




Fredric G. Levin College of Law
Office of the Dean

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September 25, 2020

MEMORANDUM

TO: Voting Faculty

FROM: Laura A. Rosenbury, Dean 

RE: Faculty Meeting Agenda, Friday, October 2, 2020

I have scheduled a Faculty Meeting for Friday, October 2, 2020, via Zoom, beginning at 2:30 p.m. and ending no later than 4:00 p.m. The agenda will be as follows:

1. Approve Faculty Meeting Minutes for August 21, 2020, attached
2. Law School Updates
3. Designate a Law School Representative to the AALS House of Representatives, attached
4. Proposal from the Curriculum Committee (Mark Fenster, chair) for a new Master of Science in Law degree program, attached

Please click <https://ufl.zoom.us/j/97197934232?pwd=eUt1eVQ4TC9GQ1lvOXErYnYvVWxsUT09> to join the meeting.

UF Law Faculty Meeting Minutes

August 21, 2020

PRESENT:

Mary Adkins, Mary Jane Angelo, Thomas Ankersen, Rachel Arnow- Richman, Sarah Bishop, Yariv Brauner, Annie Brett, Neil Buchanan, Karen Burke, Dennis Calfee, Paige Carlos, Jeffrey Davis, Robin Davis, Nancy Dowd, Teresa Drake, Seth Endo, Barbara Evans, Mark Fenster, Ben Fernandez, William Hamilton, Andrew Hammond, David Hasen, Berta Esperanza Hernandez-Truyol, Mindy Herzfeld, Blake Hudson, Joseph Jackson, Michelle Jacobs, Maryam Jamshidi, E. Lea Johnston, Shani King, Christine Klein, Sabrina Little, Charlene Luke, Pedro Malavet, Merritt McAlister, Silvia Menendez, Jon Mills, Jason Nance, Lars Noah, Teresa Reid, Laura Rosenbury, Elizabeth Rowe, Betsy Ruff, Katheryn Russell-Brown, D. Daniel Sokol, Amy Stein, Stacey Steinberg, Joan Stearns Johnsen, Margaret Temple-Smith, Lee-ford Tritt, Henry Wihnyk, Michael Wolf, Sarah Wolking, Danaya Wright, Wentong Zheng

NOT PRESENT:

Stephanie Bornstein, Judy Clausen, Jonathan Cohen, Charles Collier, Deborah Cupples, Jeffrey Grater, Jeffrey Harrison, Darren Hutchinson, Elizabeth Lear, Peter Molk, Grayson McCouch, Kenneth Nunn, William Page, Robert Rhee, John Stinneford, Steven Willis, Andrew Winden, Jennifer Zedalis

Meeting called to order at 2:32 p.m.

1. Welcome new faculty

Dean Rosenbury welcomed all new faculty members.

Information item only

Dean Rosenbury also shared that the university will not recognize Homecoming as a holiday for October 2 for the fall 2020 semester. Faculty will teach that day if normally scheduled to teach on Fridays.

2. Approve Faculty Meeting Minutes from April 24, 2020, attached

Faculty considered April 24, 2020, minutes.

Unanimously approved

3. Approve Faculty Meeting Minutes from July 14, 2020, attached

Faculty considered July 14, 2020, minutes.

Unanimously approved

4. Information Items: New Classroom and Campus Protocols and Other Updates

Dean Rosenbury shared updates regarding classroom procedures and safety protocols.

Information item only

She also shared updates about our incoming JD and LLM classes.

Meeting adjourned at 4:05pm.



Association of American Law Schools

President
Darby Dickerson
University of Illinois
at Chicago

September 16, 2020

President-Elect
Vincent D. Rougeau
Boston College

MEMORANDUM 20-06

TO: Deans of Member Schools

FROM: Judith Areen, Executive Director

SUBJECT: Designation of Law School Representative to the
AALS House of Representatives by October 9, 2020

Serving through 2020
Mark C. Alexander
Villanova University

Gillian Lester
Columbia University

Serving through 2021

D. Benjamin Barros
University of Toledo

L. Song Richardson
University of California,
Irvine

To prepare for the Association's 2021 Annual Meeting and to update our records and mailing lists, we would appreciate your providing us with the names of your school's primary and alternate representatives to the AALS House of Representatives.

The primary representative should plan to attend the virtual Meeting of the House to be held from 1:15 p.m. to 2:30 p.m. Eastern on Saturday, January 9, 2021, or arrange for the alternate representative to attend.

Serving through 2022

Austen L. Parrish
Indiana University
Bloomington

Melanie D. Wilson
University of Tennessee

We need the names to permit the timely mailing of agenda materials for the House of Representative session. Please submit this information by completing this [online form](#). You will need to include the following information: school name, name and email of the AALS Representative, and name and email of the Alternate AALS Representative. We would appreciate receiving this information at your earliest convenience, but no later than October 9, 2020.

Executive Director
Judith Areen

Thank you for helping us prepare for the meeting of the AALS House of Representatives at the 2021 Annual Meeting.

Memorandum

To: Levin College of Law Faculty

From: Curriculum Committee (Mark Fenster, chair; Robin Davis; Seth Endo; Barbara Evans; Sarah Wolking; Jessie Schuster [student member]; Jason Nance [ex officio])

Re: MSL Program Proposal

Date: September 25, 2020

Introduction and Process

In our review of the MSL program proposal (“proposal”) submitted by a subcommittee of the Strategic Planning Committee (“subcommittee”), the Curriculum Committee (“Curriculum”):

- held an initial series of meetings over the summer to discuss a draft proposal, after which it provided comments to the subcommittee, which revised the proposal in response.
- Curriculum then circulated a revised proposal to the faculty. It held two open Zoom meetings on September 2 and 3 and received emails from individual faculty members.
- Once it completed its review of the revised proposal and faculty comments, Curriculum met with Danny Sokol, the subcommittee chair, and with Dean Rosenbury. Curriculum then provided final commentary to the subcommittee, which amended the proposal further in response.
- Curriculum met on September 24 and unanimously agreed to recommend that the faculty approve the proposal, subject to the two- and five-year reviews set out in the proposal. Our reasoning was that the proposed program represents an effort to expand the College’s revenues, its public profile, and the publics it serves, while it is sufficiently measured and flexible to allow the College and its administration to experiment in form and substance without taking on excessive risk. We were also persuaded by the large number of law schools that have established such programs as well as the fact that every other college at UF has begun similar “off-book” master’s programs. The risks seem low, even if the rewards are uncertain and unlikely to be very high.

Committee Review

Below were the concerns that Curriculum and the faculty have raised during the proposal review process, along with an explanation of how the proposal evolved accordingly:

1. *Governance and oversight:* The faculty expressed concerns about how the program will be reviewed, both substantively and procedurally.
 - a. Curriculum asked the subcommittee to clarify **who would perform the reviews** from within the law school. The current proposal states that a new standalone committee will focus on the MSL program and review applications, teachers, and courses. Curriculum took no position on this design. Besides certain standing committees, some of whose membership is stipulated by the faculty manual,

decisions about creating new committees and staffing them are ultimately decanal. Curriculum could come up with no clear right answer in advance as to how best to enable efficient and effective faculty oversight for the program but felt the proposal's new committee seemed rational.

- b. Faculty expressed concerns about the **proposal's schedule for program review and sunset**. The proposal calls for reviews after two and five years, the first to consider whether to continue to admit students and the second to consider whether to renew the program.
 - i. Curriculum concluded that the proposed schedule seemed reasonable. The program's rollout will occur over time. Any period shorter than two years will be too soon for review, and five years seems like the minimal period before the program's success or failure will begin to come into view. We proposed, and the subcommittee accepted, that the Curriculum Committee rather than the standalone MSL committee perform the review in order to retain some independence and credibility in the review, though we would expect the two committees would collaborate.
 - ii. Curriculum did not think it advisable to set specific targets or thresholds for success in the proposal, given the program's many unknowns.
- 2. *Adjunct compensation*: The previous version circulated to the faculty proposed offering no compensation to those who teach in the program. This issue engendered the most criticism among faculty and also concerned Curriculum. The revised version directs the Dean to "strongly consider providing compensation to those adjuncts who request such payment."
 - a. Faculty expressed **three convincing concerns about uncompensated faculty**:
 - i. The program's quality would suffer from having lower-quality teachers.
 - ii. The program faculty's diversity (broadly, but especially including race, ethnicity, gender, and class) would suffer as the faculty would be composed only of those who could afford to provide their labor for free.
 - iii. Compensating workers for their labor is a moral imperative.
 - b. But **several concerns suggested foregoing a requirement in the proposal to pay adjuncts**:
 - i. The decision of whether and to what extent adjuncts should be compensated rests ultimately with the university, which delegates that authority to the Dean. It is unclear how the faculty could enforce a compensation requirement.
 - ii. Some adjuncts decide or are required to forego compensation, whether out of a desire to donate their time to the institution or because their current position does not allow them to accept payment for services. Their decision to do so does not reflect the quality of the teaching they would provide.
 - iii. Given the current financial exigencies that the College faces, requiring compensation might not only be unnecessary but unwise.
 - c. Curriculum asked for information about how and to what extent other, competing MSL-equivalent law school programs and other UF online programs pay adjuncts.

- i. The subcommittee reported that two similarly situated programs pay at least some of their adjuncts.
 - ii. Other colleges at UF do not have a set policy regarding adjunct pay for off-book programs. Instead, pay is negotiated on a case-by-case basis and individually by degree program in colleges with multiple self-funded master's degree programs. At least one college sets a guideline of \$6,000 per course, but that often goes down (including to zero) or up.
 - d. Ultimately, Curriculum decided against demanding that the proposal include a compensation mandate, proposing instead the precatory language that the proposal includes to express the sense of the faculty.
3. *Substantive concerns with subject matters and curriculum.*
- a. Both Curriculum and faculty questioned the proposal's relatively **narrow focus** on two tracks: business/ compliance and tax. The proposal explains its reasoning; Curriculum was satisfied that the proposal represents a floor rather than a ceiling for future expansion. If the program proves successful, additional tracks could be added on top of the program's foundation.
 - b. Both Curriculum and faculty sought clarity regarding the **relationship among the existing JD and LLM courses and the new MSL curriculum**. The proposal now clarifies that JD and LLM students will not be able to take MSL courses, which will lack the technical detail and rigor expected of our existing programs and of those who receive those degrees. There are no current plans for MSL students to participate in JD classes, although that might change over time.
 - c. Both Curriculum and faculty questioned the **extensive number of electives** that the proposal lists, which seems daunting and costly. The subcommittee explained, first, that many of the courses will be shorter and less detailed than the corresponding courses in the JD and LLM curriculum; and, second, that the program and courses will roll out over time.
 - d. Faculty and Curriculum questioned the **substance of the compliance/ business law curriculum**. Curriculum suggested that the subcommittee confer further with JD faculty members who teach and research in the relevant subject areas. Curriculum understands that the subcommittee did so and received no advice to change the proposed compliance/ business law curriculum.
 - e. Faculty and Curriculum questioned the **substance of the tax law curriculum** and suggested that the subcommittee confer further with LLM and JD faculty members who teach and research in the relevant subject areas. The current proposal presents a slight revision of the curriculum with the addition of new courses in Partnership, S Corporation, and Real Estate Taxation and Data Analytics and Tax.
 - f. Faculty questioned whether **the AI/ data analytics course** is appropriate as a required course in the MSL program and suggested that the course's content be better specified. The subcommittee noted that until courses are approved, the list of courses is intentionally provisional. Curriculum suggests that as the course is developed and proposed, the proponents confer with faculty in programs which focus on that topic for advice about course design and content.

4. *Risks involved*

- a. Faculty expressed concern about the **reputational risks to the law school** if the program fails and/ or is done poorly.
 - i. Every new venture, whether within an existing program (e.g., substituting the Introduction to Lawyering course for Professional Responsibility as a 1L course) or as an additional program beyond or adjunct to the traditional JD and LLM program (e.g., certificate programs, centers, annual conferences, CLE programs), creates a reputational risk. Given the existence and prominence of the UF Online umbrella and the aligned incentives among the central administration, UF Online, and law school administration, Curriculum was comfortable that while the program's success is not assured, those with central responsibility over it will make their best efforts to work towards its success over the short- and long-term. Curriculum also recognized that numerous other law schools have begun similar programs with varying success, and to our knowledge none of them saw their reputations as law schools affected positively or negatively as a result of their Master's programs.
 - ii. Nevertheless, Curriculum expressed to the subcommittee and the Dean the faculty's concerns and suggested that in its operations and marketing materials, the MSL program clearly be demarcated as a distinct program from the JD and LLM programs.
- b. Both the faculty and Curriculum expressed concerns about the **financial risks to the law school** that the MSL program would create.
 - i. The proposal explains that the central administration will provide initial financing for the program via a loan that will be repaid through proceeds from the program. The allocation of financial risk is ultimately an issue for the university and law school administration. Curriculum did, however, encourage the Dean to explain the downside risks of the program to the faculty.

5. *Concerns for students*

- a. Faculty expressed concerns about both the **quality of information** (e.g., about who would benefit from the programs, how they might assist those in adjacent career paths, etc.) **and marketing directed towards MSL students**.
 - i. The proposal does not delve into details about how the program will be marketed, but Curriculum agrees that the program's marketing should be transparent and should specify the program's value and content.
- b. Faculty also expressed concerns about **how the program would affect the education offered to JD and LLM students**, specifically by drawing resources and attention away from the College of Law's core focus.
 - i. The proposal states that while full-time faculty members will not be required to teach an MSL-only course, a minimum number of them will teach in the program in order to make the program a legitimate law school degree program. The proposal also states, "In all situations, the Dean will take care to ensure that the MSL does not detract from the experiences of JD and LLM students or divert resources from our traditional degree

programs. We recommend that both tax and business/compliance faculty members have representation on the MSL committee during the probationary period of the MSL.” Curriculum was satisfied that the Dean can balance the needs of the MSL program with the greater needs of the JD and LLM programs and that it is in the best interest of the administration to do so.

- ii. The proposal clarifies that no MSL course will be cross-listed for JD or LLM students, and that some (but very few) JD or LLM courses could be cross-listed for MSL students. In the latter scenario, the cross-listing must be approved by a future Curriculum Committee. The current Curriculum Committee was persuaded that this division of courses, with few exceptions, would not constitute a drain on the LLM and JD programs or dilute the value or rigor of those degrees.

To: Curricular Committee
From: Strategic Planning Committee
Re: Proposal for MSL Program
Date: September [], 2020

The Strategic Planning Committee proposes the creation of an online Masters of Science of Law (MSL) degree program to begin in fall 2021. This degree will be limited to non-lawyers, broadening the potential applicant pool for the College of Law while preserving the strengths of our existing residential degree programs. This diversification will be vital for the future health of the College of Law over the next three to five years, as the state will likely reduce funding for all public universities and may even withdraw funds already budgeted to public universities through a rescission process. The Dean has confirmed that the university will continue to protect the additional \$6.4 million allocated to the College of Law each year for student scholarship support. However, the Dean reports that the university has already “clawed back” \$300,000 from the College of Law dedicated for other purposes and will likely claw back more over the next year. In addition, the university has asked all units to prepare for at least a 10% budget cut over the next year and to prepare for that reduction or additional reductions over the next three to five years. The Dean, in the recent townhall meeting, identified that the university has sent a memo to all of the Deans alerting them that faculty and staff furloughs and/or layoffs may be necessary. Much uncertainty as to the timing (if necessary) of implementation remains, but this risk to the financial stability as to the College of Law is significant. The Dean also noted that the College of Law is the only UF college without an online degree program.

Creation of an MSL program at UF Law has taken on particular importance because FSU Law has successfully launched an online MSL program. Even before the current crisis, Provost Glover urged us to follow FSU’s lead. Many other law schools, including a number of peer and aspirational peers, across the country have also launched MSL programs, providing us with several benchmarks as we develop our program, most recently Cornell.

Based on feedback from two brownbags with the faculty, input from the curriculum committee and from various faculty members, including the Tax Program Director and tax and business faculty (who we specifically asked for input on courses), as well as outside stakeholders from companies, and heads of masters of Data Analytics programs at UF, NYU, and Emory, we provide a revised MSL proposal herein.

Executive Summary

- The purpose of the MSL program is to create a new channel of educational programming beyond our existing degree programs to address the needs of a large number of professionals who likely will not attend law school but for whom law and regulation shapes their work. The MSL creates opportunities for a different set of students to access law-related education and to do so in an online format that has become increasingly attractive given the transformational shift to online activity due to Covid-19. Additionally, the College of Law faces potential budget constraints going forward. The MSL program is a way to create an additional scalable revenue stream for a program that will use only private funds (i.e., no state funds are permitted to be spent on what historically were called “off book” programs) and therefore will charge full tuition with no scholarships. Put differently, the MSL program is a new avenue to ensure the robust vitality of the law school through the creation of a new revenue stream. It also creates the possibility of an expanded UF Law alumni network that can aid JD and LLM students in employment opportunities for externships, post-graduation full time employment, client development, and networking for new opportunities. Among online masters programs at UF, the College of Pharmacy is the leader in terms of revenue generation but there are 24 online programs across UF across different colleges.
- Based on the [Office of Distance Learning’s](#) marketing assessment, we propose to start with two programs that have synergies in terms of classes and build on existing curricular strengths – corporate/compliance and tax. Given how many other peer and aspirational peer programs have a similar focus, this suggests a robust market. We hope, demand and logistics permitting, to increase the number of concentrations to other areas of law where the program can ensure long term profitability. We look forward to faculty proposing new programs and taking the initiative in program and course design, teaching, and developing business models for revenue generation across many areas of law.
- The interaction of the MSL with our JD and LLM programs will be as follows: MSL designed courses teach law to non-lawyers and do so at a more generalized level. Hence, MSL designed courses typically are not appropriate for JD or LLM students, and no MSL course will count toward advance standing for any potential JD or LLM applicant. However, some (but very few) JD and LLM courses may be appropriate for MSL students. Any request to cross-list a course from the traditional degree programs for MSL students would be subject to the general faculty process for JD or LLM courses (i.e., approval of the curriculum committee for the first two times offered and of the full faculty after that point).
- We have listed a number of advanced courses. From best practices across different fields and among the better MSL programs, we have found that the optimal course is a 1, 1.5., or 2 credit course. Hence, we propose to have a number of shorter courses. In the business/compliance program we have canvassed a representative sample of potential instructors. Short courses and online courses create a vehicle for broader participation of

potential adjuncts. We envision that it may take 2-3 years to scale up elective classes to a full complement and student interest may reshape which electives we emphasize.

- Student assessment will be through the traditional method of online courses – short assignments, discussion boards, and a series of examinations. This is relatively standard across professional fields outside of law. Every law school that has asked for an abatement of ABA requirements for an MSL program has received one. We expect to receive one as well so ABA issues will not be an issue for us, given that we are not teaching law school students in this program.
- Oversight of the MSL will be by faculty committee, in parallel to the level of oversight that faculty have with regard to JD and LLM programs. We believe that the oversight should rest with a standalone MSL committee rather than broken out across the existing curriculum, admissions, and adjunct faculty committees.
- The courses listed in the appendices are potential courses only; approving the new degree does not mean there is blanket approval of the courses listed in the appendices. The committee would separately evaluate each proposed course, and the course would go to the full faculty for approval after it has been taught twice, in accordance with standard procedure for new JD & LLM courses.
- UF provides a loan from non-state funds to help with startup costs for the program. We will need a program director to answer questions from potential applicants who want to understand the MSL program, and we envisage that this would fall under the portfolio of the person acting as director of non-JD programs (currently, that is Josh Alter, who is presently supervised by Charlene Luke). In terms of investments, we may purchase recording equipment. Such equipment would be available for use not merely for the MSL program but also for the JD and LLM programs.
- Potential challenges that other schools have faced are as follows:
 - Program size – how large to scale up the program
 - Focus on certain types of students - mature students, domestic v. international, students just out of college
 - Advertising – getting an effective marketing partner for precision targeting of potential students
 - Internal champion – some schools have had personnel changes that have improved/decreased the attention to the MSL program
 - Budgetary issues regarding main campus – what amount does main campus take from programming from the revenue stream

None of these issues are specific to MSL programs as they replicate themselves in JD and LLM programs. However, the biggest risk factor is the impact of Covid 19 on higher education. This may create new opportunities for online education but also shift what those opportunities are.

- UF Online approves programs based on their economic viability. They have done so with regard to our MSL based on their marketing assessment. They will work with the College of Law on a more detailed marketing plan. We anticipate, subject to standard caveats, that the program will be revenue neutral by the third year (if not earlier) and will sufficiently, per the input of UF Online's marketing team, grow in size thereafter. The significant growth in recent years of MSL programs at Texas A&M and ASU as well as the premium program at Northwestern suggest that the MSL market is growing and that brand positioning as best quality adjusted price program should yield significant student interest.

What Is an MSL?

An MSL program teaches non-law professionals about law and regulation at the graduate level. There is demand for online MSL programs among those working in law-adjacent fields or seeking to work in those fields. A market for MSL degrees in the areas of business and regulation, tax, healthcare, and some other specialized fields already exists, as we note below in our comparative analysis of other law school MSL programs. Several top 25, top 50, and top 75 law schools have developed these programs over the past five to seven years. MSL programs have become more robust and gained greater acceptance as they have matured the last few years. Online MSL programs vary. Some are synchronous (online live), some are asynchronous (online pre-recorded), and some are blended with some face-to-face classes as well.

What will UF's MSL emphasize?

UF's online MSL program will serve the already-existing population of potential students interested in MSL programs. Our non-JD admissions team regularly receives inquiries from non-lawyers asking whether we offer such a degree, particularly in the areas of business law and tax.

We therefore propose that UF's MSL program initially include two separate tracks: Track 1 - Business and Compliance and Track 2 – Tax. These tracks respond to the existing market for MSL programs and would be attractive to accounting, business, STEM, and tax professionals both in the United States and abroad because of the strength and reputation of our Graduate Tax Program and UF's overall reputation as a research university and law school. Moreover, these tracks would meet demand not otherwise met at the university. Other departments and colleges within the university cannot offer the same breadth and depth of expertise at the intersection of tax and law. Other online masters at UF do address business issues, but they do not explore with sufficient depth how law and regulation interact with business.

Track 1 – Business and Compliance

The Business and Compliance track will offer courses taught at a level commensurate for students with no prior legal background. There already are similar courses taught at UF at the graduate level in the business school and in the sports management program in HHP. There is demand, as evidenced from other school offerings, for business professionals to learn more about how law and regulation shape business opportunities.

Track 2 – Tax

There is a significant demand for understanding US tax rules overseas among non-US chartered accountants, and there is no other program that is currently serving this market. Within the U.S., tax accountants may view the MSL as an opportunity to obtain a different type of knowledge with enhanced learning opportunities than they would obtain

with a masters in accounting, or even in addition to a masters in accounting. Current LLM courses are not designed to be taught to non-lawyers. In addition, these types of candidates are not eligible for admission to the LLM program, unless they also have a first law degree. (We do not advise changing this aspect of LLM eligibility as there would be repercussions relating to various types of work visas for which our international LLM students are eligible.) The exponential growth in artificial intelligence in the accounting and tax fields has meant that there are many computer science graduates working in the area that have no tax knowledge. Tax administrators is yet another potential market. We expect that an MSL would have appeal for these types of professionals as well.

Other MSL tracks may follow these first two tracks. The university requires that all new online degrees, and concentrations within online degrees, receive approval from the UF Office of Distance Learning. In considering proposals, the Office conducts market research and looks at similar programs at competitor schools. The Office of Distance Learning has already done so for the first two tracks described above. As we think about adding more specializations, we improve our chances to receive approval from the Office of Distance Learning as more schools at UF's level offer similar specializations.

What types of courses will be offered in UF Law's MSL program?

We attach a list of potential courses (mandatory, encouraged, and optional) for both tracks in **Attachment A**. These are potential courses, and individual approval would still be required for each course; we propose provisional approval by the MSL committee and then approval by the full faculty to become permanent. Because of synergies across the two proposed tracks, some MSL courses will be used for both tracks.

We propose that all MSL courses be offered asynchronously, so that students may take courses while working full-time or living in other time zones. Where pedagogical considerations suggest it is appropriate, some MSL courses may be the same or similar to those available to JD and LLM students. Most MSL classes will be shorter modules than those offered in our JD and LLM programs. Some (but very few) JD and LLM courses may be appropriate for MSL students. Any request to cross-list a course from the traditional degree programs for MSL students would be subject to the general faculty process for JD or LLM courses (i.e., approval of the curriculum committee for the first two times offered and of the full faculty after that point). In all situations, the Dean will take care to ensure that the MSL does not detract from the experiences of JD and LLM students or divert resources from our traditional degree programs. We recommend that both tax and business/compliance faculty members have representation on the MSL committee during the probationary period of the MSL.

No state funds may be used for the MSL program (or any other "self-supporting" or "off-book" program). In addressing how funds may be used, the faculty believes that program quality is important to the value proposition of the MSL. The administrative and teaching costs of the

program must balance the need to create a high quality MSL program with the importance of maintaining the quality of existing College of Law programs.

What other law schools are competing in the MSL market?

Below please find a representative sample of online MSL programs and their specializations among aspirational peers and major public universities:

NYU - tax

Northwestern - intellectual property and patent design; business law and entrepreneurship; and regulatory analysis and strategy

Cornell - no specializations listed

Georgetown - tax

USC - business law; entertainment law and industry; financial compliance; health care compliance; human resources law; compliance, privacy law and cybersecurity

BU - tax

Emory - health care law, policy and regulation; business law and regulation

ASU - conflict resolution; construction law; corporate and health care compliance; criminal law; HR and employment law; Indian gaming; IP; sports law and business; sustainability law; tribal self-governance

University of Arizona- compliance and legal risk management; criminal law and policy; environmental law and policy; family and juvenile law; health law and policy; human rights; Indigenous Peoples law and policy; IP; international trade and business law; mining law and policy; tax law and policy;

University of Iowa – no specializations listed

University of Illinois – no specializations listed

University of Maryland - cybersecurity law; homeland security and crisis management

FSU - financial regulation and compliance; health care regulation; legal risk management and HR compliance

Some of these programs are referred to as MLS programs instead of MSL programs (Emory calls its program a Juris Master). Among the MSL/MLS programs developed in the past three years have been programs at Cornell, FSU, Loyola Marymount, Oklahoma, and Pepperdine (Caruso). Newly launched online programs at Boston University (Tax Law) and Yeshiva (Data and Privacy Law) are more narrowly focused on the unique strengths of those schools. Specific to tax MSL programs, the two programs with which UF Law competes in the rankings are NYU and Georgetown. Both NYU and Georgetown offer tax MSL programs that are entirely online.

Some MSL programs (typically at private and higher ranked schools) offer courses specifically designed for MSL students in both live and asynchronous formats. Some programs offer JD classes to MSL students in both live and synchronous formats. Others offer JD or LLM classes asynchronously to MSL students.

Globally, a number of other universities in the UK and continental Europe also provide MSL equivalent programs. To the extent that we offer online asynchronous programming, we will compete with global universities on both price and quality (in which quality includes both the provision of course instruction and the brand of the school). Our price point will be less than that of higher ranked private schools and competitive with lower or similarly ranked public schools. According to the internal marketing assessment undertaken by UF's online education department (**Attachment B**), there is growing demand for MSL programs across the globe.

What would be the degree specifications of UF Law's MSL program?

As with other online programs at UF, the MSL degree will require 30 credit hours for completion with a minimum GPA of a 3.0, consistent with our LLM program. We propose two options for course completion:

Full-time	9 months-12 months
Online Part-time	13+ months–5 years

We propose the following required courses for both tracks and for each individual track:

Course Title	Track	Required, Optional, Elective
Introduction to U.S. Legal System and Research	All	Required
Business Formation and Structure: Partnerships, LPs, LLCs, Corporations	All	Required
U.S. Federal Income Taxation	All	Required
Business Entities Tax I	All	Required
Business Entities Tax II	All	Required
International Tax	Tax	Required
Contract Law and Design, Torts, and Agency Law	Business, Compliance	Required
Business Ethics	Business, Compliance	Required
AI/Data Analytics	All	Required
Accounting and Finance Principles	All	Required for those with no accounting or finance prior coursework

Of particular note is the required AI/Data Analytics course. As UF moves to become an AI campus, we want to be the first MSL program to require a course on AI and its application to law.

The rest of the courses would be electives, as set forth in **Appendix A** and **Appendix C**.

Who will teach in the MSL?

Adjuncts will teach the majority of courses in the MSL. The MSL program will need some full time faculty to teach in the MSL program, which is consistent with online degree programs at other universities. Without some full time faculty affiliation, an online program would resemble a license of the UF Law name rather than a legitimate UF Law program. No current full-time faculty member will be required to teach an MSL-only course. As with other curricular issues, the Dean's office will ultimately decide the timing of the offerings for the courses and who will teach them, but will do so in a manner that both limits any drain on JD and LLM program resources and limits the costs of staffing the MSL program.

We expect that a mix of full-time faculty and adjuncts will record an initial slate of online courses, distinct from existing JD and LLM courses, for the MSL program during the fall of 2020 and spring and summer of 2021. Other courses will be recorded during 2021-2022. We will work with the UF online learning center as part of course production to provide a highly engaging asynchronous experience for MSL students.

We note feedback from faculty that the faculty feels that to build a high-quality program composed of diverse, effective adjunct teachers from a variety of backgrounds, the Dean should strongly consider providing compensation to those adjuncts who request such payment.

What will motivate a student to enroll in UF's MSL program?

These two initial tracks will offer a competitive advantage for business professionals. Graduates will be able to identify legal risks and better shape business opportunities, whether the opportunity is, for example, to conduct a merger by understanding the Internal Revenue Code, share health data by understanding health information regulation, or meet fiduciary duties by understanding corporate law. Indeed, business professionals confront law and regulation on a regular basis. They understand that law matters to their jobs. Law may promote or create roadblocks to business activity. Understanding law and regulation is often vital to business success.

Some students will choose UF over other schools because of the branding of the school relative to other universities, while other students will choose UF because of particular features of UF's MSL curriculum. Yet others may choose UF based on a combination of price and quality. The MSL program will be designed to raise revenue while still providing a quality experience to enrolled students. We will offer no student scholarships and no student support for purposes of post-degree employment. In some cases, employers pay for employees to enroll in MSL programs. In other cases, students pay for an MSL from their own funds to build out legal and regulatory competencies for career advancement or change.

What will be the admissions process and requirements?

The Admissions Office will consider MSL applications in consultation with the MSL committee appointed by the Dean. All applicants must have a bachelor's degree from an accredited college or university or have completed the equivalent of six semesters from an accredited college or university and expect to graduate during the current academic year. The MSL program will be reserved for students who do not have a JD or comparable first law degree from any other country; students with such law degrees will be ineligible for admission and instead will be directed to apply for our Tax or International Tax LLM degrees. If they are denied admission to the Tax or International Tax LLM degrees and hold a law degree, they may not be admitted to the MSL program.

Potential Challenges

We have spoken to MSL program faculty and directors at several programs and understand a number of the various challenges that the MSL program may create in terms of staffing, technical and administrative support, and teaching styles. As best as we can, we have anticipated many of these challenges in our program and course design.

The Provost's office allows for an up to \$50,000 start up loan to get online degree programs running. Typically, this loan pays for equipment and marketing. The Provost has assured the Dean that repayment of the loan will be delayed until repayment from MSL program revenues is possible.

To ensure that the MSL program is sustainable, we suggest reviewing at two years whether to continue admitting new students and whether adjustments need to be made to the program terms outlined above. We recommend a second review at five years to decide upon renewal of the program. We anticipate that most students will complete the degree on a part-time basis; even if the program is not renewed, the program may need to be kept open for five years after the most recently registered students to allow them to complete the program.



We offer revenue and credit hour numbers from the online Masters in Sports Management in the UF College of Health and Human Performance (asynchronous) as an example of the growth of one UF online masters level program. The Masters in Sports Management has a number of law related courses as elective courses.

Appendix A: Business Law and Compliance Courses

- Required classes
 - Introduction to U.S. Legal System and Research
 - Business Formation and Structure: Partnerships, LPs, LLCs, Corporations
 - Income Taxation
 - Corporate Tax
 - Partnership Tax
 - Contract Law and Design, Torts, and Agency Law
 - Business Ethics
 - AI/Data Analytics
 - Accounting and Finance Principles*

* If no prior accounting and finance background

- Optional Tracks (8 credits)

Transactional Track

Regulatory and Compliance Track

- Elective classes
 - U.S. Administrative Law & Agencies
 - Business Torts
 - Mergers and Acquisitions
 - Entrepreneurship and the Law
 - Introduction to Intellectual Property
 - Introduction to Torts and Criminal Law
 - Government Contracts and Procurement
 - Employment Law
 - Licensing
 - Environmental Diligence and Compliance
 - Introduction to Accounting
 - Introduction to Finance
 - Insurance
 - Business Valuation
 - Corporate Finance & Financial Products
 - Securities Regulation & Financial Markets
 - Bankruptcy and Distressed Debt
 - Antitrust
 - Antitrust Economics

- Persuasion in Business Writing
- Global Business Compliance and Risk Assessment
- Data Privacy, Data Security and Compliance
- Audit Compliance and Sarbanes-Oxley
- Life Sciences Compliance
- Health Care Compliance
- Negotiation Skills and Strategy
- Corporate Criminal Law
- Business Strategy
- Environmental, Social, and Governance (ESG)
- Real Estate Deals
- International Expansion
- Doing business in Asia
- Doing Business in Latin America
- Contracting and Trade in Global Supply Chains

Appendix B

Program Alignment and Market Analysis Report

Program Alignment and Market Analysis Report

Master of Studies in Law

ACADEMIC MARKET

Master's degree conferrals across all law fields (CIP code 22) have risen sharply since 2012, more than 40 percent to 9,293 in 2018. Most of this growth has come in distance programs, which have grown by nearly 200 percent over the past six years (see Table 1). Distance completions constituted 25 percent of all master's conferrals in 2018 (see Table 2). The proliferation in online offerings was largely driven by the increase of LLM programs aimed at attracting international lawyers. Increasingly, online LLM programs have broadened their reach, especially programs in tax law.

Table 1. Trends in master's completions in Law (CIP 22), 2003-2018



Table 2. Overview of master's completions in Law, 2018

	Completions	% Completions	Institutions	% Institutions
All Programs	9,293	100%	173	100%
Distance Offered Programs	2,294	25%	55	32%
Non-Distance Offered Programs	6,999	75%	135	78%

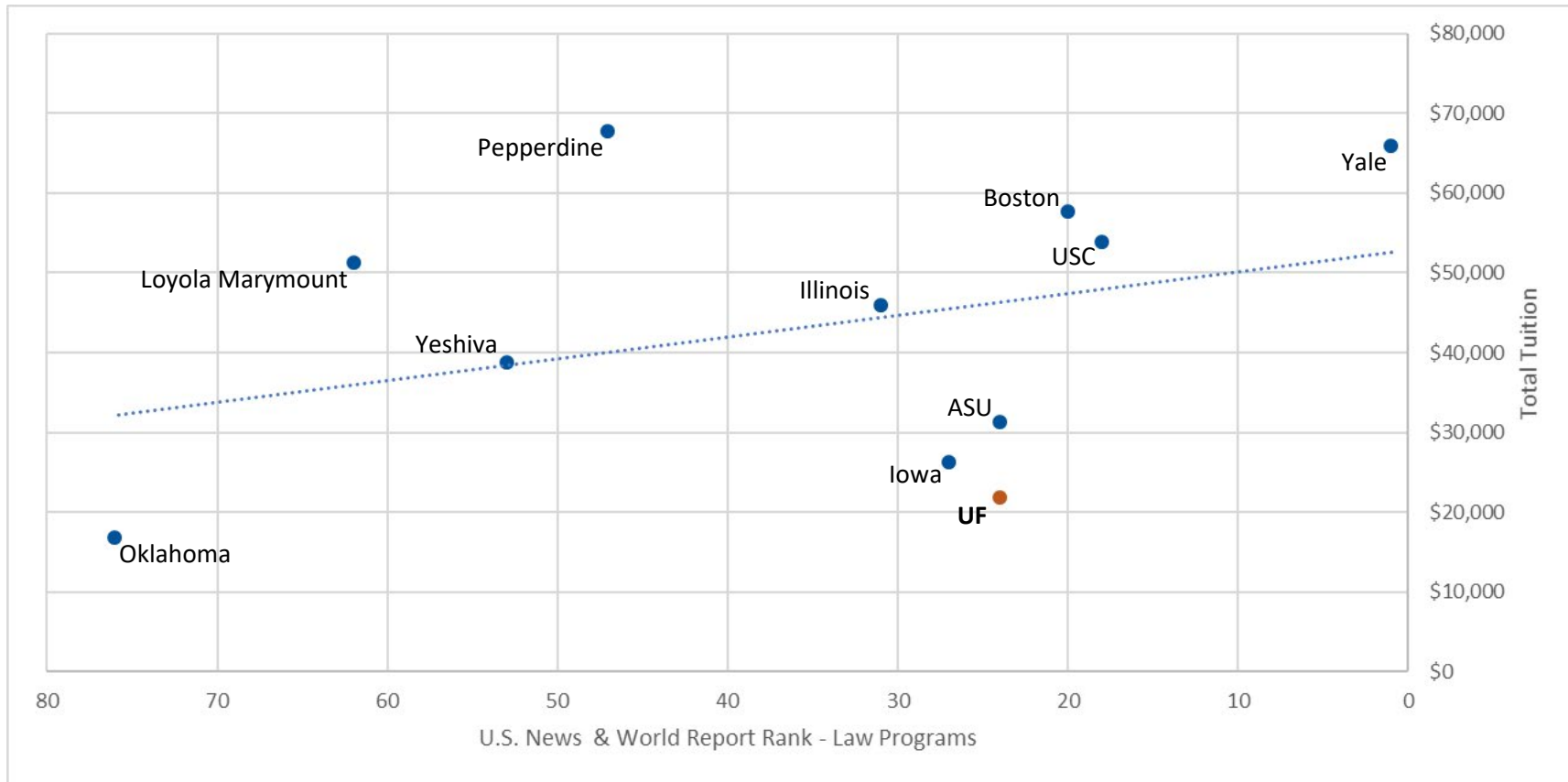
The proliferation of online LLM programs has been, in part, a catalyst for the recent development of online MSL/MLS programs designed for non-lawyer audiences. Of the ten MSL/MLS programs at peer institutions, seven provide an online option and most offer several tracks or specializations (see Table 3). Among the online MSL/MLS programs developed in the past three years have been programs at Loyola Marymount, Oklahoma, and Pepperdine (Caruso). Newly launched online programs at Boston University (Tax Law) and Yeshiva (Data and Privacy Law) are more narrowly focused on unique strengths.

Table 3. MSL/MLS programs at comparable institutions

Institution	Degree	Specializations	Online	Tuition
Yale University	MSL	0	No	\$65,792
University of Iowa	MSL	3	No	\$26,181
University of Illinois	MSL	0	No	\$49,500
Arizona State University	MLS	8	Yes	\$31,210
USC (Gould)	MSL	6	Yes	\$53,844
Pepperdine University (Caruso)	MLS	2	Yes	\$67,680
Boston University	MSL	1	Yes	\$57,650
Loyola Marymount University	MLS	5	Yes	\$51,220
University of Oklahoma	MLS	4	Yes	\$16,768
Yeshiva University (Cardozo)	MSL	1	Yes	\$38,850

The growth in online legal education—in terms of both enrollments/completions and new program development—demonstrates a burgeoning market that is increasingly entrenched but not yet saturated. The recent proliferation of MSL/MLS programs for non-lawyers suggests continued maturation and expansion of online education and the presence of a sustained student audience. A program in this space at UF, especially one capitalizing on strengths in tax law, would be highly competitive given the college’s stature, reach, and price point. See the Brand-Value Index (Figure 1) below.

Figure 1. Index of brand and value, MSL/MLS programs



Note: Ranking derived *U.S. News & World Report* 2021 list of Best Law Programs.

LABOR MARKET DEMAND

In order to estimate employer demand for non-lawyer professionals with legal skills or training, we analyze job postings over the past 12 months according to the following parameters:

- Postings including skills and qualifications related to law, e.g. legal knowledge, legal research, legal systems, municipal law, statutory law, and revise legal documents. In all, we parsed postings for more than 30 relevant skills and qualifications.
- Postings exclude results for Lawyers.
- Postings require/desire bachelor's or master's level education.

Postings data comes from a proprietary job postings database from Emsi, a labor market analytics firm. Our search resulted in more than 37,000 unique job postings nationally (see Table 4). Monthly active postings in March 2020 were about 7,500, up 27 percent over the same time last year. Active job postings have increased dramatically over last year for each of the past six months indicating a steadily strengthening rise in demand outside of seasonal shifts (see Table 5, next page). Demand is geographically dispersed with higher concentrations of new postings in states with larger populations (see Table 6, next page). Florida had the fourth most unique job postings of any state in the past year with about 2,000.

Table 4. Job postings summary, March 2019-March 2020


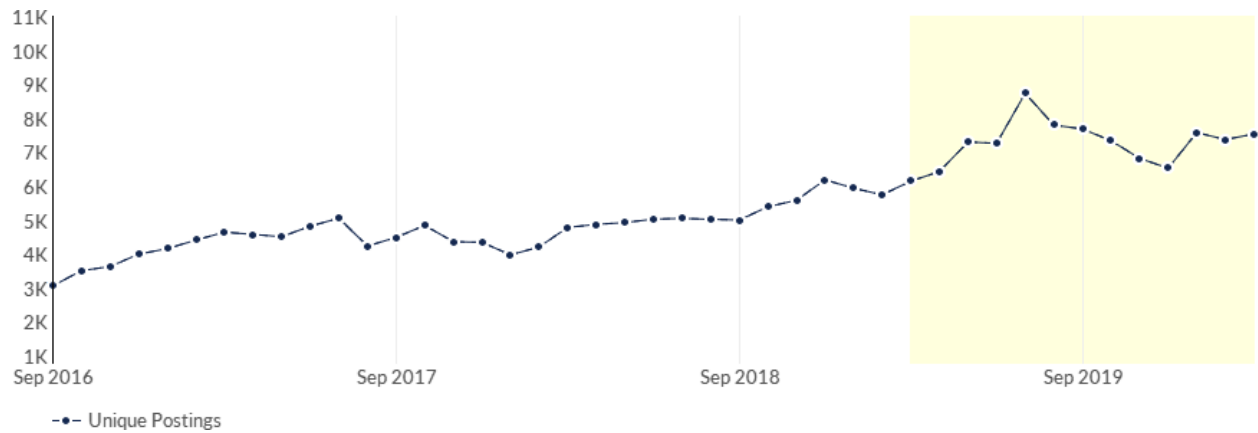
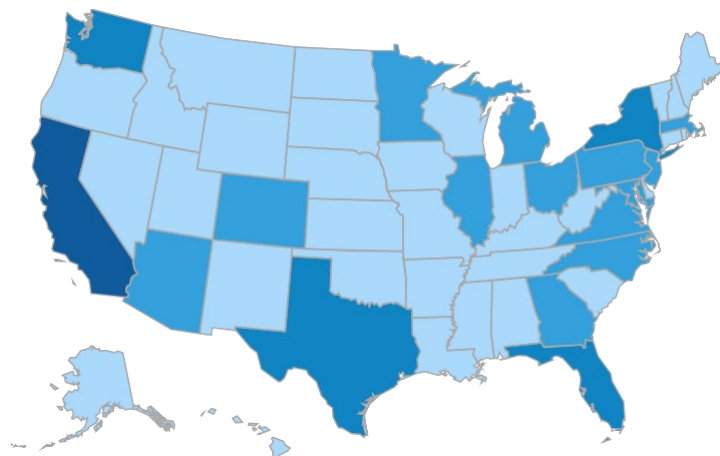
<div>37,349</div> <div>Unique Postings</div> <div>189,786 Total Postings</div>	<div>5 : 1</div> <div>Posting Intensity</div> <div></div> <div>National Average: 4 : 1</div>	<div>33 days</div> <div>Median Posting Duration</div> <div>National Average: 33 days</div>
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Table 5. Monthly active job postings, Sep. 2016-March 2020



Month	Unique Postings	% Change (annual)
March 2020	7,538	+26.9%
February 2020	7,373	+28.3%
January 2020	7,580	+27.6%
December 2019	6,530	+5.6%
November 2019	6,821	+22.1%
October 2019	7,341	+36.1%
March 2019	6,149	+28.5%

Table 6. Unique postings by state, March 2019-March 2020



State	Unique Postings
California	5,265
New York	3,180
Texas	2,618
Florida	1,993
Washington	1,853

The most active hiring employers in the past 12 months are generally very active, placing more than 5 postings for each unique opening on average (see Table 7). The top five posting companies span numerous industries: healthcare (Anthem, Inc.), commercial real estate and construction (M.A. Mortenson Company), insurance (Travelers Companies, Inc. and National General Insurance), and federal government (Customs and Border Protection).

This diverse span of companies is reflected in the summary data of industries by relevant job postings (Table 8, next page) and top posted occupations in job postings (Table 9, next page). While law and law-adjacent industries and occupations comprise many job postings, we find a wide breadth of industries and occupational categories in which there is demonstrated demand for professionals with legal training and skills. These companies, related geographic regions, occupational categories, and industries constitute potentially fertile areas for prospective student audiences. Further, a MSL program at UF would be a prime candidate for an aggressive, cross-industry employer engagement strategy as a means of identifying opportunities and driving enrollments.

Table 7. Top posting companies, March 2019 - March 2020













Company	Total/Unique	Posting Intensity	Median Duration
Anthem, Inc.	4,343 / 1,167	4 : 1 	17 days
M.A. Mortenson Company	6,205 / 872	7 : 1 	60 days
The Travelers Companies, Inc.	5,564 / 614	9 : 1 	50 days
National General Insurance	6,558 / 518	13 : 1 	50 days
Customs and Border Protection	3,499 / 476	7 : 1 	25 days
Robert Half International, Inc.	1,541 / 372	4 : 1 	23 days
State of Washington	970 / 292	3 : 1 	20 days
HEI Hotels, LLC	3,972 / 286	14 : 1 	64 days
Special Counsel, Inc.	697 / 238	3 : 1 	31 days
Humana, Inc.	1,001 / 235	4 : 1 	20 days
Federal Bureau of Investigation	997 / 233	4 : 1 	14 days
State of Florida	846 / 188	5 : 1 	20 days

Table 8. Top industries, Mar 2019 – Mar 2020

Industry	Unique Postings
Offices of Lawyers	3,978
Executive Offices	1,904
Colleges, Universities, and Professional Schools	1,594
Direct Health and Medical Insurance Carriers	1,549
Commercial and Institutional Building Construction	1,021
Direct Property and Casualty Insurance Carriers	1,017
National Security	883
Insurance Agencies and Brokerages	863
Engineering Services	590
Hotels and Motels	555

Table 9. Top posted occupations, Mar 2019 – Mar 2020

Occupation (SOC)	Unique Postings
Paralegals and Legal Assistants	9,237
Claims Adjusters, Examiners, and Investigators	1,985
Detectives and Criminal Investigators	1,132
Social and Human Service Assistants	1,115
Business Operations Specialists, Other	1,069
Managers, All Other	1,050
Legal Secretaries	942
First-Line Supervisors of Office and Administrative Support Workers	839
Postsecondary Teachers	639
Human Resources Managers	603
Accountants and Auditors	562
Construction Managers	547

SKILLS GAP ANALYSIS

Skills analysis of job postings and applicant profiles reveals only a few small gaps in hard skills (see Figure 2). Skill areas in which employer demand does not meet workforce supply include auditing, performance appraisal, case management, and social work. These gaps indicate potentially unmet demand for law knowledge in, among other fields, project management and social work and services. Soft or common skills gaps of note are communications, operations, investigation, and written communication (see Figure 3). Investigation may also capture social responsibilities in addition to law enforcement. A gap in operations indicates growing need for compliance knowledge in mid-level and executive management.

Figure 2. Top hard skills in job postings, March 2019 – March 2020



Figure 3. Top common skills in job postings, March 2019 – March 2020



We see further evidence of high demand for legal knowledge in management and leadership positions in our analysis of the top qualifications found in job postings (Table 10). The top qualification is an MBA. Reflecting demand for investigation skills and top occupations and industries above, we find high demand for Certified Fraud Examiners and CPAs. Pointing to the potential source of demand in law enforcement and national security employers, 730 postings contained required or desired certifications related to cybersecurity and information systems security. Human resources certifications, and interestingly, PharmD also registered high on the list of top qualifications in postings. Again, these qualifications point to the contours of the potential student audience and ought to guide strategic recruitment and marketing efforts.

Table 10. Top qualifications in job postings, March 2019 – March 2020

Qualification	Postings with Qualification
MBA	1,633
Certified Fraud Examiner	885
Certified Public Accountant	856
Certified Information Systems Security Professional/Manager/CISA/GIAC Certifications/CompTIA Security+	730
Certified Professional Coder	663
PharmD	441
SHRM-CP/SHRM-SCP/Human Resources	384
Certified Legal Assistant	239
Chartered Financial Analyst	215

Appendix C: Tax

We recommend beginning with a relatively narrow slate of tax electives that are capable of evolving over time as we gain more experience with the market and with the availability of instructors. Additional modules in complex areas, such as partnership tax and international tax, are suggested, but we recommend adopting umbrella course names that would allow the instructor to tailor topics based on current trends and on the student profiles. The following is a list of suggestions only, and we recommend that classes be authorized through our regular faculty process.

- **Business/Finance Tax Courses:**
 - Partnership Taxation
 - S Corporation Taxation
 - Advanced International Taxation
 - Advanced Partnership Taxation
 - Advanced Problems in Business Taxation
 - Advanced Problems in International Taxation
 - Taxation of Investment & Finance Sector Business Entities
 - Taxation of Financial Instruments
 - Taxation of Mergers & Acquisitions
 - VAT/Indirect Taxation
 - Real Estate Taxation
 - Data Analytics and Tax

- **Individual & Family Wealth Management Courses**
 - Taxation of Executive Compensation
 - Taxation of Estates and Trusts
 - Taxation of Gratuitous Transfers
 - Tax-Exempt Organizations
 - Advanced Tax Issues in Private Wealth Management

- **Miscellaneous Topics**
 - ERISA
 - Employee Benefits/Executive Compensation
 - State & Local Taxation
 - Practicing Before the IRS as a Non-Lawyer