BOARD OF HIGHER EDUCATION

REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Assessment and Accountability **NO**.: AAC 07-14

COMMITTEE DATE: February 7, 2007

BOARD DATE: February 15, 2007

MOVED: The Board of Higher Education hereby approves the Articles of Amendment of **Western New England College** to award the **LL.M in Estate Planning and Elder Law.**

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.

Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

BOARD OF HIGHER EDUCATION

Western New England College

LL.M in Estate Planning and Elder Law

INTENT

Western New England College filed a completed petition for approval to offer the LL.M in Estate Planning and Elder Law in December 2006. A major component of the College's mission is the training of students to practice law. Most of the College's Law School graduates ultimately practice law in small and medium-sized law firms. The graduate program in estate planning is intended to complement the College's mission by providing practical legal training and skills for these attorneys. As a post-professional degree the LL.M (Master of Laws) is meant to help train and attract general practitioners who wish to expand their estate planning practices and develop the ability to handle more complex estate planning issues. The proposed program is designed to teach the practical aspects of drafting estate plans, administering the settlement of estates, and representing elderly clients and their families.

INSTITUTIONAL OVERVIEW

Western New England College is a non-profit institution located in Springfield, Massachusetts. The College was chartered in April 1951 and authorized to offer the Bachelor of Business Administration "with specification in the fields of Accounting, Management, and Engineering and Business, and the degree of Bachelor of Laws, together with honorary degrees usually conferred." In May1956 the College was approved to offer the Bachelor of Science with specification in the fields of Industrial Engineering and Mechanical Engineering, as well as the Master of Business Administration. In May 1959 The Board approved the College to grant "degrees such as are usually conferred in the Commonwealth of Massachusetts in the fields of Business Administration, Science, Engineering, Education and Law, except at the doctorate level; together with honorary degrees such as are usually conferred by colleges in the Commonwealth of Massachusetts. In February 1968 Western New England was authorized to amend its purpose "to conduct a college for the teaching of subjects in the Arts and Sciences, in Business, Technical, and Scientific Curricula, and in Law; with authority to grant and confer degrees such as are usually conferred in the Commonwealth of Massachusetts, except at the Doctorate level." In April 1970 the Board approved the petition of the College "to conduct a college for the teaching of subjects in the Arts and Sciences, in Business, Technical, and Scientific Curricula, and in Law; with authority to grant and confer degrees such as are usually conferred in the Commonwealth of Massachusetts, except at the doctorate level, but including the first professional degree in Law."

Currently Western New England College is organized into four schools: Arts and Sciences, Business, Engineering, and Law. In addition to the Juris Doctor, students can earn bachelor or master degrees in 40 programs of study. Current enrollment numbers approximately 4,000 undergraduate, graduate, and law students with total law school enrollment at approximately 550 students. Western New England is accredited by the New England Association of Schools and Colleges (NEASC). Western New England College School of Law is accredited by the American Bar Association and is a member of the Association of American Law Schools.

ACADEMIC AND RELATED MATTERS

Curriculum *(Attachment A)*

Candidates for an LL.M degree in estate planning must successfully complete a minimum of 24 credit hours of course work, including 16 credit hours in required courses and a minimum of 8 credit hours in elective courses, with an overall grade point average of 70 or better. As a final 4 credit project, every student will design and draft a comprehensive estate plan under the supervision of an experienced estate planner. The curriculum will be implemented in phases over a three-year period. Initially, the program will enroll only part-time students and the College projects that most students will earn the LL.M in two or three years.

Admission Requirements

Prior to matriculation, applicants for admission to the Graduate Program in Estate Planning must earn a J.D. or an equivalent degree from a law school accredited by the American Bar Association. Each candidate for the LL.M degree must submit a completed admission application, official law school and undergraduate school transcripts and at least two references.

A limited number of non-degree students will be allowed to participate in the program. Normally, such non-degree students would already be engaged in an estate planning practice and may desire to enroll in certain courses to enhance their knowledge in a specific area. These non-matriculated students will be allowed to register for no more than one or two courses with the permission of the Director of the Program. They may be considered for admission to the degree program based on their performance in courses which they have taken.

Tuition and Fees

The tuition for the LL.M. Program in Estate Planning and Elder Law will be charged on a per credit hour basis. The charge for each credit will be one-twenty-fourth (1/24) of the annual tuition charged to full-time students enrolled in the J.D. program. For example, with current annual tuition for the full-time J.D. program at $27,816, the per credit fee charge for the LL.M. program for the LL.M. program would be $1,159. In addition to tuition, there is also an annual fee of $502, which includes registration, general services, graduation fees, and transcripts for life. Students who wish to use the Alumni Healthful Living Center will pay an additional $200 per year.

RESOURCES

The S. Prestley Blake Law Center of the Western New England College School of Law houses classrooms, a moot courtroom, law library, administrative and faculty offices, and lounge areas. An adjacent building serves as a base for our clinical programs.

The School's 40,000 square foot professionally staffed Law Library offers more than 370,000 volumes that include research and reference volumes as well as reprints of earlier texts. Supplementing these resources are Internet access, audio and video collections, microform, electronic materials, and research services such as Lexis-Nexis and Westlaw. The Library is also a designated depository for selected government documents.

The LL.M program will rely heavily on faculty, including adjunct faculty, who possess technical expertise in specific areas such as income taxation of trusts and estates, taxation of pass-through entities, charitable gifts and private foundations, elder law, and fiduciary administration. In order to attract faculty from a wide geographic area, including Connecticut and eastern

Massachusetts, courses will be scheduled in the evenings and, in certain instances, on weekends. Currently the College employs 37 full-time faculty and 35 adjunct law school faculty.

EVALUATION

The Accreditation Committee of the American Bar Association (the Section of Legal Education and Admissions to the Bar) reviewed documentation for and granted acquiescence with respect to the establishment of the LL.M in Estate Planning and Elder Law in June 2004. The Accreditation Committee conducted a site visit at the Western New England College School of Law in April of 2006. As part of its current petition to the Board of Higher Education, the College provided the American Bar Association's letter of December 2006, affirming that the LL.M in Estate Planning and Elder Law does not detract from the School of Law's ability to maintain its Juris Doctor program and confirming the Accreditation Committee's previously granted acquiescence with respect to the LL.M in Estate Planning and Elder Law.

PUBLIC HEARING

The required public hearing was held on Tuesday, January 16, 2007, at 10:30 a.m. in the Board of Higher Education's office. No comments were offered in opposition to the proposed program.

STAFF ANALYSIS AND RECOMMENDATION

Staff reviewed all materials submitted and held several discussions with representatives of the institution. The proposed LL.M is closely aligned to the Western New England College existing Juris Doctor Program. The College also provided evidence of the sufficiency of the institution's faculty, facilities, and other resources to deliver the proposed program, including acquiescence by the Accreditation Committee of the American Bar Association.

After a thorough evaluation of all documentation submitted, staff is satisfied that the proposed LL.M in Estate Planning and Elder Law at Western New England College meets the criteria set forth in 610 CMR 2.08(3) in the Degree-Granting Regulations for Independent Institutions of Higher Education, accredited by the New England Association of Schools and Colleges. Recommendation is for approval.

ATTACHMENT A: Curriculum Outline
LL.M in Estate Planning and Elder Law

Since the primary objective of the program is to prepare the students to practice estate planning, the courses will emphasize the practical aspects of drafting estate plans and administering the settlement of estates. To obtain the degree, each student will be required to complete 16 credit hours in required courses and a minimum of 8 credit hours in elective courses. As a final 4 credit project, every student will design and draft a comprehensive estate plan under the supervision of an experienced estate planner.

Required Courses	Credits
1. Elder Law	2
2. Wills and Trusts: Design, Drafting, and Implementation	2
3. Fiduciary Administration	2
4. Federal Wealth Transfer Taxes	2
5. Federal Income Taxation of Estates and Trusts	2
6. Wealth Planning with Insurance Products	2
7. Final Project: Drafting of Comprehensive Estate Plan	4

Elective Courses	Credits
1. Advanced Issues in Wealth Transfer Taxes	2
2. Advanced Issues in Elder Law	2
3. Planning for Charitable Transfers	2
4. Corporate Taxation	2
5. Income Taxation of Pass-Through Entities	2
6. Business and Estate Planning for Owners of Closely Held Business Entities	2
7. International Estate Planning	2
8. Estate Planning for Retirement Benefits for Qualified and Non-Qualified Plans	2
9. Estate Planning for Same Sex Couples	2