



STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA



10th Floor, 911 East Broad Street, Richmond, 23219

(804) 770-2143

December 21, 1973

Mr. John C. Wood, Rector
George Mason University
4400 University Drive
Fairfax, Virginia 22030

Dear Mr. Wood:

I have delayed responding to your letter of November 15 until I have had an opportunity to discuss your intentions with Dr. Lorin Thompson. Lorin and I talked only yesterday and I believe he now has a better understanding of my position and the Council's position with reference to additional law schools in Virginia.

Let me summarize briefly. The General Assembly Commission on Higher Education asked that the State Council staff prepare a report for the Commission on the need for establishing additional state-supported law schools in Virginia. Unfortunately, the time constraints placed upon the Council staff did not allow us to make the study as detailed as we would have preferred. The study is quite comprehensive, however, and I attach a copy for your information. I have also shared a copy of this study with Dr. Thompson. The study has not been officially released by the Commission, and I ask that you use it with discretion.

This study per se was not officially accepted or adopted by the Council of Higher Education. The Council did review it very carefully and, as part of The Virginia Plan for Higher Education, the Council did adopt a statement concerning legal education in Virginia. In summary, the Council's position is that "...It is the judgement of the State Council of Higher Education that an additional law school is not needed in the Commonwealth in the foreseeable future." A copy of the Council's statement on legal education as it will appear in The Virginia Plan is attached.

I also acknowledge your letter of November 15 as a Letter of Intent to establish a law school at George Mason University. Two factors must be considered as a result of your letter.

First, Section 23-9.11 of the Code of Virginia requires that "No State Institution of higher learning shall establish any additional school... without first referring the matter to the Council for its information, consideration and recommendation and without specific approval by the General Assembly of the location and type of such school...". Therefore, the Council must consider the request for the establishment of a school and make a recommendation to the General Assembly which must act favorably upon it before such a school may be established.

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Second, The State Council of Higher Education, under Section 23-9.6 of the Code of Virginia, has the responsibility for approving degree programs prior to their implementation in state-supported institutions of higher education. Under this provision, your letter will be considered as a Letter of Intent to award a degree in law. The review and approval of this action can be taken singularly by the Council.

I cite these two factors only to show that what you propose is at least a two step process and must have not only the concurrence of the Council of Higher Education but also the General Assembly of Virginia.

Finally, I do not wish the Council's position which will appear in The Virginia Plan to be considered completely unalterable. Obviously, the purpose of the Council is to review requests such as you have made and to consider them in light of statewide requirements and to act in the best interest of the Commonwealth. Therefore, I will be pleased to cooperate in any way with Dr. Thompson as he conducts the feasibility study which you mentioned in your letter of November 15. I believe it would be unwise for the Council to act upon the Letter of Intent at this time. When all of the data are available, we will give your Letter of Intent full consideration.

Thank you for your excellent cooperation with the Council of Higher Education.

Sincerely,



Daniel E. Marvin, Jr.
Director

DEM/r

Encs

cc Dr. Vergil H. Dykstra

Dr. Lorin A. Thompson