

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**  
**REPORT 100 OF THE COMMITTEE ON**  
**ACADEMIC POLICY AND PROGRAMS**  
**FEBRUARY 27, 2003**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a special meeting on Thursday, February 27, 2003 at 4:10 p.m. in the Council Chamber, Simcoe Hall, at which the following were present:

Professor J. J. Berry Smith (In the Chair)  
Dr. Thomas Simpson, Chair, Governing Council  
Professor Robert Birgeneau, President  
Professor Carolyn Tuohy, Vice President (Policy Development) and Associate Provost  
Professor Vivek Goel, Vice-Provost, Faculty  
Mr. Syed Ahmed  
Professor Derek Allen  
Ms Honor Brabazon  
Mr. Adam Chapnick  
Professor Mary Chipman  
Ms Ranjini Ghosh  
Professor Wayne Hindmarsh  
Professor Ellen Hodnett  
Professor Lynne C. Howarth  
Mr. Josh Hunter

Ms Vera Melnyk  
Mr. David Melville  
Professor Robert Reisz  
Professor Dennis Thiessen  
Professor Tas Venetsanopoulos

Non-Voting Assessors:

Professor Shirley Neuman, Vice-President and Provost  
Professor David Farrar, Vice-Provost, Students

Secretariat:

Ms Susan Girard  
Ms Silvia Rosatone

Regrets:

Professor James Donaldson  
Dr. Inez Elliston  
Professor Anthony Haasz  
Professor David Jenkins  
Professor Alexandra Johnston, Vice-Chair

Professor Cheryl Regehr  
Professor Keren Rice  
Mrs. Susan Scace  
Mr. Vivek Sekhar

In Attendance:

Dr. Robert Bennett, member, Governing Council  
Professor Raymond Cummins, member, Governing Council  
Mr. Brian Davis, member, Governing Council  
Professor Sherwin Desser, member, Governing Council  
Ms Susan Eng, member, Governing Council

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In Attendance: (cont'd)

Mr. Sean Mullin, member, Governing Council  
 Mr. Colm Murphy, member, Governing Council  
 Dr. John Nestor, member, Governing Council  
 Mr. Josh Paterson, member, Governing Council  
 Mr. Chris Ramsaroop, member, Governing Council  
 Professor Sheldon Levy, Vice-President, Institutional and Government Relations  
 Professor Rona Abramovitch, Director, Transitional Year Program  
 Ms Sue Bloch-Nevitte, Director of Public Affairs  
 Ms Lois Chiang, Assistant Dean, Students, Faculty of Law  
 Ms Soma Choudhury, Co-chair, South-Asian Law Students' Association  
 Professor Ronald Daniels, Dean, Faculty of Law  
 Mr. Aaron Delaney, Student Caucus of the Faculty of Law Council  
 Mr. Neil Dobbs, Deputy Secretary, Governing Council  
 Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President  
 Ms Lindsay Forbes, Student Caucus of the Faculty of Law Council  
 Ms Bonnie Goldberg, Assistant Dean, Career Services, Faculty of Law  
 Professor Paul Halpern, Rotman School of Management, member, Academic Board  
 Ms Arlene Huggins, Vice-Chair, Standing Committee on Equality, Canadian Bar Association  
 Ms Françoise Ko, member, University Affairs Board  
 Professor David Mock, Dean, Faculty of Dentistry  
 Ms Lesley Lewis, Assistant Provost  
 Ms Maureen Somerville, Chair, College of Electors  
 Professor Arnold Weinrib, Faculty of Law

THE ITEM IS REPORTED FOR INFORMATION.

**1. Provost's Accessibility and Career Choice Study in the Faculty of Law**

The Chair welcomed members and guests to this special meeting of the Committee on Academic Policy and Programs, noting that it was the 100<sup>th</sup> meeting of the Committee.

The only item on the agenda was the Report of the Provost's Study on Accessibility and Career Choice in the Faculty of Law. The Committee would receive the report for information and discussion. The Report would be presented to the Business Board and to Governing Council as background to the discussion of the tuition fee schedule for next year. He briefly outlined the way in which he proposed the meeting would proceed. After an introduction by Professor Neuman and a presentation by Professor Goel, he would invite Committee members to ask questions for clarification. He would then ask those guests who had so requested, in advance of the meeting, to address the Committee for up to three minutes each, and then the Committee would debate the issue. He asked the speakers to ensure that their comments added value to the discussion and focused on the results presented in the report rather than on the methodology. The Chair assured the Committee there would be time for debate by the members, and the Committee agreed to the procedure.

On motion duly moved and seconded,

It was agreed

THAT the meeting adjourn no later than 6:00 p.m.

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**1. Provost's Accessibility and Career Choice Study in the Faculty of Law (cont'd)**

The Chair noted that should the Committee wish, it could vote to extend the meeting.

Professor Neuman reminded the Committee of the motion approved by the Governing Council in May, 2002:

THAT there be no further substantial increase in tuition fees for the JD Program in the Faculty of Law until the Governing Council is satisfied that there has been no reduction in accessibility due to the 2002-03 tuition increase and career distortion due to previous substantial increases based upon a comprehensive Accessibility and Career Choice Review to be conducted by the Provost's Office.

The motion had asked the Provost's Office to look at the outcome of past actions. A great deal of consultation had been undertaken before the methodology was drafted. The two questions that were to be answered were: what was the impact of tuition increases on accessibility and had there been career distortion? She suggested that some people wanted to address different questions and to look at students' intentions, but that was not the study mandated by Governing Council. The methodology had been discussed, revised and endorsed by this Committee in November. She was pleased to present the results of the study. She thanked the Law Society of Upper Canada for working with the University by generously providing data.

Professor Goel thanked the Faculty of Law for its help in providing data and the staff in the Provost's Office who had co-ordinated the work, verified data in the Faculty of Law, and conducted analysis. He said that the motion from Governing Council had asked for a look back and the methodology, as endorsed by the Committee, had been followed closely. A copy of Professor Goel's presentation is attached hereto as Appendix "A". The report was presented in three parts: a literature review, financial accessibility, including financial aid, and career choice. The following were the results presented for each of the sections of the Report.

Literature Review:

- Very little published on effect of tuition fee increases on accessibility to law school
- Important factors related to post-secondary education attendance are parental education and students' academic ability
- Debt-load does not play a significant role in legal career choice; characteristics of the work environment are more important factors
- Back-end debt relief programs can be valuable for certain groups entering certain types of careers

Financial Accessibility:

- Share of pool of Canadian students applying to U of T law school has increased
- Share of good candidates has increased
- Proportion of students accepting offers has remained steady
- Proportion of women and visible minorities applicants and registrants have increased
- There has been no change in the proportion of students from lower-income backgrounds

Financial Aid:

- Total financial aid provided by the Faculty of Law has increased from \$102,000 in 1995 to \$1,900,000 in 2002; aid from all sources is at \$2,600,000

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**1. Provost's Accessibility and Career Choice Study in the Faculty of Law (cont'd)**

- In 1999 39% of all law students received some aid, this increased to 51% in 2002  
– Bursary assistance reduced tuition to 0 for 4% in 1999, rising to 7% in 2002
- In 1999 53% of first-year law students received some aid, this increased to 64% in 2002  
– Bursary assistance reduced tuition to 0 for 3% in 1999, rising to 13% in 2002

Career Choice

- UofT graduates have slightly increased likelihood of articling in non-firm setting, while graduates of other institutions have decreased
- UofT graduates have been more likely to article at large firms, relative to other law schools, but an observed increase in the proportion doing so was similar to that at other institutions
- Trends in current employment of UofT graduates did not differ from those seen at other institutions.

The Chair thanked Professor Goel for his presentation and asked members if there were questions for clarification. A member asked what the tuition fee was for the class that articulated in 2000. Professor Goel said that it was \$4,000 in their first year.

The Chair invited the speakers to address the Committee.

Professor Desser, a member of Governing Council, expressed his regret that the Provost had had to divide her time and energy between the academic planning exercise and this study. He said that the study provided some useful information but that it had no predictive value. He noted that the yield rate showed a small decline but it was too soon to tell if accessibility had been reduced. The report said nothing about those who chose not to come to the University. The number of black students rose from 3 to 6; these numbers were small and statistically insignificant. However, the largest number of blacks in the country lived in the GTA. The impact of the recent fee increases would not be fully realized until after 2006. He believed the most impact would be felt by the students from middle income families. He also thought that the Faculty was unlikely to raise 8 times the funding it currently received from its alumni. Current levels of student aid would decline due to pressing problems with the endowment income. By the time the impact of the increased fees was realized, it would be too late to fix the problems. He admired the aspirations of the Faculty of Law to be among the best in North America but he did not believe that accessibility would not be affected by the tuition fee increases.

Mr. Paterson, a member of Governing Council, applauded the Provost's work but echoed Professor Desser's comments. The report noted the effects of tuition increases to date. There was no indication of what would happen going forward. This was not a report that could satisfy the members of Governing Council that their concerns for approving further substantial fee increases had been satisfied. There was no predictive value. He noted particularly the lack of qualitative data and questioned the reliability of the data used. He asked why the Provost had chosen not to talk to current law students. He believed that that career choices were affected by tuition fee increases and that future students would not be able to afford to come to the Faculty.

Ms Forbes, a second-year student representative on the Faculty of Law Council, said that the study represented a first step in the accessibility debate, but that ultimately it was inconclusive. She noted that the sample size for the study was small, covering a small

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**1. Provost's Accessibility and Career Choice Study in the Faculty of Law (cont'd)**

number of years and a small number of individuals, those who were already in the Faculty. There was a selection bias because the sample was not randomized. With respect to the point that the amount of financial aid had increased 19 fold from 1995 to 2002, there was nothing to support the belief that it would continue to grow and be the mitigating factor as suggested by the report. She said that the report did not establish a clear causal relationship between fees and accessibility; there were only correlations and no attempt to explain what caused the trends. She noted that aboriginal students were actively recruited and she wondered whether this would skew the data. In conclusion, she said that this report was inconclusive and that it should not satisfy anyone that tuition fee increases had no impact.

Mr. Delaney, a member of the student caucus of the Faculty of Law Council, viewed the report as a good first effort at contributing to debate but it was ultimately inconclusive. He wished to focus on the effects on career choice. The data took into account those who had articulated up to 2000. The class of 2000 paid a maximum fee of \$5,500. There was no career choice information available on those who would be paying the proposed, much higher fees. With respect to the public interest law question, he noted that the two proxies that had been planned, had not worked. The use of the non-firm group was not a good substitution since it included a wide range of jobs. Finally, he noted a number of areas in which the data presented did not match the words chosen to describe their significance. As an example, he referred to a comment in the literature review that suggested there was a strong case for delving further into socio-economic status as a complex variable influencing the responses to tuition increases and attendant enrolment decisions. The Provost's cover memorandum stated that the literature on accessibility to higher education in general showed that tuition did not play a major role in access to higher education. In his opinion, the study was inconclusive at best.

Professor Neuman responded to some of the comments made by the previous speakers. She re-iterated that the study showed the effects of tuition increases to date because that was what Governing Council had requested in its motion. With respect to the non-firm grouping of jobs, it was implicit that the pool contained only the jobs available in any given year. She noted that in the 2000 articling class, those in the non-firm group had risen by 1.8% at this University while the average from other institutions had declined by 4.8%. It had always been the case that a large proportion of U of T graduates had chosen to work in large firms. Graduates joined large firms independent of debt considerations. The large firms were mainly situated in Toronto and the firms recruited from the most prestigious schools, and recruited the students with the best GPAs. On the question of surveying current students, Professor Neuman noted that it was difficult to obtain reliable information from surveys when those involved had a self interest in the responses. Surveys were good for gathering attitudes and perceptions but not for predicting outcomes. The literature review showed that back-end debt relief programs had some effect on career choices and the Faculty of Law had such a program. The review also noted the effectiveness of guaranteeing this relief to entering students, and this too the Faculty was considering. With respect to public interest law, she said that women were more likely to go into these careers than men. The number of women was increasing, and there was likely to be a corresponding increase in interest in public interest law. On the matter of financial aid, Professor Neuman said that the increase had been supported by donations, both endowed and annual, and by the provincial government requirement that 30% of tuition fee increases be used for financial aid. She noted that in 2000, more funds had been received in donations for financial aid than from

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increases in tuition fees. In response to a question from the Chair, Professor Neuman said that the University was anticipating a provincial government announcement of a matching program for donations for student aid. \$10 million in expected donations to the University were waiting for the anticipated announcement of the matching program. The prospects for increased student financial aid were very good.

Ms Eng, a member of Governing Council, commented that when Governing Council had asked for the review, it had not intended to place more work on the new Provost. She praised the work done on the study. Members of Governing Council had wanted to know what effect the increased fees would have on accessibility and career choices. Validity issues with the study have been raised. She noted that the cut-offs for family income had been raised to less than \$60,000 for the low-income group which was usually pegged at less than \$40,000 or less than \$50,000. With respect to the data about graduates entering large firms, she wondered what the corresponding numbers were for York University, where many graduates would also have an incentive to join Toronto firms. She recalled that a number of other professional faculties had had higher increases in tuition approved in earlier years, but the Faculty of Law had caught Governing Council's notice. She suggested that there was not enough information to make a decision, and that the governors would need a lot more assurance that the fee increases would not have a negative effect on accessibility and career choice. Governors might be choosing between two wrongs: to increase fees and learn later that it had affected accessibility and to not increase fees and learn later that it could have been done without affecting accessibility.

Ms Huggins, Vice-Chair of the Standing Committee on Equality of the Canadian Bar Association, said that the Association had an interest in this issue. She said that the report stopped short of looking at the data available. The question was would there be a decrease in accessibility if fees rise. The students present at the meeting were part of the data. She was an alumni but she would not have been able to attend the Faculty of Law if the fees were increased to the levels proposed. She believed that it was critical to look at the intentions of students. The data could be reliable if used with other data. The data available for the study was limited and based on the period before the larger increases were instituted. She noted that the coalition of deans of the law schools was proposing a study to look at a range of data from OSAP applications, application material, surveys, focus groups and program attrition rates. She suggested awaiting the outcome of that study.

Ms Choudhury, from the South-Asian Law Students' Association, said that the report was an inadequate basis for increasing tuition fees. She noted that the South-Asian community was the second largest visible minority group in Toronto but the number of students in first year had risen from 7 to the current 12. If the school was not reflective of Toronto at lower tuition fee levels, it would not change as fee levels were increased. She commented that quantitative data showed what was happening; qualitative data explained why. With only the former, there were statistics, which could support any proposition when taken out of context. She believed that tuition fee levels had the potential to affect accessibility. Would the same percentage of visible minorities now be acceptable 5 years from now? She noted that in a previous meeting with law students the Provost had said that narrative did not matter. Ms Choudhury said that to exclude narrative was to remove any consideration of humanity. In her particular case, she had intended to enter public interest law. She said that the fees had compelled her to work for a big Bay Street firm. This was career distortion.

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Professor Neuman corrected Ms Choudhury's impression of her comment on narratives. Professor Neuman, a life-long student of narratives, said that from any given information, it was possible to construct different narratives. For this study, she had preferred to rely on data.

Professor Goel said that the authors of the report could not predict with certainty what would happen in the future but they had been asked to do so. As a public health physician, he was always asked to look at data and make recommendations on the future. If the Governing Council waited for the perfect causation study using a randomized design, it would wait a very long time. Students' accessibility to the quality improvements proposed by the Faculty of Law would be limited during this time. With respect to the numbers of black students in the Faculty, he noted that the proportion was higher than the proportion taking the LSAT test and that in the Canadian population. The Faculty of Law had outreach and mentoring programs in place. He agreed that future studies needed to be done on why graduates choose certain career paths. With respect to purported slippages in wording between the data and the prose, he said he would be happy to follow up these points with interested individuals, as the report had been very carefully worded.

Professor Neuman noted that the student financial aid available in 2002 from the Faculty was \$1.9 million and from all sources was \$2.6 million.

Dean Daniels said that comments about vague promises of financial aid were deeply insulting. The Faculty's financial aid program started in 1995 and was now without peer in the country. The distribution of the \$1.9 million in bursary funds was based on principles and policies established with student input. This was not a vague promise but a real benefit that had changed the prospects of students dramatically. Dean Daniels reported that the survey proposed by the coalition of law deans was in a nascent stage and had been spurred by the leadership provided by the University and the Faculty of Law. On a final point, he noted that the Provost's study had been "done to" the Faculty. At the end of the day, the report was a great source of pride. The Faculty had been subjected to a level of scrutiny and evaluation that was unparalleled in this University and the country. He thanked the Provost and her staff for their hard work, attention and care.

The Chair thanked the speakers and invited the Committee to debate the report.

A member noted that, to date, all the discussion had been on the data collected and not on the literature review. Concern had been expressed on the inability to predict the future. She suggested that everyone read that section of the report very carefully. It addressed, in a comprehensive manner, the work that had been done on the issues of accessibility and career choice over the last 3 or 4 decades. Specifically it said that access was affected by a number of factors, including socio-economic status, which itself was related to many fundamental issues, that were more important than the level of tuition fees.

A member expressed his disappointment with the Governing Council for posing what, in his opinion, was a rather silly question. He was extremely disappointed in personal comments directed toward the Provost who was not at the University when the assignment had been given. She had done a good job of studying something he thought irrelevant. However, he would take exception to some words in the Provost's cover memorandum which he found inflammatory. With respect to future predictions, he said that one of the

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**1. Provost's Accessibility and Career Choice Study in the Faculty of Law (cont'd)**

variables was what the other law schools would do concerning tuition fee levels. If all schools raised their fees to comparable levels, the situation would be different from one in which only this University raised its fees. The Governing Council resolution placed the onus on the University to prove whether or not there would be an impact caused by increasing fees. Tuition fee increases would not be approved until the impact was known, but the impact could not be known until the fees were increased. The situation was frustrating.

A member who was a fourth-year student in the joint Law/MBA program said he had started in the Faculty in 1999 when the tuition was \$5,000. He said that the report was a good attempt to answer the question asked but if the members of Governing Council had to make a decision based on the report, there were a number of problems. It was not a conclusive report but rather a good start. The period of data reviewed was not long enough. It would take a longer period of time to study accessibility and career choice changes. A change in tuition from \$5,000 to \$14,000 might or might not cause career distortion; future effects at the \$22,000 level had to be predicted. The report did not answer enough questions.

A member noted that the documentation from the Canadian Bar Association indicated that a freeze on medical school tuition had been called for by the Ontario Medical Association until accessibility could be reviewed. This was based on a study that suggested that family income of students had increased at the University of Western Ontario's Faculty of Medicine. Was not the situation in the medical schools and this Faculty of Law similar? Professor Goel indicated that in the case of the Faculty of Law, increases in tuition fees were coupled with a comprehensive student aid program, which was likely why an impact on accessibility was not observed.

The member asked if another guest could address the Committee. The Committee agreed.

Mr. Ramsaroop, a member of Governing Council, referred to the literature review and encouraged members to take a holistic approach. There was a direct correlation between accessibility and debt load. He said that the author of the literature review, Professor Emeritus Stager, had been a long-time advocate of deregulation of fees and his view of the literature could, therefore, be biased. He said that he had recently spoken to a group of high school students who might be thinking of a law career. They were shocked and afraid for the future when they heard about the increased fees. The fees were a detriment to their future. The Chair asked whether the students were told about the financial aid available to them. If they had been told, the response might have been different. The lack of full information was symptomatic of surveys.

A member understood that the methodology was not for discussion, but if the results were considered unacceptable, members could decide that a new study was needed. She understood that the Faculty was proud of its financial aid program, but, according to the annual report on financial aid, there were about 5% of students with debts in excess of \$30,000. She had personal experience with students who did not have enough money to eat properly. With such a debt load and the prospect of fees increasing, students would not be able to apply to the Faculty of Law. She was shocked that the Faculty was considering raising fees to \$22,000. With students in financial difficulty and a number of



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people speaking against the report, she suggested that the members of Governing Council consider asking for another study.

Professor Neuman said that a student with a \$30,000 debt load would probably qualify for full tuition remission. She appreciated the fact that people would like more information. The current study had cost between \$70,000 and \$100,000 in time and costs, the same amount that would pay for 4-6 full tuition remissions in the Faculty. The Chair noted that the study had been commissioned by the Governing Council and it had set the questions to be answered.

A member agreed that the Provost had done what she had been asked to do. Another factor that members should consider in the debate about tuition fees was the quality of the program. Would students be happy with a lesser quality program? How did the Faculty compare with other faculties across the country? The Chair noted that this was a question for discussion at another time.

A member commented that no matter what the cost or effort, if the report did not provide the appropriate information, it was not useful.

Professor Goel noted that the Provost's Office did not conduct a survey but rather completed a study. With respect to McGill, he noted that the fees were approximately \$2,000, the class was not any more diverse than Toronto's, and over 80% of the graduates joined large firms. He re-iterated the importance of the literature review, which, over time, did not show a major impact of fees on accessibility.

A member suggested that the report would be useful to Governing Council. It showed that the increase in fees had been matched by an increase in student aid. The charts showed that in 2002, 64% of first-year students received some financial aid, with 13% receiving complete tuition relief. These numbers were significant.

It was agreed that the meeting be extended by 15 minutes.

A member noted, that, by his calculations, almost 40% of the students were graduating with debt loads because they did not receive any financial aid. He agreed that full or partial tuition remission was an excellent program.

Dean Daniels recalled that in all the Faculty's discussions about its plans, no one had ever said that higher tuition would not result in significant debt load increases. The financial aid program would be key to the plans for needy students. He said that a significant number of graduates worked in the private legal practice where they received a substantial benefit and would be able to pay their loans. This was the pattern before the fees were increased. \$2.6 million was a substantial level of student financial support. Students had a variety of opportunities. Some would not get assistance and might enter a large firm; others might choose public interest law and receive debt relief. He agreed that it would not be good if students found their career choices thwarted.

Professor Neuman explained that not all those students who did not receive financial aid were acquiring debt; a substantial number of students could afford the fees.

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The Chair stated that there had been a study conducted in response to a motion from Governing Council. The methodology had been endorsed. Although there was some discomfort with the predictive value of the study, that in fact had not been asked. There was no evidence of an effect on the current cohort. The study had addressed the issues included in the motion.

A member noted that the Governing Council motion referred to "previous substantial increases". Has there been career distortion? He believed that the study had not answered the question. The last class studied paid \$5,500 in fees, which level was well below the current level of \$10,000-11,000 of the 2003 graduating class. There was no evidence on career distortion because the data had yet to be produced. Another member indicated that the literature review would give some assurance on that point and in particular the value of back-end debt relief programs. The evidence was there.

Professor Goel agreed that it was impossible to assess the effects of the latest increases. The study had reviewed the data from previous graduating classes. He noted that those students who had articulated in 1995 had paid about \$2000 in first-year fees and those that had articulated in 2000 had paid \$4,000 in first-year fees. Thus tuition had doubled while there was minimal financial aid during the period of the career choice study.

A member referred to a comment made by a guest speaker that Professor Emeritus Stager's review might have been biased. If that were proven true, that would be a serious flaw in the study, but he noted that would be the only potential flaw in the study. The Chair said that bias on the part of a faculty member was a serious allegation and Professor Cummins, Chair of the Academic Board, agreed that such an allegation should not be made lightly. Mr. Ramsaroop asserted that he had evidence to support his view.

A member said that required LSAT scores and debt load might affect the admission success of minorities. Professor Neuman found the remarks completely offensive to minorities to insinuate that they would be at a disadvantage because the LSAT scores required for admission were high.

The meeting was adjourned at 6:20 p.m.

Secretary  
February 28, 2003

Chair