principles are likely to affect the outcome of a matter, demonstrating how case law is factually similar to or distinguishable from the facts in a given matter, and identifying lawyering strategies consistent with legal rules and client objectives. Thus, ensuring that College of Law students are practice-

ready upon graduation and able to pass the NextGen will require fundamental changes in what and how students are taught.

At its core, the College of Law's failure to achieve the SUS BOG's first-time Bar passage benchmark is a result of institutional and organizational problems, many of which are longstanding. If not addressed, the College's ability to prepare students for the NextGen Bar Exam, achieve consistently strong Bar exam performance, and raise its own stature will continue to be hindered.

Turnover in leadership. Instability in leadership is the number one consistent reason given by administrators and faculty when asked why the College of Law has not achieved the level of success expected of Florida's public law schools. Indeed, the College undergone nine leadership changes has had more interim deans than "permanent" deans in the 23 years since it reopened its doors. Six leadership changes have occurred just in the last ten years. Each change has meant new priorities, new strategies, new directives, interrupted progress, and inconsistent results. The College lacks overall strategic focus. The lack of leadership also has permitted the growth of a culture and environment that is dysfunctional, if not toxic. The current environment at the College of Law is not one conducive to achieving excellence.

Unclear and misdirected mission. The College of Law's current mission statement reflects more of a vision for the law school and is too ethereal to be a true guide for law school operations, goals, and needed transformation. Conversations with several individuals at the College reveal that the mission statement is not uniformly interpreted or understood by all. Furthermore, no one who was asked could define or describe "the FAMU lawyer." While a focus on social justice is admirable and understanding that it is important to instill in graduates the importance of ensuring all members of society have equal and effective access to justice, the College of Law is in the business of producing qualified, practice-ready lawyers and, thereby, also increasing minority representation in the legal profession. Its mission statement should say so.

Diminished reputation. Members of the legal community with whom this writer spoke confirm their desire to see the College of Law succeed; doubtless, others in the community feel the same. But without question, external enthusiasm about the College has dimmed. This has occurred not only because of years of underperformance on the Bar exam compared to a substantial majority of law schools in the state, but also because the College has failed to establish and sustain critical relationships and partnerships with entities in the legal community. That College of Law leadership has not prioritized such external relationship and partnership building shows a lack of understanding that such relationships and partnerships are critical to the College's long-term success.

Lack of prominence in any areas of the law. The College is not known or respected in legal circles for its leadership in any area of the law. Initiatives like establishing centers of excellence can both put the College of the Law in the national spotlight and attract students who may not otherwise be interested in attending the school. In a similar vein, the College of Law is not known for instructional programming or faculty expertise in high-growth, high-demand areas of the law such as employment, health care, cybersecurity, intellectual property, or energy. If the shift in mission to being a social justice school means the College is not also seeking to establish itself as

a leader in other areas of the law or to cultivate graduates ready for placement in high-demand practice areas, then that mission shift decision must be questioned.

Counterproductive institutional mindset. Conversations with administrators and faculty indicate a belief among many at the College of Law that the SUS BOG first-time Bar passage benchmark of 80 percent is unfairly high considering this is an HBCU law school, and its statutory charge is to increase the number of minorities in the legal profession. This perspective implicitly rests on evidence of historically lower LSAT and other standardized test scores among minority students than their non-minority counterparts and on the often repeated “maxim” in the legal education world that there is a positive correlation between LSAT scores and probability of Bar exam passage. Thus, it appears the College has been satisfied with achieving the lower ABA two-year 75 percent Bar passage requirement.

Weak external experiential learning opportunities. Currently, the College of Law offers two basic types of experiential learning opportunities: clinics and field placements. The College operates three clinics and allows field placements which require students to seek out placements on their own and obtain approval from the Director of Legal Clinics and Field Placements. Other law schools offer many more external experiential learning opportunities.

Inadequate student learning and instructional evaluation. It is unclear whether the College has a fully developed and implemented Assessment Plan, and if so, whether it contains specific, measurable targets for student learning objectives. In other words, it is not clear the College of Law has been measuring student achievement of learning outcomes effectively, analyzing the data, and “closing the loop” by implementing needed changes as indicated. Interviews conducted at the law school suggest the answer is no, or at least, not recently. In addition, there appear to be no standards in place to ensure effective teaching or consistency in instruction. Without such standards, there can be no faculty accountability. The need for standards and consistency is especially important in the mandatory Bar-tested courses if the College aims to ensure students have learned these subjects and, with the adoption of the NextGen Bar Exam, the basic lawyering skills they will be tested on.

Faculty performance concerns. Some faculty have been resistant to making adjustments in the classroom to help students be better prepared for the current Bar exam, objecting to “teaching to the test.” But “the test” is changing, and the College of Law is a professional graduate school expected to produce graduates who are not just adequately prepared, but fully prepared to demonstrate their competence in lawyering skills on the new exam and in beginning law practice. Arguably, then, the teaching-to-the-test objections are no longer valid and cannot be countenanced by the College. And there are professional conduct issues that must be dealt with. Through the recently enacted mandatory post-tenure review process, the College of Law has a tool to enable troublesome faculty to course-correct or free them to pursue other opportunities.

Financial resources and relationship with the University. The College of Law campus location in Orlando brings with it challenges the other state public law schools do not have or do not experience as acutely. The College does not have the benefit of sharing necessary services such as food service, health service, parking facilities, and student housing options that are readily available to students attending the University in Tallahassee. Continued failure by the University

to seek/provide funding to deal with these matters leaves the College of Law and its students at a disadvantage compared to their counterparts in Tallahassee, Gainesville, and Miami. As well, the College routinely experiences administrative delays and roadblocks affecting operations. And faculty and administrators alike believe the University sees the College of Law as just another University academic department as opposed to managing the College as the professional graduate school that it is. Faculty and administrators also contend that the University and Trustees are micromanaging the College to its detriment. There may be some validity to these perceptions and contentions, but it is decidedly appropriate for the Trustees to determine what the College's mission should be, what the College's strategic focus should be, and what the College needs in a Dean to achieve transformation and long-term success. Apart from those matters, the University and College should work together to see where some flexibility and autonomy can be given.

Recommendations for the University Trustees

Consider revising the mission statement to better articulate what the College is in business for and to communicate to stakeholders the transformation of the FAMU College of Law.

Suggested Vision Statement

The reestablished Florida Agricultural and Mechanical University College of Law reaffirms our HBCU legacy of excellence and responsibility to serve as a transformative force for the public good, a beacon of hope, and catalyst for change by providing access to excellent educational training and opportunities; instilling in graduates a desire to serve the needs of traditionally underserved people and communities locally, nationally, and internationally; and developing legal professionals and community leaders committed to equitable justice and the rule of law. While we continue our historic mission of educating African-Americans, we embrace persons of all racial, ethnic and national groups as members of the university community.

Suggested Mission Statement

The mission of the College of Law is to provide a rigorous program of legal education with high academic standards that produces excellent, ethical, social-minded legal professionals who are practice-ready upon graduation and who demonstrate professionalism, provide public service, and uphold the rule of law.

Develop broad transformative strategic priorities that can be fleshed out in a strategic plan addressing (but not limited to):

- Improvement of the College's engagement with and reputation among all stakeholder groups
- Expanded experiential learning opportunities through added clinics, federal and state court judicial internships, and externships in Orlando-area public and private entities
- Creation of Centers of Excellence placing the College at the forefront of legal thought and development
- Development of academic programming in select high-growth, high-demand areas of law
- Development of an optimal target for student enrollment

- Enhancement of student recruitment efforts through strengthening the pipeline of FAMU undergraduates to the law school, establishment of 3+3 relationships with select Florida undergraduate universities, and restructuring and adequately funding scholarship offerings
- Improvements to the College of Law campus that “level the playing field” and address challenges not encountered by the other state public law schools located on their universities’ campuses
- Alumni development and fundraising

Ensure that the leadership profile developed in support of the College of Law Dean search includes the strategic priorities and articulates the expectation that the new Dean will adopt and implement those priorities.

Seek a legal opinion from the University general counsel and/or the SUS BOG general counsel regarding whether the post-tenure review process for College of Law faculty can be expedited.

Recommendations for the College Of Law

Make no further curricular changes affecting students who will sit for the “current Gen” Bar exam without meaningful data collection and analysis from at least the February 2025 and July 2025 Bar exam results.

Develop a studied, data-driven, measurable strategy for improving academic success and Bar passage programming moving forward.

Implement a robust, documented system of data collection and analytics that yields actionable information on student learning and academic programming relevance and effectiveness, ensuring such information is accessible to College leadership and faculty alike.

Require collaboration and instructional consistency between doctrinal faculty, Legal Research & Writing instructors, and ASBP instructors so that all three are supporting each other and students are receiving consistent skill development.

Research/develop and implement a 0L summer course required for all admitted students that focuses on reading comprehension, analytical skills, basic writing/grammar skills, and studying/learning techniques in addition to familiarizing students with core 1L subjects and what case briefing, class discussions/Socratic method, and exams will look like (i.e., how law school classes are taught).

Overhaul the College’s Assessment Plan and processes for evaluating whether learning objectives are being achieved and for annually evaluating faculty performance on specific measures tied to student learning outcomes.

Engage ALL faculty (doctrinal and skills) in overhauling the College’s Assessment Plan by:

- Reviewing and revising, if necessary, the law program's overall learning objectives to ensure consistency with proposed new ABA requirements and NextGen Bar Exam skills testing
- Developing course-specific learning objectives for all courses and ensuring consistency across all sections of foundational and Bar tested courses
- Developing techniques for including formative and summative assessments for use in all doctrinal courses, but especially the foundational courses, to ensure students learn substantive matters and develop the basic practical lawyering skills that will be tested on the NextGen Bar Exam
- Creating a library of research on effective educational/pedagogical practices for faculty use

Review and revise the criteria for post-tenure review to include specific performance measures tied to student learning outcomes, requirements for legal/skills/pedagogical continuing education, and any other measures designed to ensure post-tenure professional growth and teaching excellence.

Implement an aggressive faculty recruitment effort focused on tenured and tenure-capable candidates with demonstrated academic strengths, substantial recent (within the last 10 years) public or private law practice experience, and expertise in high-demand areas of law.

Reassess the feasibility of continuing to follow the prior Dean's student recruitment strategy.

Shore up the leadership team.

- There are key "interim" posts that need to be made permanent, either with the incumbents or new hires.
- There needs to be one position responsible for data collection and analytics at the Assistant Dean level staffed by someone with demonstrated experience in the law school space.
- There needs to be an Associate Dean for Student Learning and Assessment who will oversee and ensure continual evaluation of academic programming and periodic review of the Assessment Plan for needed adjustments.
- There needs to be an Associate Dean of Faculty Development whose focus is on providing pedagogical training, implementation of effective formative and summative assessments, and obtaining resources to support faculty scholarship.
- The Director of Strategic Initiatives should be replaced, and the position elevated to Assistant Dean staffed by someone who will drive implementation of the new strategic plan.

Recommendations for the University

In collaboration with the College of Law, investigate ways to alleviate/eliminate administrative inefficiencies and hurdles.

In collaboration with the College of Law, provide sufficient budget resources for student recruitment and retention scholarships, to support faculty recruitment (including clinic faculty), and to establish and maintain a 0L summer pre-matriculation program.

Seek specific legislative appropriations to address campus needs and student service gaps keeping the College of Law at a disadvantage compared to the state's other public law schools located on their university campuses.

INTRODUCTION

At its June 2024 meeting, Florida's State University System Board of Governors (SUS BOG) expressed concern about the flagging licensure exam pass rates for Florida A&M University's (FAMU) Nursing, Physical Therapy, and Pharmacy programs, and the College of Law. As observed by one SUS BOG member, the College of Law and FAMU's other professional programs of concern are "at an inflection point." The SUS BOG called for FAMU take an "honest look" at the College of Law and its programs and faculty to determine why exam pass rates are not meeting benchmarks and what steps FAMU will take to improve pass rates and achieve benchmarks.

It is important not only to FAMU and our state's university system, but also to the Florida legal community that the FAMU College of Law—as part of the #1 HBCU in the country and one of only six HBCU law schools—is able to consistently provide high-quality legal education to students and prepare them fully for success on the Bar exam and in law practice.

The College of Law's legislative charge is to "provid[e] opportunities for minorities to attain representation within the legal profession proportionate to their representation in the general population."¹ This it has done and continues to do. Since reopening its doors in Orlando in 2002, 34 years after it was legislatively shuttered,² FAMU College of Law has produced:³

- More than 2,800 graduates who are lawyers and leaders
- More than 1,700 minority graduates
- More than 1,800 licensed attorneys in Florida
- More than 1,100 licensed minority attorneys in Florida
- Eleven Florida judges

These successes notwithstanding, and even though the College of Law's ultimate Bar passage rates have kept the school in good standing with the American Bar Association (ABA), achieving first-time Bar passage rates on par with Florida's other public law schools hasn't happened. Concerns about the College of Law's Bar passage rates have become more acute in recent years as the numbers have, with a few exceptions, hovered in the 40s and 50s and even dipped into the 30s following a decade of steady improvement and higher numbers. The College acknowledged in its 2019 self-assessment report submitted to the ABA that,

[w]hile the College of Law has had a consistent mission revolving around producing competent and diverse members of the bar since its re-establishment in 2002, the processes by which the College of Law has sought to achieve that mission [have] not been consistent. As a result, for example, objective indicators of success (such as attrition and bar exam passage rates) have fluctuated between below average and above average outcomes.⁴

¹ § 1004.40(6), Fla. Stat.

² *Florida A&M University College of Law 2011-2012 Self Study* at 17-18.

³ <https://www.famu.edu/academics/all-programs/law/juris-doctor-degree.php> (last accessed Jan. 10, 2025).

⁴ *Florida Agricultural and Mechanical University College of Law 2019 Self Study Part 2* at 8.

Since then, the College has dialogued with other law schools on best practices and, between 2020 and 2024, engaged a series of external experts to conduct assessments and recommend actions and strategies for improving Bar exam passage.⁵ Some recommended actions appear to have been taken. Targeted recruitment efforts have yielded incoming students with somewhat stronger academic credentials. Changes to the curriculum and academic policies have been and continue to be made. There are continuing efforts to introduce techniques into classroom instruction intended to familiarize students with Bar exam-style questions well before Bar exam study starts. A contractual partnership with commercial Bar prep company BARBRI is providing faculty with resources and being used to shore up the College’s Academic Success and Bar Preparation (ASBP) programming.

Part One of this report provides a history of the College of Law’s Bar passage for context, reviews prior and recent Bar passage and academic success initiatives implemented by the College and offers some observations about their strengths and limitations. In sum, while these initiatives show some promise that they will be effective, it is too soon to conclude that they will achieve *sustained* improvement in the Bar passage rate, especially considering that Florida will be switching from the classic and familiar Multistate Bar Exam (MBE) to the NextGen Bar Exam beginning July 2028.

Part Two of this report explains how the NextGen Bar Exam will be fundamentally different from the current MBE in format, matters tested, and manner of testing. The new exam will test substantive knowledge and basic lawyering skills, requiring test takers to integrate the two. Consequently, it will require the College of Law to fundamentally change the way students are taught. Bar exam-focused strategies alone will not be sufficient to ensure consistently high passage rates.

Part Three provides the “honest look” at the College of Law itself. It is a higher-level review of the broader weaknesses, challenges, and roadblocks that have contributed to the low Bar passage rates and the College’s diminished reputation among its state peers and stakeholders. Importantly, the people inside the College want these issues to be addressed and fixed.

Part Four offers recommendations intended to help the College of Law and University leadership address systemic, organizational, and institutional challenges keeping the College from becoming the premier HBCU law school it can and should be.

SUMMARY OF WORK

Following is a non-exhaustive listing of items reviewed, meetings held, and background research conducted in support of this assessment and the findings and recommendations herein. The listing

⁵ 2017 report on Legal Research & Writing (LRW) program by Professor Lindsey Gustafson, University of Arkansas Bowen School of Law; 2019 report on Academic Success & Bar Preparation (ASBP) program by the Law School Admission Council (LSAC); 2020 report on LRW and ASBP programs and institutional efforts to improve Bar passage by Professor Laurie Zimet, University of California College of Law; 2022 report on “comprehensive review” of academic and non-academic functions by Barry Currier; 2024 Pedagogical Analysis and Final Report by Dr. Cathy Owens-Oliver, Educational Effectiveness Group.

does not reflect additional informal communications with individuals at the College of Law for clarification or to ask one-off questions.

College of Law documents, reports, presentations, assessments reviewed:

- College of Law 2021 through 2024 Operating Budgets
- Prior College of Law deans' CVs
- Full time and visiting faculty CVs
- Adjunct faculty list with courses taught
- 2011-2012 and 2019 College of Law Self-Assessment Reports submitted to the ABA
- 2020 Assessment of Institutional Measures for Improving Bar Passage
- 2022 report on review of College of Law academic and non-academic functions
- 2024 Pedagogical Analysis and Final Report
- July 2024 memorandum from Interim College of Law Dean to University Provost responding to Board of Trustees inquiries concerning low Bar pass rates
- July 2024 FAMU Licensure Pass Rate Workgroup Executive Summary for the Board of Trustees
- Detailed summary of responsibilities of ASBP department/faculty
- Timeline and descriptions of planned program modifications to be effective Fall 2025
- Detailed overview of College of Law/BARBRI partnership contract
- Memorandum from Assistant Dean for Skills Instruction describing faculty enrichment workshops provided in 2024 through College of Law/BARBRI partnership contract
- September 2020 presentation to Board of Trustees on College of Law Licensure Pass Rate Improvement Plans
- September 2020 First-Time Pass Rate Improvement Plan submitted to the State University System
- January 2022 Alumni Survey by Hanover Research for the College of Law
- Report on Bar Passage Factors – Based on interviews conducted by Hanover Research of 23 College of Law graduates who passed the Bar exam on subsequent attempts (2022?)
- August 2022 Update to First-Time Pass Rate Improvement Plan submitted to the State University System
- Fall 2023 Office of the Provost – College of Law Update on curriculum coverage of Bar-tested subjects
- February 2024 College of Law Licensure Pass Rate Presentation to Board of Trustees
- October 2024 FAMU Licensure Pass Rate Workgroup Update to Board of Trustees
- 2024-2025 College of Law Student Handbook
- 2018-2024 Clinic and Field Placement Enrollment
- FAMU Post-Tenure Review Process and Procedures
- College of Law Post-Tenure Review Criteria (January 2024)

External resources reviewed:

- Florida Board of Bar Examiners (FBBE) First-Time Bar Passage reports (all Florida law schools)
- FBBE Practice Analysis Study Report (June 2022)

- Law School Admission Council (LSAC) Skills Analysis Study Report and Chart (2018)
- ABA required law school reports
- Florida Law Schools clinic, field placement, internship/externship offerings
- National Conference of Bar Examiners (NCBE) MBE Subject Matter Outline
- NCBE NextGen Bar Exam Content Scope (2023)
- Association of American Law Schools (AALS) webinar: “Preparing Students for the NextGen Bar Exam: Incorporating Formative Assessments into your Classroom” (Recorded September 20, 2024)
- Relevant Florida Statutes and SUS BOG rules

On-campus meetings held:

- Kick-off meetings with the University Provost and Interim Dean, leadership team, and faculty
- Individual meetings over six days with select administrators and faculty
 - Assistant Dean of Admissions and Recruitment
 - Assistant Dean for Skills Instruction
 - Associate Dean for Student Services and Administration
 - Director, Interim Assistant Director of Academic Success and Bar Preparation and instructor team
 - Director of Law Admissions and Recruitment
 - Director of Legal Clinics and Field Placements and Economic Justice Clinic Instructor
 - Director of Writing Center
 - Director of Strategic Initiatives
 - Guardian ad Litem Clinic Instructor
 - Interim Associate Dean for Academic Affairs
 - Interim Director of Legal Research and Writing and instructor team
 - Mediation Clinic Associate Instructor
 - Six doctrinal faculty (not also on leadership team)

Trustee meetings (via telephone or video) with Chair Harper, B. Perry, D. Gibbons, K. Lawson, and N. Washington

Telephone conversations with alumni and members of the federal judiciary in Orlando

PART ONE

I. BAR PASSAGE HISTORY AND RECENT EFFORTS TO INCREASE FIRST-TIME PASS RATES

A. History

Publicly available data from Florida Board of Bar Examiners website only goes back to 2009, which is the same year the College of Law achieved ABA accreditation. The data show generally steady overall improvement in first-time Bar passage rates from 2009 to 2015, including achieving a high of 82.6 percent first-time passage on the February 2013 Bar exam. Since 2016, however, Bar passage rates have mostly been in the 40s and 50s.

FAMU College of Law First-Time Bar Exam Passage Rates 2009-2024

Bar Exam	1st Time Pass Rate
Feb 09	52.3
July 09	52.6
Feb 10	55.0
July 10	62.5
Feb 11	53.8
July 11	65.3
Feb 12	65.5
July 12	68.1
Feb 13	82.6
July 13	71.7
Feb 14	72.2
July 14	73.6
Feb 15	63.2
July 15	67.9
Feb 16	56.5
July 16	52.9
Feb 17	46.2
July 16	51.3
Feb 18	36.7
July 18	50.6
Feb 19	45.5
July 19	61.1
Feb 20	48.7
Oct 20	61.7
Feb 21	70.6
July 21	56.8
Feb 22	56.0
July 22	52.6

Feb 23	40.0
July 23	41.7
Feb 24	47.1
July 24	67.2

Florida Public Law Schools First-Time Bar Exam Passage Rates 2009-2024

	FEB '09	JULY '09	FEB '10	JULY '10	FEB '11	JULY '11	FEB '12	JULY '12	FEB '13	JULY '13	FEB '14	JULY '14	FEB '15	JULY '15	FEB '16
FAMU	52.3%	52.6%	55.0%	62.5%	53.8%	65.3%	65.5%	68.1%	82.6%	71.7%	72.2%	73.6%	63.2%	67.9%	56.5%
FIU (17/32)	81.5%	80.9%	71.4%	84.2%	88.2%	89.6%	85.7%	80.3%	91.7%	82.8%	81.3%	78.2%	63.0%	89.0%	84.6%
FSU (6/32)	65.0%	91.4%	84.8%	86.2%	83.9%	88.3%	78.3%	89.2%	96.0%	86.7%	82.8%	81.8%	72.7%	80.3%	71.4%
UF (9/32)	64.9%	86.3%	81.1%	86.8%	91.2%	89.1%	68.2%	91.2%	72.7%	88.2%	64.7%	90.6%	82.4%	87.3%	56.3%

	JULY '16	FEB '17	JULY '17	FEB '18	JULY '18	FEB '19	JULY '19	FEB '20	OCT '20	FEB '21	JULY '21	FEB '22	JULY '22	FEB '23	JULY '23	FEB '24	JULY '24
FAMU	52.9%	46.2%	51.3%	36.7%	50.6%	45.5%	61.1%	48.7%	61.7%	70.6%	56.8%	56.0%	52.6%	40.0%	41.7%	47.1%	67.2%
FIU (17/32)	87.5%	78.9%	87.8%	85.0%	88.1%	80.0%	95.7%	81.8%	89.3%	75.0%	88.8%	70.8%	81.2%	72.2%	91.1%	82.6%	90.5%
FSU (6/32)	78.8%	59.1%	83.9%	76.7%	84.8%	75.0%	86.8%	70.0%	84.4%	77.8%	73.9%	78.9%	74.9%	66.7%	83.4%	40.0%	87.4%
UF (9/32)	78.6%	66.7%	77.0%	31.8%	70.9%	84.6%	87.9%	83.3%	83.9%	71.4%	81.3%	64.7%	78.7%	70.8%	80.6%	63.2%	90.6%

Prior to 2019, the ABA generally allowed law schools five years to achieve 75 percent Bar exam passage.⁶ In May 2019, the ABA revised its Standard 316 to require at least 75 percent of accredited law schools' graduates who sit for the Bar exam to pass it within two years of graduation.⁷ In Florida, as in most states, that two-year period allows four attempts to pass the exam.

FAMU College of Law failed to meet the ABA's 75 percent two-year Bar passage requirement for the first graduating class (2017) to which the new standard applied,⁸ having achieved only 70.83 percent. However, the 2018 graduating class achieved a two-year Bar passage rate of 81.51 percent, and the College of Law has satisfied Standard 316 since then. Even so, according to the most recent information available on the ABA website, the College of Law's two-year Bar passage rates for 2019, 2020, and 2021 graduates fall below the 80 percent SUS BOG benchmark for first-time Bar passage.

Calendar year of graduation	Total graduates in calendar year	# of grads with no info	# who did not take a bar	Graduates who sat for a bar exam within two years of their date of graduation		
				# of takers	# who passed	% who passed
2021	157	2	7	148	113	76.35%
2020	149	4	5	140	110	78.57%
2019	143	6	9	128	101	78.91%

⁶ 2011-2012 Self Study at 59.

⁷ <https://www.americanbar.org/news/abanews/aba-news-archives/2019/05/legal-ed-bar-passage-rate/> (last accessed Dec. 15, 2024).

⁸ *Id.*; see

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/202005_27-florida-am-public-notice-standard-316.pdf (last accessed Dec. 15, 2024).

B. Bar exam and academic success supports prior to 2021

In or about December 2009, the College of Law began offering a 10-week Bar Exam Success Training (BEST) program to provide voluntary post-graduation Bar study support including simulated exams; multiple choice strategies and essay answer writing workshops; study coaching; and subject-specific workshops covering Bar subjects and Florida distinctions. According to a survey conducted for the College of Law by Hanover Research in or about 2022,⁹ graduates uniformly found the BEST program and resources helpful in the Bar preparation.

In or about 2013, the College of Law included **Introduction to Analytical Skills (IAS) I&II** to 1L required course work. IAS teaches students “the critical skills necessary to successfully manage their time, prepare for class, participate in class, and effectively practice for exams. Students will learn the critical reading, writing, and thinking skills essential to excelling in law school, passing the bar exam, and succeeding as future legal practitioners. In addition, students [are] taught test-taking strategies and protocols and a methodology for the evaluation of their work through the deconstruction of their multiple choice and essay practice exam answers.”¹⁰ Though mandatory when added to the 1L curriculum, the IAS courses were non-credit courses. Beginning with the Fall 2020 entering class, the IAS courses obtain 1.0 credit hour each.¹¹

The College also added the not-for-credit **Advanced Analytical Skills (AAS)** course for upper-level skill strengthening in the 2L year. Until relatively recently, AAS was mandatory only for students on academic probation (GPA under 2.0), and it was encouraged but not required for students on academic alert status (GPA of 2.0-2.4).

At some point, **upper-level Multistate Bar Law & Skills (MBLS) and Florida Bar Law & Skills (FBLS) courses** were added to the curriculum. MBLS teaches Bar exam essay writing skills and MBE multiple-choice skills through a survey of multistate substantive material in Federal Constitutional Law, Contracts, Criminal Law, Criminal Procedure, Torts, Property and Evidence. FBLS provides training in Bar exam essay-writing skills through a survey of substantive material covering topics frequently tested on the Florida Bar exam, including Florida Constitutional Law, Wills and Trusts, and Family Law. Both are four credit-hour courses. Until recently, neither course was required.

In addition, the College of Law offered two pre-matriculation programs to admitted students:

The Summer Comprehensive Academic Legal Enhancement (SCALE) program was a two-week on-campus program focused on problem solving, legal reasoning, and essential reading and thinking skills in a law school setting. It was offered to admitted students with LSAT scores and UGPAs indicating potential vulnerability from a Bar passage perspective, but participation in the

⁹ *Bar Passage Factors* report prepared by Hanover Research (possibly 2022).

¹⁰ <https://law.famu.edu/students/prospective/academic-offerings/course-offerings.php> (last accessed Jan. 7, 2025).

¹¹ College of Law Juris Doctor Program, First-Time Pass Rate Improvement Plan, September 2, 2020, at 5-6. Notably, also beginning with the Fall 2020 entering class, Property, Contracts, Torts, and Civil Procedure changed from two semester to one semester courses, reducing the credit hours associated with each to four credits when they previously carried five (Property and Torts) or six (Contracts and Civil Procedure). *Id.* This was done “to align the curriculum at the College with other Florida law schools.” *Id.* at 5.

program was voluntary. The College of Law paused the program in or about 2021 ostensibly to undertake a complete analysis and benchmarking against best practices in summer start programs as well as to focus limited resources on initiatives with more demonstrated success. It is unclear whether the intended analysis and benchmarking ever occurred. But the program has not been replaced, and there appear to be no plans to implement another similar summer start program in the future.

Foundations for Law School Success was a ten-day on-campus program called a “Boot Camp” but better described as an enhanced orientation program that included academic skills workshops and legal research and writing sessions. The program was mandatory for all incoming 1Ls. It, too, has been discontinued.

C. Recent Bar exam and academic success efforts

The College of Law has implemented a plethora of initiatives since about 2021 to try to increase first-time Bar exam passage rates. These efforts can be categorized as: (1) recruitment efforts; (2) pre-matriculation programs; (3) direct Bar prep/study initiatives; (4) curriculum and academic success initiatives; (5) faculty resource and teaching enhancements; and (6) other supports.

1. Recruitment efforts

Based on a recommendation in a report done by Barry Currier, former ABA managing director for accreditation and legal education and former dean of Cumberland School of Law,¹² the prior College of Law Dean implemented a strategy to achieve sustained higher Bar passage rates by recruiting students with higher academic credentials. The improved median LSAT scores and UGPAs of the 2022, 2023, and 2024 incoming classes show the strategy was successful, at least as to credentials. The Fall 2022 incoming class with a median LSAT of 150 and UGPA of 3.41 was the College’s first to break out of LSAT scores in the 140s. That class graduates and takes the Bar exam in 2025.

Class	Median LSAT	Median UGPA
2022	150	3.41
2023	151	3.52
2024	151	3.45

2. Pre-matriculation programs

Implemented in 2021 or 2022, **BARBRI’s “Lawyering Fundamentals”** is now the only pre-matriculation program the College of Law offers. Mandatory for incoming 1Ls, this 30-hour law school prep course is not delivered in person, but rather is delivered asynchronously online over a two- to three-week period before Orientation and the beginning of classes. According to

¹² *Summary and review of consulting activities*, Barry Currier, March 28, 2022.

BARBRI's website¹³, through a series of online lectures, the course provides an overview of core 1L material including contracts, property, torts, criminal law, civil procedure, and constitutional law; academic Skills workshops covering case briefing, case law analysis, outlining, and exam-taking strategies; and introduces legal research, argument structure, persuasive writing, oral argument, and how to analyze legal authority and gain access to online research.

3. Direct Bar prep/study initiatives

Beginning with the Fall 2021 entering class, students whose cumulative GPA after completion of foundational curriculum¹⁴ is below 2.7¹⁵ **must** take MBLS and FBLS. According to instructional personnel at the College, around 50 percent of the student body fall into the below 2.7 cohort.

An **upper-Level Diagnostic exam** (a BARBRI product) is administered to all students after completion of the foundational curriculum to assess their mastery of content that will be tested on the Bar exam. Recently added to the Diagnostic exam is a Multistate Performance Test (MPT) styled section. The MPT tests one's "ability to use fundamental lawyering skills in a realistic situation and complete a task that a beginning lawyer should be able to accomplish. The MPT is not a test of substantive knowledge. Rather, it is designed to evaluate certain fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills are applied."¹⁶ The MPT is essentially a "closed universe" test in which examinees are given a "file" with documents from which to pull out the facts of the case (e.g., transcripts, depositions, pleadings, police reports, lawyer notes) and a "library" with relevant substantive law, and are given a specific assignment as described in a memorandum from a supervising attorney (e.g., draft a memo).

The College of Law gives students and graduates **access to commercial Bar prep programs BARBRI** (including a MPRE review course and materials), **PMBR**¹⁷, and **AdaptiBar**¹⁸ (which includes an online MBE simulator with licensed MBE questions) **at no charge** for pre- and post-graduation Bar prep.

The BEST program is now known as **Resources for Increasing Success on Exams (RISE)**, which provides the same voluntary post-graduation Bar study support previously provided by BEST, but also includes early Bar readiness workshops in 2L and 3L years. Note, however, the pre-grad workshops are not for developing Bar exam-taking skills, but rather they assist with course selection, MPRE prep resources, guidance on selecting a commercial Bar prep course, and other similar support. The Fall 2021 incoming class who sat for the July 2024 Bar exam were the first students to have access to the full panoply of RISE supports.

¹³ <https://lawpreview.barbri.com/law-school-prep-course/> (last accessed Jan. 8, 2025).

¹⁴ The foundational curriculum comprises all the 1L required courses: Civil Procedure; Constitutional Law I; Contracts; Criminal Law; Property; Torts; Legal Research & Writing I/II; Introduction to Analytical Skills I/II.

¹⁵ Based on the College of Law's published grading system, a 2.7 GPA is between a B (3.00) and B- (2.67). See *Florida A&M University College of Law 2024-2025 Student Handbook* at 58.

¹⁶ <https://www.ncbex.org/exams/mpt/about-mpt> (last accessed Jan. 8, 2025).

¹⁷ PMBR stands for "Preliminary Multistate Bar Review" and is a Kaplan product.

¹⁸ AdaptiBar is a BARBRI company.

4. Curriculum and academic success enhancements:

Beginning with the Fall 2021 entering class, students whose cumulative GPA after completion of foundational curriculum is below 2.7 **must** take AAS. The course was previously delivered via in-person instruction; now, however, it is delivered asynchronously online and supplemented by individualized academic advising.

The College also added a requirement beginning with the Fall 2021 entering class that, in addition to MBLs, FBLs, and AAS, students whose cumulative GPA after completion of the foundational curriculum is below 2.7 **must also take** Criminal Procedure Survey (3 credit hours) and three additional courses from the following list of Bar-tested subjects:

Course	Credit Hours
Advanced Torts: Dignitary and Economic Harms	3
Constitutional Law: First Amendment	3
Criminal Procedure: Pretrial	3
Family Law	3
Florida Constitutional Law	2
Florida Practice	3
Payment Systems	3
Products Liability	3
Real Estate Law	3
Remedies	3
Sales	2
Secured Transactions	3
Trusts and Fiduciary Administration	3
Wills and Estates	3

The College is now poised to make several more curriculum changes, to take effect Fall 2025. These changes, or proposed changes, appear to be heavily reliant upon BARBRI and include:

- Replacing IAS I and II with a one-semester two-credit IAS course that will be mandatory in the 1L first semester curriculum
- Requiring a new BARBRI skills diagnostic test be taken in the Spring of the 1L year
- Requiring students with a GPA of 2.7 or below at the end of their 1L year to take a new BARBRI-designed Basic-Skills course (referred to as “Legal Analysis”) at the beginning of the 2L year, replacing the AAS course
 - Existing students in the below 2.7 cohort will continue to take AAS.
- Replacing MBLs and FBLs with a 3L two-semester Bar prep course called “Advanced Legal Analysis” that adopts BARBRI’s 3L Extended Bar Review course curriculum which currently focuses on essay writing and multiple-choice exam questions but allegedly can be “restructured” to provide practice on the foundational skills that will be tested on the NextGen Bar Exam

5. Faculty resource and teaching enhancements:

Through the partnership contract between the College of Law and BARBRI (established in 2017) that includes the Lawyering Fundamentals course, upper-level diagnostic exam, and free Bar prep resources described previously, BARBRI also provides instructional support and workshops designed to help faculty members develop a stronger understanding of the Bar exam, including what is tested on the exam and how the exam is graded. In addition, the partnership provides faculty enrichment workshops to help faculty master skill instruction, introduce and support increased application of formative assessment in the classroom, and draft high-quality Bar exam-style multiple-choice and essay items.¹⁹ The BARBRI-led workshops and other resources are intended to help faculty incorporate effective formative and summative assessments in doctrinal course instruction.²⁰

Further, the partnership makes available various Bar exam question banks for use by faculty in teaching doctrinal classes:

- BARBRI MBE item bank – includes more than 1,000 MBE-style multiple choice questions
- BARBRI essay question bank – includes 180+ released Multistate Essay and MPT essay questions
- AdaptiBar data bank – contains actual NCBE-licensed MBE multiple choice questions

In Spring 2024, the College of Law commissioned pedagogical training for the faculty.²¹ Conducted by Dr. Cathy Owens-Oliver of the Educational Effectiveness Group, the four-session program provided training on:

- Understanding cross-curricular content and helping students make those connections
- How ABA standards directly influence course content
- Learner engagement for adult learners in a digital learning environment
- Instructional delivery (teacher centered vs. student centered teaching practice)
- Assessing understanding and application of knowledge
- Grading practices in conjunction with a student feedback loop
- Identifying strengths and growth opportunities (indicators of standards-based practices)

¹⁹ 2019 Self Study Part 1 at 22.

²⁰

Standard 314. ASSESSMENT OF STUDENT LEARNING

A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Interpretation 314-1

Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.

²¹ *Pedagogical Analysis and Final Report: Florida A&M University*, Cathy Owens-Oliver, Educational Effectiveness Group, Spring 2024.

6. Other supports

Established in June or July 2024 and officially launched in January 2025, the College of Law's Writing Center "is a collaborative space where students can refine their writing skills, receive feedback on assignments, and access resources that will serve them throughout law school and into their professional careers."²² Run by a director who is a non-lawyer, the Writing Center supports LRW and ASBP instruction. It focuses on improving students' foundational writing skills (grammar, punctuation, sentence structure, organization, style, etc.). The center also provides 1L students, via LRW student assistants, general guidance on legal analysis formats, citation form, objective versus persuasive legal writing, and research methods. Upper-level students may also receive help with briefs, seminar papers, and writing samples.²³

II. OBSERVATIONS ON RECENT BAR PASSAGE AND ACADEMIC SUCCESS EFFORTS

It is evident from the recitation of efforts above that the College of Law *has* done many things over the years to try to increase its first-time Bar passage rates. There are several reasons these efforts have been unsuccessful. As the College admitted in its 2019 Self Study, efforts have been and continue to be inconsistent. They reflect a lack of strategic focus and planning. They are not data driven and, thus, their effectiveness cannot be properly assessed. There is insufficient buy-in from the faculty. The most recent initiatives and frequent program changes reflect a crisis response approach to Bar passage improvement that, while understandable, can be neither effective nor sustainable. Thus, although the July 2024 67.2 percent Bar passage results for the College of Law *suggest* the recently implemented initiatives have had a positive effect, it cannot be said with any confidence this improvement in Bar passage is sustainable.

A. Recruitment efforts

Bringing in students with stronger credentials is arguably helpful for improving the College of Law's Bar exam passage rates, but such recruitment efforts require the financial resources (read scholarships) to attract and retain target students, as well as academic offerings (read areas of concentration) that can attract such students. Thus, as more fully discussed in Parts Two and Three of this report, for the College of Law, *sustainable* improvement will also require curriculum improvements, changes to instructional techniques, and effective student supports.

Central to the prior Dean's recruitment strategy was to admit smaller cohorts with higher credentials. From 2021 to 2024, incoming class size reduced from 130 to 112 and median LSAT scores and UGPAs improved somewhat.

Although higher LSAT scores and UGPAs tend to increase the likelihood of first-time Bar passage, historical data reflect that cohorts in past years with lower LSAT scores and UGPAs achieved higher first-time passage rates well before all the College's most recent Bar passage and recruitment initiatives were implemented. There is no indication that the College has taken a deep

²² <https://news.famu.edu/2025/famu-college-of-law-launches-new-writing-center-to-support-student-success.php> (last accessed Jan. 23, 2025).

²³ <https://law.famu.edu/writing-center/index.php> (last accessed Jan. 23, 2025).

dive into what was happening during these years that enabled the higher passage rates or contributed to the decline in subsequent years.

FAMU College of Law First-Time Bar Exam Passage Rates 2009-2024 with Class Profiles²⁴

Bar Exam	1st Time Pass Rate	Class In-Out	Median LSAT	Median UGPA
Feb 09	52.3	2005-08	n/a	n/a
July 09	52.6	2006-09	n/a	n/a
Feb 10	55.0			
July 10	62.5	2007-10	146	3.01
Feb 11	53.8			
July 11	65.3	2008-11	143	3.03
Feb 12	65.5			
July 12	68.1	2009-12	145	3.03
Feb 13	82.6			
July 13	71.7	2010-13	146	3.13
Feb 14	72.2			
July 14	73.6	2011-14	148	3.10
Feb 15	63.2			
July 15	67.9	2012-15	146	3.11
Feb 16	56.5			
July 16	52.9	2013-16	146	3.09
Feb 17	46.2			
July 16	51.3	2014-17	146	3.02
Feb 18	36.7			
July 18	50.6	2015-18	146	3.00
Feb 19	45.5			
July 19	61.1	2016-19	145	3.08
Feb 20	48.7			
Oct 20	61.7	2017-20	146	3.09
Feb 21	70.6			
July 21	56.8	2018-21	146	3.09
Feb 22	56.0			
July 22	52.6	2019-22	146	3.10
Feb 23	40.0			
July 23	41.7	2020-23	147	3.30
Feb 24	47.1			
July 24	67.2	2021-24	149	3.42
Feb 25	tbd			
July 25	"	2022-25	150	3.41
Feb 26	"			
July 26	"	2023-26	151	3.52

²⁴ College of Law students only matriculate in August, but degrees are conferred in May, August, and December. Thus, while there will be some exceptions, in any one matriculation cohort, May graduates take the July Bar Exam and August/December graduates take the February Bar Exam.

Feb 27	“			
July 27	“	2024-27	151	3.45
Feb 28	“			

The advent of the NextGen Bar Exam (described in Part Two below) may mean that LSAT scores and UGPAs will be less useful as predictors of Bar exam success. This, in turn, may present the College of Law with the opportunity to “flip the narrative” on its students’ Bar exam performance through retooled curricular and experiential offerings.

That is not to say the College of Law shouldn’t keep working to increase incoming student profiles through recruitment efforts. It certainly should. However, the recent recruitment strategy has largely resulted in reducing the College of Law’s *total student body* from 472 in 2020-21 to 347 in 2023-24.²⁵ During the same period, the College’s operating budget (actuals) increased from \$13.6 million to \$14.2 million. How the College’s enrollment-to-budget position compares to Florida’s other public law schools is hard to say; their budget information is not readily publicly available.²⁶ And research revealed no benchmarks as there are myriad differences between law schools in funding sources, program offerings, etc. Still, considering earlier years’ enrollment numbers (2017-18 – 520; 2018-19 – 529; 2019-20 – 563)²⁷ it is recommended that the College reassess the feasibility of continuing the prior Dean’s strategy and consider pursuing other strategies such as strengthening its 3+3 effort with the University and establishing similar agreements with other universities in the state to boost enrollment.

B. Pre-matriculation programming

As indicated previously, the SCALE program and mandatory 10-day “Boot Camp” have been discontinued. The College did so apparently without having studied/analyzed their effectiveness and replaced the programs with a BARBRI product that is delivered asynchronously online as opposed to in person.

Discussions with doctrinal and skills faculty reveal a consensus that incoming students are weak in reading comprehension, analytical skills, basic writing/grammar skills, and studying/learning techniques, all of which are critical to success in law school as well as success on the Bar exam. The BARBRI course does not appear to target these deficits. It is unknown whether the content and delivery system of the BARBRI course are as effective or more effective in addressing students’ deficits than the two pre-matriculation programs it replaced.

It is recommended that the College of Law revisit the need for a 0L summer program that focuses on reading comprehension, analytical skills, basic writing/grammar skills, and studying/learning techniques, as well as familiarizing incoming students with core 1L subjects, case briefing, the Socratic method, and the like.

²⁵ Numbers obtained from ABA required reports.

²⁶ An online search for Florida’s public universities’ budgets did not reveal separate budget items for their colleges of law. However, for FY 2024-25, the College of Law’s budget accounts for approximately 3.1 percent of the University’s total budget.

²⁷ *Ibid.* note 25.

C. Direct Bar prep/study initiatives; curriculum, academic success, and other enhancements

One distinctly positive aspect of the College's efforts in the Bar prep/study category is the addition of Multistate Performance Test (MPT) style questions to the upper-level diagnostic test. Such questions help students develop and apply lawyering skills to their substantive learning. Importantly, while Florida does not currently include the MPT on the Bar exam, **MPT-style skills testing will be part of the NextGen Bar Exam which Florida will begin administering in July 2028.**

That said, results of diagnostic testing appear to be shared only with the ASBP team and not with other faculty, several of whom expressed a desire to know which of their students are struggling and what they are struggling with. There may be legitimate policy reasons for not sharing diagnostic results more broadly, but if so, those reasons are evidently not explained to the faculty.

Other concerns relate to the below-2.7 GPA policy, the curriculum enhancements planned or proposed for Fall 2025, and implementation of the Writing Center.

Current academic policy requires students whose GPAs are below 2.7 at the end of the 1L year to take Advanced Analytical Skills (AAS) in the 2L year, Criminal Procedure Survey and three additional Bar-tested courses across their 2L and 3L years (10 to 12 total credit hours), and Multistate Bar Law & Skills (MBLS) and Florida Bar Law & Skills (FBLS) in their 3L year. Once a student is placed in this cohort, s/he must satisfy all these requirements even if her/his GPA improves. This disadvantages cohort students whose grades improve compared to their colleagues who aren't subject to the policy by limiting the ability to take electives. Furthermore, with no way to "grade out" of the below-2.7 cohort, the policy does not reward grade improvement. And, because the policy captures roughly half the student body, the ASBP team who also teach the IAS courses, conduct the RISE programming, and provide academic advising could become overburdened and ineffective.

As to the curricular changes going into effect Fall 2025 (making IAS a one-semester course; replacing AAS, MBLS, and FBLS with BARBRI-supplied courses), it is unclear what data are driving program implementation and revision decisions. What IS clear is that the College of Law administration believes its increasing reliance on BARBRI is wise and will result in strengthening students' skills and improving Bar exam performance. Conversations with faculty indicate that many are in the dark as to what data are supporting these decisions and that there is no systematic process for assessing programmatic effectiveness. Presumably, faculty are brought into the loop at some point as their approval of curriculum changes is necessary under ABA standards.²⁸ But such decision making must be solidly data driven to ensure that changes are *necessary to improve student's academic success* and can be measured for effectiveness.

²⁸ ABA Standard 201 entitled "Law School Governance" provides, in pertinent part:

- (a) The dean and the faculty shall have the primary responsibility and authority for planning, implementing, and administering the program of legal education of the law school, including curriculum, methods of instruction and evaluation, admissions policies and procedures, and academic standards.

Finally, the foundational writing skills support provided by the Writing Center should begin earlier. (See recommendation regarding reestablishment of 0L pre-matriculation programming.) Regarding the legal writing and research assistance the center provides, because the director of the Writing Center is a non-lawyer, it is not clear who is responsible for ensuring the quality and correctness of the legal writing and research assistance provided to 1Ls and upper-level students. The responsibility may fall to the Assistant Dean for Skills Instruction, but that position, as the title indicates, has much broader program development and oversight responsibility, including some or all aspects of ASBP programming. Thus, she does not appear to have – and arguably, simply cannot have – the degree of direct and necessary quality control over the Writing Center’s legal writing and research assistance.

D. Faculty resource and teaching enhancements

Broad faculty support for the BARBRI-provided instructional resources, is lacking, despite assurances from the Interim Dean that the faculty have more recently embraced the College-BARBRI partnership which has been in effect since 2017. Anecdotal evidence indicates that few doctrinal faculty members regularly attend the BARBRI-led workshops, and the extent to which the BARBRI resources have been/are being used in class instruction to ensure students become familiar with Bar-style questions beginning in their 1L year is unknown. The College does not appear to be tracking this aspect of its Bar prep efforts at all.

The pedagogical study gives some insight into faculty resistance to incorporating Bar exam-related tools into their doctrinal instruction. Faculty feedback on Bar passage included comments like, “We can’t just teach to the Bar exam;” “The job is not just to teach the rules or the skills;” and “Is Bar passage the best measure of our teaching when there are lots of other obstacles?”²⁹

The Bar exam – whether the current MBE or the NextGen Bar Exam – ensures that law school graduates possess the minimum competency to practice law. Therefore, a law school’s Bar passage rates *are* a measure of the school’s ability to transform accepted students into competent practice-ready graduates. For the College of Law, student success on the Bar exam depends on both the *effectiveness* doctrinal instruction and the *adequacy* of Bar prep measures from matriculation through and after graduation. This means the College must ensure faculty are not only teaching the legal principles tested on the Bar exam, but also familiarizing students with the way the Bar exam will test their knowledge. The latter will be critical if students are to be sufficiently prepared for the NextGen Bar Exam which will test substantive knowledge and basic lawyering skills. (See Part Two of this report, below, for more on the NextGen Bar Exam.)

²⁹ *Pedagogical Analysis and Final Report* at 3.

PART TWO

THE NEXTGEN BAR EXAM

The MBE tests substantive knowledge and analytical skills with given fact patterns and multiple-choice or essay questions, and Bar prep courses are designed to both review tested subjects and teach test-taking techniques. The NextGen Bar Exam (NextGen) will test foundational doctrine knowledge together with basic lawyering skills.³⁰ Subjects to be tested are Business Associations; Civil Procedure; Constitutional Law (including First Amendment); Contracts; Criminal Law/Criminal Procedure; Evidence; Family Law; Real Property; and Torts. Lawyering skills to be tested are Issue Spotting and Analysis; Investigation and Evaluation; Legal Research; Legal Writing; Client Counseling and Advising; Negotiation and Dispute Resolution; and Client Relationship and Management.

According to information currently available from the NCBE, NextGen will include multiple-choice, short answer, and short essay questions and will assess test takers' substantive knowledge and basic lawyering skills in the following ways:³¹

- **Issue Spotting and Analysis; Investigation and Evaluation** – test takers apply fundamental legal principles and legal reasoning to analyze a given fact pattern by:
 - Identifying which legal principles are likely to affect the outcome of a matter
 - Identifying facts relevant to or dispositive of a legal issue
 - Identifying applicable burdens of proof and/or standards of review
 - Evaluating the strengths/weaknesses of a client's or opposing party's position and identifying additional facts needed
 - Assessing the probable outcome of a claim, motion, discovery matter, or objection
 - Identifying provisions in statute, contract, or case law applicable to or dispositive of a legal issue
- **Client Counseling and Advising; Negotiation and Dispute Resolution; Client Relationship and Management** – test takers identify lawyering strategies consistent with legal rules and the client's objectives by:
 - Identifying which claims or defenses to raise, remedies to seek, evidence to present, etc.
 - Identifying gaps in information obtained based on review of transcripts of interviews/depositions
 - Identifying factors favoring client's and opposing party's positions
 - Identifying benefits and drawbacks of a proposed resolution
 - Identifying potential terms that could help reach a negotiated resolution
 - Explaining why a legal rule or principle may make a client's objective unattainable
 - Determining the best strategy for identifying client's underlying needs and interests as to help the client set appropriate goals

³⁰ <https://www.aals.org/app/uploads/2024/09/Preparing-Students-for-NextGen-Incorporating-Formative-Assessments-Minnetis-Slides.pdf> (last accessed Jan. 10, 2025).

³¹ NCBE NextGen Bar Exam Content Scope (2023) available at https://www.ncbex.org/sites/default/files/2024-11/NCBE-NextGen-Content-Scope-May-24-2023_0.pdf

- **Legal Research** – test takers demonstrate ability to identify and implement legal research strategies by:
 - Identifying research questions that need to be answered
 - Identifying ambiguities in provided authorities
 - Identifying research strategies for finding other legal sources to aid in interpreting a provided resource
 - Knowing use and authoritative weight of different legal sources
 - Demonstrating how case law is factually similar to or distinguishable from the facts in a given matter
 - Given a collection of legal sources –
 - Identifying ways to update sources and identify others
 - Identifying which are relevant to or dispositive of a legal issue
 - Determining whether the sources are sufficient to complete a given task

In addition, using the MPT format, test takers will be given a closed-universe problem (a file with documents from which to determine the necessary and legally relevant facts and a library of authorities) designed to test not substantive knowledge but the ability to complete a lawyering task like something a partner in a law firm might assign an associate.

Notably, the basic lawyering skills to be tested on the NextGen Bar Exam are consistent with the results of the practice analysis conducted by the Florida Board of Bar Examiners between 2019 and 2021 to determine what should be tested on the Florida Bar Exam.³² Practicing lawyers in the state from diverse practice settings (e.g., public, private, judiciary), areas of practice, years of experience, and areas of expertise were surveyed on what they believe newly admitted lawyers in Florida should know.³³

Six areas of responsibility were identified: Research and Analysis; Oral and Written Communication; Strategy Development and Implementation; Practice Management; Professionalism and Ethics; and Attorney/Client Relationship.³⁴ Specific tasks identified for four areas of responsibility crosswalk particularly well with the NextGen Bar Exam lawyering skills:³⁵

- **Research and Analysis**
 - Gather information from the client and other sources
 - Research legal and other resources related to the matter
 - Assess what additional information may be needed
 - Assess the implications of the collected information for the matter
 - Synthesize information to identify issues to be addressed
 - Identify options for addressing issues and helping the client achieve goals
- **Oral and Written Communication**
 - Maintain the confidentiality and security of information
 - Maintain consistent and timely communication with the client

³² *Florida Board of Bar Examiners Practice Analysis Study Report* (June 2022).

³³ *Id.* at 1.

³⁴ *Id.*

³⁵ *Id.* at 28-30, 32, 39-40.

- Structure communications to present well synthesized information clearly and concisely
- Draft documents with appropriate tone in accordance with subject matter, intended audience, purpose, and professionalism
- Communicate by listening and speaking with professionalism
- Choose communication technologies in accordance with their advantages and limitations and with attention to ethical and professional requirements
- **Strategy Development and Implementation**
 - Analyze client needs and interests to assess feasibility and clarify goals
 - Consult authoritative sources of information and advice regarding the matter and strategy options
 - Consult with the client while selecting strategy to achieve desired outcomes or goals
 - Execute the strategy
 - Preserve the record
 - Assess the effectiveness of the strategy and execution on an ongoing basis
- **Attorney/Client Relationship**
 - Assess capacity to engage in the representative at the beginning and on an ongoing basis
 - Establish the attorney/client relationship by defining goals, terms, expectations, and scope
 - Explain documents, client options, and legal processes and proceedings
 - Inform the client of progress throughout the representation
 - Counsel the client on decisions related to the matter
 - Obtain client approval or consent when necessary in the representation
 - Manage client expectations throughout the representation
 - Identify when and how to end the attorney/client representation and/or relationship

These survey results and Florida's move to the NextGen which is a true test of practical skills and readiness to practice law confirm that (1) the legal industry's demands for practice-ready new lawyers have finally been heard, and (2) the traditional legal education is about to experience a sea change. For the College of Law, this means transforming the way it teaches students to ensure that the lawyering skills NextGen will test are fully incorporated into *every* aspect of the College's programming – doctrinal instruction (especially in Bar-tested subjects), LRW, academic support courses, Bar prep, and RISE. And it will require the College to improve and increase its real-world experiential learning offerings on par with other Florida public law schools.

PART THREE

At its core, the College of Law’s failure to achieve the SUS BOG’s first-time Bar passage benchmark is a result of institutional and organizational problems, many of which are longstanding. If not addressed, the College’s ability to prepare students for the NextGen Bar Exam, achieve consistently strong Bar exam performance, and raise its own stature will continue to be hindered.

Discussed below are the main issues and concerns that came to light after spending time on the campus and speaking with administrators, faculty, Trustees, and others.

I. TURNOVER IN LEADERSHIP

Instability in leadership is the number one consistent reason given by administrators and faculty when asked why the College of Law has not achieved the level of success expected of Florida’s public law schools. Indeed, as the graphic below shows, the College undergone nine leadership changes has had more interim deans than “permanent” deans in the 23 years since it reopened its doors. Six leadership changes have occurred just in the last ten years.



Each change has meant new priorities, new strategies, new directives, interrupted progress, and inconsistent results. The College lacks overall strategic focus. Any strategic planning that has occurred does not appear to have been followed, measured, or built upon. The “current” strategic plan remains in draft form because the most recent Dean resigned, and with one exception (the 2012-2015 plan), prior plans are “in binders in a closet somewhere” and not accessible.

Due to the lack of strong, consistent leadership, the College has, in the words of one long-time faculty member, “squandered” its goodwill in the legal community. Relationships and partnerships within that community have either been lost or not pursued at all, to the detriment of the students and the College’s reputation. For example, from 2019 to 2022, Rumberger Kirk put on its Professional Development Series for College of Law students. In what became the final year, the series included unique and informative sessions such as “In-house Counsel Career Path and What

Clients Expect from Outside Counsel, presented by Harley-Davidson” and “Judges Panel on Professionalism, Courtroom Etiquette and the Importance of Good Writing.”³⁶ The partnership with Rumberger Kirk ended after three years and the College does not appear to have established any similar relationships since then.

Internally, the lack of leadership has permitted the growth of a culture and environment that is dysfunctional, if not toxic. Administrators and faculty candidly complain that there is a great deal of distrust and disrespect between colleagues and between the faculty and the administration. Faculty feel left out of decision making as prior assessment reports and recommendations have not been shared with them. (This writer was asked by several individuals whether this report will be shared with “everyone.”) Some faculty have “weaponized” students, using them to carry complaints and demands to administrators, or are openly critical of administrators in communications with students. A current student was told “not to get involved” when this writer asked to speak with the student. Disrespect of tenured faculty toward non-tenured instructors has emboldened some students to be dismissive of instructors. Collaboration and consistency between doctrinal faculty, Legal Research & Writing instructors, and ASBP instructors is not occurring, causing inconsistent instruction and student confusion.

This is not an environment conducive to achieving excellence.

The College of Law needs a Dean with strong leadership skills and abilities, experience in driving organizational change and building relationships with internal and external stakeholders, a commitment to transparency and accountability, a long-term vision for the College that comports with the University and Trustees’ vision, and the gravitas to regain for the College the trust and respect it has lost.

The ABA sets out general standards for the dean selection but does not specify or mandate particular qualifications; therefore, University leadership has substantial flexibility.

Standard 203. DEAN

- (a) A law school shall have a full-time dean with the authority and support necessary to discharge the responsibilities of the position.
- (b) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.
- (c) The dean shall be selected by the university or the governing board of the law school, as appropriate, which shall have and follow a procedure for decanal appointment or reappointment that assures meaningful involvement by the faculty or a representative body of the faculty in the selection of a dean.

Interpretation 203-1

Except for good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.

³⁶ <https://www.rumberger.com/news/famu-law-partners-with-rumbergerkirk-for-third-professional-development-series/> (last access Jan. 14, 2025).

II. UNCLEAR AND MISDIRECTED MISSION

The College of Law's current mission statement reflects more of a vision for the law school and is too ethereal to be a true guide for law school operations, goals, and needed transformation.

From 2002 to 2010, the College of Law's mission statement read:

The mission of the College of Law is to provide a law program with high academic standards that produces excellent legal professionals who demonstrate professionalism, provide public service, enhance justice, and promote scholarship; to provide a program that offers both full-time and part-time learning opportunities to students; and, consistent with the enabling legislation, to increase the representation of minorities within the legal profession.³⁷

In the College's view, this statement "address[ed] both pedagogical and output measures of the College's effectiveness."³⁸ Nevertheless, the College and faculty adopted the current statement in Spring 2010³⁹ incorporating social justice into the mission:

The reestablished Florida Agricultural and Mechanical University College of Law reaffirms our historical legacy of excellence and responsibility to serve as a transformative force for the public good. Our mission is to serve as a beacon of hope and catalyst for change by providing access to excellent educational training and opportunities to generations of students seeking to serve the needs of traditionally underserved people and communities locally, nationally and internationally. While we continue our historic mission of educating African-Americans, we embrace persons of all racial, ethnic and national groups as members of the university community. We are dedicated to developing legal professionals and community leaders committed to equitable justice and the rule of law.

Conversations with several individuals at the College reveal that the mission statement is not uniformly interpreted or understood by all. Furthermore, no one who was asked could define or describe "the FAMU lawyer."

Moreover, a recent study commissioned by the College which asked graduates, among other things, why they chose FAMU Law indicates the three main factors were location, low cost, and a desire to continue graduate education at FAMU.⁴⁰ Thus, there appears to be a disconnect between how the faculty, at least, view the law school and how some prospective students view it.

While a focus on social justice is admirable and understanding that it is important to instill in graduates the importance of ensuring all members of society have equal and effective access to justice, the College of Law is in the business of producing qualified, practice-ready lawyers and,

³⁷ *Florida A&M University College of Law 2011-2012 Self Study* at 27.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Bar Passage Factors* report prepared by Hanover Research (possibly 2022).

thereby, also increasing minority representation in the legal profession. Its mission statement should say so. For this reason, and to the extent the social justice mission is hindering efforts to establish expertise and leadership of the College in other areas of the law, University leadership should revisit and consider restating the College's mission.

III. DIMINISHED REPUTATION AND LACK OF PROMINENCE IN ANY AREA

A. Reputation

The following excerpt from the College of Law's 2011-2012 Self Study submitted to the ABA perfectly captures the prominence and support the College once had from the local and national legal community:

[K]eynote lecture series have been established at the College of Law to bring prominent scholars to FAMU and expose them to the law school and community constituents. In the fall 2008, the first annual Virgil Hawkins Lecture drew a standing-room-only crowd. It featured Lani Guinier, a prominent Harvard Law School professor, and noted scholar. In addition, the intellectual environment at the College has been enhanced by a significant judicial presence at the school. In September, 2007, the College of Law hosted the Hawkins-Latimer Judicial Council for three days of workshops, presentations and events. The Council is a statewide organization of minority judges and judicial officers. The Council's retreat at the law school was organized by one of the adjunct professors at the law school, Judge Hubert Grimes, and featured a focus on the jurisprudence of the incoming Chief Justice of the Florida Supreme Court, Peggy Quince (who visited the College again in January 2012). Another Florida Supreme Court Justice, Harry Anstead, who serves as the College's first Distinguished Jurist in Residence, made presentations to law school faculty and students in November 2007. In 2010, The Honorable Akua Kuenyehia, Justice on the International Criminal Court and former Dean of the Faculty of Law of the University of Ghana visited the College as the Distinguished Lecturer and Scholar in Residence. In fall 2011 and again in spring 2012, Justice James E.C. Perry delivered remarks to both students and faculty. In spring 2012, Barbara J. Pariente visited the College. In one form or another, then, the College's vested stakeholders include citizens and prominent members of the bench and bar.

Other prominent legal scholars came to the College of Law during the 2008-09 school year to present faculty enrichment talks, including Margalynne Armstrong (Santa Clara University), Taunya Lovell Banks (University of Maryland), Henry L. Chambers, Jr. (University of Richmond), Guy-Uriel Charles (University of Minnesota), Robert J. Cottrol (George Washington University), Sacha Coupet (Loyola University Chicago), Juan Perea (University of Florida), Vernellia R. Randall (University of Dayton), Sharon Rush (University of Florida), Judith Scully (West Virginia University), Carleton Waterhouse (Indiana University), Rachel Anderson (University of Nevada, Las Vegas), and Rogelio Lasso (John Marshall Law School, Chicago). In spring 2010, the College hosted such notable professors

as Penelope Andrews (Valparaiso), Karen Bravo (Indiana), Eleanor Brown (George Washington) Martha Fineman (Emory), Ruth Gordon (Villanova), Linda Green (Wisconsin), Hope Lewis (Northeastern) Leslye Obiora (Arizona), Adrien Wing (Iowa) and Jeanne Woods (Loyola, New Orleans). In fall, 2011, Vincent O. Nmehielle, (University of Witwatersrand School of Law, South Africa) delivered a lecture at the College of Law concerning the African Union and Conflict Resolution.

In fall 2011, William Robinson, President of the American Bar Association, made a presentation to the faculty at the invitation of Professor Joan Bullock. In spring 2012, Gwynne A. Young, Florida Bar President-elect (2012-13) and Eugene Pettis, the first African American Florida Bar Association President-Elect (2013-14), visited the law school in conjunction with the Florida Bar's Hawkins Commission.

Additionally, the College has hosted many distinguished speakers in the current academic year. For example, in November, 2011, the faculty hosted its first Environmental Law and Justice Symposium. Notable participants included Professors John Bonnie (Oregon), Itzhak Kornfeld (Hebrew University), Svitlana Kravchenko (Oregon), Kamille Wolff (Thurgood Marshall School of Law), and Jingjing Liu (Vermont). These and other speakers prove that the College is quickly maturing into a place where serious academic thought and debate occur.⁴¹

A search for more recent news releases and articles in alumni publications (which are not easily found online) indicates the College of Law does not enjoy the same attention from the judiciary, leaders in the legal community, or national legal experts it once did. The Fifth District Court of Appeal did hold at least one oral argument session at the College of Law in 2016. The Interim Dean was asked whether the Sixth District Court of Appeal, which now has jurisdiction over appeals from the Ninth Judicial Circuit in Orlando and regularly holds oral argument at the Orange County courthouse, has done similarly at the law school. The appellate court has not done so, and it not apparent that relevant outreach to that court has occurred.

Members of the legal community with whom this writer spoke confirm their desire to see the College of Law succeed; doubtless, others in the community feel the same. But without question, external enthusiasm about the College has dimmed. This has occurred not only because of years of underperformance on the Bar exam compared to a substantial majority of law schools in the state, but also because the College has failed to sustain and establish critical relationships and partnerships with entities in the legal community. For example, a member of the federal judiciary (whose courthouse is across the street from the College of Law) expressed a desire to provide students opportunities to observe court proceedings and mentoring, but shared frustration at having reached out to at least three College of Law deans none of whom followed up.

This is evidence that College of Law leadership has not prioritized external relationship and partnership building and has failed to understand why such relationships and partnerships are critical to the College's long-term success. As one alumna aptly framed it, alumni from other law schools in hiring positions are "taking care of their own" while FAMU College of Law graduates

⁴¹ 2011-2012 *Self Study* at p. 104-6.

are on their own and cannot take advantage of the College's reputation, connections, and alumni base.

B. Lack of prominence in any areas of the law

The College of Law was once committed to establishing centers of excellence, and to that end indeed started a successful and well-respected Center for International Law and Justice (CILJ), with plans for a Center for Environmental Law and Justice. The latter never got further than creation of the Environment, Development and Justice Project within the CILJ, and the CILJ has ceased to exist. Thus, the College is not known or respected in legal circles for its leadership in any area of the law. Initiatives like establishing centers of excellence can both put the College of the Law in the national spotlight and attract students who may not otherwise be interested in attending the school.

In a similar vein, the College of Law is not known for instructional programming or faculty expertise in high-growth, high-demand areas of the law such as employment, health care, cybersecurity, intellectual property, or energy.

If the shift in mission to being a social justice school means the College is not also seeking to establish itself as a leader in other areas of the law or to cultivate graduates ready for placement in high-demand practice areas, then that mission shift decision must be questioned.

IV. COUNTERPRODUCTIVE INSTITUTIONAL MINDSET

Conversations with administrators and faculty indicate a belief among many at the College of Law that the SUS BOG first-time Bar passage benchmark of 80 percent is unfairly high considering this is an HBCU law school and its statutory charge is to “provid[e] opportunities for minorities to attain representation within the legal profession proportionate to their representation in the general population.”⁴² This perspective implicitly rests on evidence of historically lower LSAT and other standardized test scores among minority students than their non-minority counterparts and on the often repeated “maxim” in the legal education world that there is a positive correlation between LSAT scores and probability of Bar exam passage. Thus, it appears the College has been satisfied with achieving the lower ABA two-year Bar passage requirement.

The 80 percent benchmark has been in place for at least 12 years.⁴³ And, as explained by University Provost Allyson Watson at the October 24, 2024, meeting of the Trustees' Academic and Student Affairs Committee when questions were raised about the possibility of seeking to change the benchmark, SUS BOG program benchmarks are objectively tied to workforce needs, and thus, are the same across all state universities. This fact should be shared and reinforced in the College to dispel any misconceptions about the purpose and legitimacy of the benchmark.

It should be remembered that the College of Law DID exceed the benchmark on the February 2013 Bar exam, proving the LSAT-Bar passage “maxim” need not be a roadblock to success. There is no reason why, with the right supports from pre-matriculation through each phase of their studies

⁴² § 1004.40(6), Fla. Stat.

⁴³ See *FAMU College of Law Strategic Plan 2012-2015* at 5.

and into post-graduation, and with a high-quality course of instruction together with robust opportunities to develop real world lawyering skills, more than 80 percent of College of Law graduates shouldn't consistently pass the Bar exam on their first sitting and become in demand in the legal market. The FAMU College of Law is not a last-chance law school, but rather is a law school whose students overwhelmingly *choose* to attend there. They deserve to be in a learning environment where excellence is a cultural norm and success is expected.

V. WEAK EXTERNAL EXPERIENTIAL LEARNING OPPORTUNITIES

Currently, the College of Law offers two basic types of experiential learning opportunities: clinics and field placements. The College operates three clinics and allows field placements (a term the ABA uses instead of externships) which require students to seek out placements on their own and obtain approval from the Director of Legal Clinics and Field Placements.

The chart below compares the College of Law's offerings to those at the state's other public law schools.

	FAMU LAW	FIU LAW	UF LAW	FSU LAW
Clinics	-Mediation -Guardian ad Litem -Economic Justice	-Death Penalty -Balanced Justice Project -Community Lawyering -Biz Innovation & Tech	-Environmental & Community Dev. -Juvenile Law -Heirs' Property -Innovation & Entrepreneurship -Immigration -Low Income Taxpayer -Mediation -Veterans & Servicemembers	-Business Law -Public Interest Law Center (incl. Children's Advocacy; Farmworker & Immigration Rights; Int'l Human Rights; Elder Law; Children in Prison Project; Health Care Access Project; Human Trafficking; Juvenile Solitary Confinement Project; Afghan Legal Advocacy Project)
Established Externship (FP) Programs	Regional Conflict Counsel	Judge Aaron B. Cohen Judicial Externship Program	-State Attorney -Wrongful Convictions -Public Defender	-Corporate Counsel -Criminal Justice -Environmental -Government (Federal, state, local) -International

				-Judicial Public Interest
Field Placements (f/k/a Externships)	Students find a placement at pre-approved placement sites or obtain approval for others incl. judicial externships, government agencies, public interest organizations, non-profit organizations, law firms, and corporate legal offices; other sites permissible	-Semester in Practice Practicum; placements selected & approved by Dean; corporation, non-profit, legal services organization or a government agency	-Semester in Practice; students apply to pre-approved sites	

Focusing on the clinical programs, only two offer students the opportunity for actual legal practice as Certified Legal Interns (a Florida Supreme Court initiative allowing law students to practice law under the supervision of a licensed attorney). The Mediation clinic does not provide that kind of experience, does not require participating students to be CLIs, and the skill building it provides could be obtained through the Mediation Theory and Practice simulated skills course the College offers.

In years past, the College has offered other clinics at various times: Community Economic Development; Criminal Defense; Death Penalty (the College of Law was the first in Florida to offer such a clinic); Homelessness and Legal Advocacy; and Housing. Through these clinics, not only was the College able to establish itself as a source of needed legal assistance in broader areas of community need, students also were exposed to more varied areas of law.

It is recommended that the College of Law reconsider the value of its Mediation clinic and work to expand its clinical offerings. The Director of Legal Clinics and Field Placements expressed a desire to establish immigration, veterans, and low-income taxpayer clinics. He noted that for at least the last two years, the Internal Revenue Service (IRS) has offered a Low-Income Taxpayer Clinic matching grant program that could have enabled the College of Law to establish such a clinic. Notably, for the 2025 grant year (the application period has closed), the IRS identified several states and counties underserved by clinics.⁴⁴ Among the areas identified in Florida are Orange County and Osceola County. Thus, there is an established need that the College of Law could and should fill.

As to established externship programs (meaning the host entity agrees to accept a set number of students each semester), the College of Law offers only one with the Office of the Regional

⁴⁴ <https://www.irs.gov/newsroom/2025-low-income-taxpayer-clinic-grant-application-period-now-open> (last accessed Jan. 30, 2025).

Conflict Counsel, while two other public law schools offer several options. Conversations at the law school reveal that the College once had externship programs with the State Attorney's and Public Defender's offices but that at some point concerns arose over students' performance, and those entities began requiring students to directly apply for positions and be interviewed. Hence opportunities in those agencies have simply become field placements. A new State Attorney and Public Defender were recently elected in the Ninth Circuit, giving the College of Law a prime opportunity to re-establish externship programs in those agencies with the College providing better screening and supervision of externs.

Field placements are where most College of Law students choose to get their experiential learning, mostly at law firms and, to a much lesser extent, government agencies and corporate entities. Notably, College of Law data indicate that very few students obtain placements as judicial externs, which is disappointing considering the College campus is located across the street from the federal courthouse and mere blocks away from the Orange County Courthouse. As discussed previously, the College has not built relationships with the courts that inure to the benefit of students. To be sure, the kind of experience judicial externships offer can be invaluable to students' academic and Bar exam success and strengthen their credentials as they seek employment after graduation. As observed by one jurist, the College of Law does its students a disservice by not creating the kinds of learning opportunities that will make them marketable upon graduation.

VI. INADEQUATE STUDENT LEARNING AND INSTRUCTIONAL EVALUATION

The following ABA standards set out the pertinent requirements for program and instructional evaluation:

Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession

Standard 314. ASSESSMENT OF STUDENT LEARNING

A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Interpretation 314-1

Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the

culmination of any part of a student's legal education that measure the degree of student learning.

Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

...

(b) A law school shall ensure effective teaching by all persons providing instruction to its students.

In 2016, the College of Law faculty adopted six learning outcomes, and in 2017, the College began developing its Assessment Plan for 2018-2025.⁴⁵

The learning outcomes adopted are:⁴⁶

1. Demonstrate understanding of substantive and procedural law.
2. Employ legal analysis, reasoning, and problem solving.
3. Engage in legal research.
4. Communicate effectively in both written and oral form.
5. Exercise proper professional and ethical responsibilities to clients and the legal system.
6. Use professional skills and competencies to participate ethically as a member of the legal profession.

"The assessment plan [would] be a six-year plan that will begin in 2019 and will evaluate each of the six learning outcomes, one per year."⁴⁷

It is unclear whether, indeed, the plan was fully developed and implemented, and if so, whether it contains *specific, measurable* targets for the learning objectives. In other words, it is not clear the College of Law has been measuring student achievement of learning outcomes effectively, analyzing the data, and "closing the loop" by implementing needed changes as indicated. Interviews conducted at the law school suggest the answer is no, or at least, not recently. Yes, the College administers a diagnostic exam at the end of students' 1L year, which can be a good tool to supplement the assessment plan. Still, without specific, measurable targets, and results that are shared with the faculty so that they can make adjustments in the classroom, it is hard to see how overall learning improvement can be achieved.

⁴⁵ 2019 Self Study Part I at 28.

⁴⁶ <https://law.famu.edu/students/current/learning-outcomes.php> (last accessed Dec. 13, 2024).

⁴⁷ 2019 Self Study Part I at 28.

As to Standard 314, the College of Law reported that the Dean’s office annually surveys faculty to “fully assess the integration of the [student learning objectives] and use of formative and summative assessments throughout the curriculum” and “the degree to which each of the [learning objectives] is reinforced (or not) in the overall curriculum.”⁴⁸ Here, the issue is whether this survey process is an actual *evaluation* process that ensures consistency and correction. There appear to be no standards in place to ensure effective teaching or consistency in instruction. Without such standards, there can be no faculty *accountability*. The need for standards and consistency is especially important in the mandatory Bar-tested courses if the College aims to ensure students have learned these subjects and, with the adoption of the NextGen Bar Exam, the basic lawyering skills they will be tested on.

So important are standards and consistency that the Council of ABA Section of Legal Education and Admissions to the Bar (ABA Council) proposed for full ABA approval in February 2025 amendments to Standard 302 as follows:⁴⁹

⁴⁸ *Id.* at 71.

⁴⁹ *Memorandum from Council of ABA Section of Legal Education and Admissions to the Bar to Standards Committee*, July 31, 2024, at 4 (strikethroughs, underlining, and highlighting in original), accessible at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/aug24/24-aug-final-approval-learning-outcomes-memo.pdf (last accessed Jan. 14, 2025).

Redline: Standard 302. LEARNING OUTCOMES

(a) A law school shall establish and publish programmatic learning outcomes on its website for its program of legal education that shall, at a minimum, include competency in the following:

(a1) Knowledge and understanding of substantive and procedural law;

(b2) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c3) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d4) Other professional skills needed for competent and ethical participation as a member of the legal profession.

(b) A law school shall establish minimum learning outcomes for each course it offers. The course learning outcomes shall be specific and measurable. They shall describe the knowledge, skills, or competencies that students will be able to demonstrate upon successful completion of the course. For courses required by a law school, the law school shall demonstrate that the learning outcomes align with the professional skills and knowledge necessary for competent and ethical participation as a member of the legal profession, any assessments or measures jurisdictions have adopted as a prerequisite for admission to practice, or the law school's mission.

(c) A law school shall deliver a consistent curricular experience to its students by ensuring that every section/offering of a course required by the law school adopts the same minimum learning outcomes identified in subpart (b) for the knowledge, skills, or competencies that will be taught. A faculty member may add content and adopt additional course learning outcomes beyond the minimum required by the law school.

Also proposed are the following amendments to Standard 315:⁵⁰

Redline: Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION; AND PROGRAMMATIC LEARNING OUTCOMES, AND ASSESSMENT METHODS

(a) ~~The dean and the faculty of a~~ A law school shall conduct ongoing evaluation of the law school's efficacy of its program of legal education, including individual course learning outcomes, and assessment methods; in achieving its programmatic learning outcomes. The faculty shall be engaged in using and shall use the results of this the evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum, instruction, and student learning.

(b) A law school shall review, and if appropriate, revise its programmatic learning outcomes at least every five years, based on information about developments in practice, such as insights obtained from its graduates and their employers.

⁵⁰ *Id.* at 6.

Should these changes be approved by the ABA, it is likely law schools would have some appreciable time to begin compliance efforts. The College of Law should begin now. Even if the changes are ultimately not approved, the College should incorporate the measures into its evaluation and assessment processes to address the inadequacies described above.

VII. FACULTY PERFORMANCE CONCERNS

Teaching *tools* may have changed to accommodate the ways today's students learn, but the College of Law is in "traditional" mode while the legal market has evolved. No longer is the market satisfied with newly licensed lawyers who are not equipped with practice-ready skills. Rather, the market has been demanding that new lawyers coming into the practice be capable of performing certain lawyering tasks on their first day of employment. The faculty must be willing to embrace these changes and work collectively and collaboratively to ensure the College of Law is producing graduates who are competitive in the market as against graduates of Florida's other public law schools.

Review of faculty CVs raised no general concerns about their qualifications or prior law practice experience such that they are unable to provide the quality of substantive instruction and basic lawyering skills to prepare the College of Law's students for the NextGen Bar Exam and subsequent law practice. The question for the College is whether the faculty are willing to adapt their instructional methods and techniques accordingly.

As observed previously, some faculty have been resistant to making adjustments to help students be better prepared for the current Bar exam. To be fair, objections to "teaching to the test" are not unique to the College's faculty and not unreasonable. However, "the test" is changing, and the College of Law is a professional graduate school expected to produce graduates who are not just adequately prepared, but fully prepared to demonstrate their competence in lawyering skills on the new exam and in beginning law practice. Arguably, then, the teaching-to-the-test objections are no longer valid and cannot be countenanced by the College.

And there are professional conduct issues that must be dealt with.

Through the recently enacted mandatory post-tenure review process,⁵¹ the College of Law has a tool to enable troublesome faculty to course-correct or free them to pursue other opportunities. The governing SUS BOG rule provides, in pertinent part:

10.003 Post-Tenure Faculty Review.

- (1) Each board of trustees shall adopt policies requiring each tenured state university faculty member to undergo a comprehensive post-tenure review to accomplish the following.
 - (a) Ensure high standards of quality and productivity among the tenured faculty in the State University System.
 - (b) Determine whether a faculty member is meeting the responsibilities and expectations associated with assigned duties in research, teaching,**

⁵¹ See § 1001.706(6)(b), Fla. Stat.

and service, including compliance with state laws, Board of Governors’ regulations, and university regulations and policies.

(c) Recognize and honor exceptional achievement and provide an incentive for retention as appropriate.

(d) Refocus academic and professional efforts and take appropriate employment action when appropriate.

...

(3) Review Requirements

(a) The comprehensive post-tenure review shall include consideration of the following.

1. The level of accomplishment and productivity relative to the faculty member’s assigned duties in research, teaching, and service, including extension, clinical, and administrative assignments. The university shall specify the guiding documents. Such documents shall include quantifiable university, college, and department criteria for tenure, promotion, and merit as appropriate.

2. The faculty member’s history of professional conduct and performance of academic responsibilities to the university and its students.

3. The faculty member’s non-compliance with state law, Board of Governors’ regulations, and university regulations and policies.

4. Unapproved absences from teaching assigned courses.

5. Substantiated student complaints.

6. Other relevant measures of faculty conduct as appropriate.

(b) The review shall not consider or otherwise discriminate based on the faculty member’s political or ideological viewpoints.

(Emphasis added.)

The SUS BOG rule governing state university post-tenure reviews provides a process that accomplishes initial review of all tenured faculty within five years and creates repeated five-year cycles. The criteria for the law faculty post-tenure reviews adopted by the College’s Committee on Retention, Promotion, and Tenure have been approved by the University Provost; they are subject to revision before the next review cycle.⁵² In keeping with the recommendation above that the College develop specific standards for instructional evaluation as part of its Assessment Plan, it is further recommended that the criteria for post-tenure review be consistent with those standards.

There are 17 tenured faculty in the College of Law; as of December 2024, two have been reviewed and scored “exemplary;” one is in process. Because the of the way the post-tenure review process operates via random selections across a university’s entire tenured faculty, it may take a few years before all College of Law tenured faculty are reviewed. Whether the SUS BOG rule allows for a shorter timeline for the University to conduct initial reviews of the tenured law faculty is a question the University’s general counsel or the SUS BOG’s general counsel.

⁵² *Florida A&M University Post-Tenure Review Criteria – College of Law* (January 2024).

VIII. FINANCIAL RESOURCES AND RELATIONSHIP WITH THE UNIVERSITY

The College of Law campus location in Orlando brings with it challenges the other state public law schools do not have or do not experience as acutely. While the location in Downtown Orlando is ideal from a student recruitment perspective and the building is beautiful, the College of Law does not have the benefit of sharing necessary services such as food service, health service, parking facilities, and student housing options that are readily available to students attending the University in Tallahassee. This lack of services and necessary amenities puts a strain on the students and makes a challenging journey through law school that much more stressful. These needs have been made known to University leadership over the years, and yet, no plans or decisions on how to fund these services have been made. Understandably, many at the College of Law have the impression that the law school is out of sight, out of mind until issues like Bar passage rates arise. Continued failure by the University to seek/provide funding to deal with these matters leaves the College of Law and its students at a disadvantage to their counterparts in Tallahassee, Gainesville, and Miami.

As well, the College routinely experiences administrative delays and roadblocks affecting operations. Issues raised during conversations at the College include late financial aid disbursements causing students to be unable to pay their rent, substantial faculty expense reimbursements held up for months, slow approval processes for virtually all actions and decisions that require University approval, and lack of access to high quality marketing and communications products and tools. (The College of Law's out-of-date, hard to navigate website is a prime example.) These are issues that can and should be addressed by the University.

At the same time, College of Law faculty and administrators alike believe the University sees the College as just another University academic department as opposed to managing the College as the professional graduate school that it is. Faculty and administrators also contend that the University and Trustees are micromanaging the College to its detriment. There may be some validity to these perceptions and contentions, but it is decidedly appropriate for the Trustees to determine what the College's mission should be, what the College's strategic focus should be, and what the College needs in a Dean to achieve transformation and long-term success. Apart from those matters, the University, Trustees, and College should work together to see where some flexibility and autonomy can be given.

PART FOUR

This study has been an inquiry into the reasons the College of Law has been unable to achieve sustained Bar exam passage rates sufficient to satisfy the SUS BOG's 80 percent benchmark. As the study ensued and more information was discovered, it became apparent that this report could not easily address Bar passage without raising and discussing institutional and organizational issues. As stated at the beginning of this report, the College of Law is important to and needed in Florida's legal community. It is imperative, therefore, that the issues discussed herein are addressed so that the College is as successful as the state needs it to be.

Some difficult truths were unearthed and discussed in these pages. But this is the "hard look" the SUS BOG asked to be done. It is hoped that this report and the recommendations herein and below give University leadership and the College of Law a roadmap for overall improvement beyond Bar passage rates. It is hoped that this begins the transformation of the FAMU College of Law.

A final note: Some of the following recommendations address issues that were observed during the study or that came up in conversations with individuals at the College but were not discussed in the report in an effort not to get too far into the weeds.

RECOMMENDATIONS FOR UNIVERSITY TRUSTEES

Consider revising the mission statement to better articulate what the College is in business for and to communicate to stakeholders the transformation of the FAMU College of Law.

Suggested Vision Statement

The reestablished Florida Agricultural and Mechanical University College of Law reaffirms our HBCU legacy of excellence and responsibility to serve as a transformative force for the public good, a beacon of hope, and catalyst for change by providing access to excellent educational training and opportunities; instilling in graduates a desire to serve the needs of traditionally underserved people and communities locally, nationally, and internationally; and developing legal professionals and community leaders committed to equitable justice and the rule of law. While we continue our historic mission of educating African-Americans, we embrace persons of all racial, ethnic and national groups as members of the university community.

Suggested Mission Statement

The mission of the College of Law is to provide a rigorous program of legal education with high academic standards that produces excellent, ethical, social-minded legal professionals who are practice-ready upon graduation and who demonstrate professionalism, provide public service, and uphold the rule of law.

Develop broad transformative strategic priorities that can be fleshed out in a strategic plan addressing (but not limited to):

- Improvement of the College's engagement with and reputation among all stakeholder groups

- Expanded experiential learning opportunities through added clinics, federal and state court judicial internships, and externships in Orlando-area public and private entities
- Creation of Centers of Excellence placing the College at the forefront of legal thought and development
- Development of academic programming in select high-growth, high-demand areas of law
- Development of an optimal target for student enrollment
- Enhancement of student recruitment efforts through strengthening the pipeline of FAMU undergraduates to the law school, establishment of 3+3 relationships with select Florida undergraduate universities, and restructuring and adequately funding scholarship offerings
- Improvements to the College of Law campus that “level the playing field” and address challenges not encountered by the other state public law schools located on their Universities’ campuses
- Alumni development and fundraising

Ensure that the leadership profile developed in support of the College of Law Dean search includes the strategic priorities and articulates the expectation that the new Dean will adopt and implement those priorities.

Seek a legal opinion from the University general counsel and/or the SUS BOG general counsel regarding whether the post-tenure review process for College of Law faculty can be expedited.

RECOMMENDATIONS FOR THE COLLEGE OF LAW

Make no further curricular changes affecting students who will sit for the “current Gen” Bar exam without meaningful data collection and analysis from at least the February 2025 and July 2025 Bar exam results.

Develop a studied, data-driven, measurable strategy for improving academic success and Bar passage programming moving forward.

Implement a robust, documented system of data collection and analytics that yields actionable information on student learning and academic programming relevance and effectiveness, ensuring such information is accessible to College leadership and faculty alike.

Require collaboration and instructional consistency between doctrinal faculty, Legal Research & Writing instructors, and ASBP instructors so that all three are supporting each other and students are receiving consistent skill development.

Research/develop and implement a 0L summer course required for all admitted students that focuses on reading comprehension, analytical skills, basic writing/grammar skills, and studying/learning techniques in addition to familiarizing students with core 1L subjects and what case briefing, class discussions/Socratic method, and exams will look like (i.e., how law school classes are taught).

The course should be taught in person by ASBP and LRW instructors, the Director of the Writing Center, and some 1L course faculty. It is understood that providing such a course will require additional financial resources. However, while the BARBRI product or something similar may be sufficient for incoming students at other law schools, it is incumbent on the College of Law to target and shore up known deficits in its incoming students as part of an overall end-to-end academic success effort. Therefore, the College of Law should work with University administration to secure the necessary financial resources to reinstate a summer program.

Overhaul the College's Assessment Plan and processes for evaluating whether learning objectives are being achieved and for annually evaluating faculty performance on specific measures tied to student learning outcomes.

Engage ALL faculty (doctrinal and skills) in overhauling the College's Assessment Plan by:

- Reviewing and revising, if necessary, the law program's overall learning objectives to ensure consistency with proposed new ABA requirements and NextGen Bar Exam skills testing
- Developing course-specific learning objectives for all courses and ensuring consistency across all sections of foundational and Bar tested courses
- Developing techniques for including formative and summative assessments for use in all doctrinal courses, but especially the foundational courses, to ensure students learn substantive matters and develop the basic practical lawyering skills that will be tested on the NextGen Bar Exam
- Creating a library of research on effective educational/pedagogical practices for faculty use

Review and revise the criteria for post-tenure review to include specific performance measures tied to student learning outcomes, requirements for legal/skills/pedagogical continuing education, and any other measures designed to ensure post-tenure professional growth and teaching excellence.

Implement an aggressive faculty recruitment effort focused on tenured and tenure-capable candidates with demonstrated academic strengths, substantial recent (within the last 10 years) public or private law practice experience, and expertise in high-demand areas of law.

Reassess the feasibility of continuing to follow the prior Dean's student recruitment strategy.

Shore up the leadership team.

- There are key "interim" posts that need to be made permanent, either with the incumbents or new hires.
- There needs to be one position responsible for data collection and analytics at the Assistant Dean level staffed by someone with demonstrated experience in the law school space.
- There needs to be an Associate Dean for Student Learning and Assessment who will oversee and ensure continual evaluation of academic programming and periodic review of the Assessment Plan for needed adjustments.
- There needs to be an Associate Dean of Faculty Development whose focus is on providing pedagogical training, implementation of effective formative and summative assessments, and obtaining resources to support faculty scholarship.

- The Director of Strategic Initiatives should be replaced, and the position elevated to Assistant Dean staffed by someone who will drive implementation of the new strategic plan.

RECOMMENDATIONS FOR THE UNIVERSITY

In collaboration with the College of Law, investigate ways to alleviate/eliminate administrative inefficiencies and hurdles.

In collaboration with the College of Law, provide sufficient budget resources for student recruitment and retention scholarships, to support faculty recruitment (including clinic faculty), and to establish and maintain a 0L summer pre-matriculation program.

Seek specific legislative appropriations to address campus needs and student service gaps keeping the College of Law at a disadvantage compared to the state's other public law schools located on their university campuses.