

June 22, 2020

Dear Students Accepted to the Delaware Law School:

I am delighted to be welcoming you to the Delaware Law School. I had planned to greet you in person, at a cook-out at my house, which is located about ten minutes from the Law School, but conditions still render that unsafe. We will still have our cookout, even if delayed!

I write with this important message to elaborate on the plans for opening the Law School for the Fall Semester, consistent with the University-wide announcement of University President Julie Wollman this morning. I sent a message a few minutes ago to our students, faculty, and staff, and now am sending this special message to all of you.

Academic Calendar

The Widener Delaware Law School will open for the fall semester on the dates previously planned. First-year student orientation will be August 11-13, and classes will commence on August 17. Because there is very little of the academic calendar remaining following the Thanksgiving Break, all classes, review sessions for courses, reading periods, and examinations following the Thanksgiving Break will be remote. Thus, while the semester will continue following the Thanksgiving Break, all academic activity following the Thanksgiving Break for the Delaware Law School will be conducted remotely.

Bar Exam Week

The Delaware Law School is the only available forum in the State of Delaware for the administration of the Delaware Bar Exam. Notwithstanding any other schedule arrangements, the Law School will conduct all classes remotely during the week of the postponed Delaware Bar Exam in September as necessary to accommodate administration of the exam.

Opening in On-Campus, Hybrid, and Remote Configurations

We will open in three configurations: (1) entirely on-campus classes; (2) hybrid classes, with some on-campus and some remote class experiences; and (3) classes that are conducted entirely remotely.

The Factors Germane to the Configuration Options

The blend among the three configuration options will reflect: (1) the physical capacity of the campus to provide on-campus classes consist with legal requirements and best practices; (2) staffing availability, taking into account that some faculty members are not able, for health or family reasons, to teach on-campus; and (3) the preferences of individual students for on-campus or remote experiences.

Accommodations for Students Opting for Remote Instruction

Every student who cannot for personal health or family reasons attend classes on campus will be accommodated and permitted to attend classes remotely. All students will receive instructions soon under a separate message containing a link to which you must reply declaring whether you opt for entirely remote courses for your fall schedule. (Note that we fully understand and will attempt to accommodate changes of plans as circumstances may require. Our purpose in requiring this early designation is to maximize our time for making the necessary logistical arrangements.)

First-Year Orientation

The first-year orientation will be conducted remotely. You will soon receive more detailed information on the first-year orientation schedule.

First-Year Course Schedule

The course schedule for first-year students, in both the regular and extended divisions, is a “set piece,” in that the curriculum is already prescribed. We are thus able to describe exactly what the first-year experience will be. Every first-year student will have available at least one day, and in some cases two days, of on-campus classes. To the maximum extent possible, the on-campus days available for first-year students will be limited to one-day per week, though in some cases two days per week. Any students wishing for an entirely remote experience, however, may opt to do so. We will attempt to group those students together.

First-Year Extended Division Schedule

In the Extended Division, the only evening for which on-campus classes will be available is Monday evening. Thus, if you are a first-year Extended Division student, the only evening you need plan to be on campus is Monday evenings. You may elect, however, to attend some or all of those Monday evening classes remotely if you choose.

First-Year Regular Division Schedule

All Regular Division first-year students will be provided the opportunity for at least one day of on-campus classes, in some cases two days. These days will vary depending on the subsection to which a student is assigned.

Housing

We have students who commute each day or evening to the campus for classes, and then return to their own housing. We also have students who live on campus in our campus housing.

All incoming first-year students who have received housing scholarships will be able to use that campus housing if they choose.

We know that for all of our students, it is important to gauge whether it is sensible to simply commute back and forth from their housing, or seek to rent apartments close to the Delaware Law School campus, or whether to seek on-campus housing.

While not yet entirely certain, as we await additional guidance from public authorities, we currently anticipate that we will have capacity for housing approximately 90 students on the Delaware campus.

There is likely no “one size fits all” appropriate recommendation for students. Even so, because for many students, the time required to be on campus will range from zero (because any student may elect to attend remotely) to occasional (most students will likely only have classes available on campus 1-3 days per week), for students “on the cusp” trying to decide whether it is worth it to lease housing close by the campus, the best guidance may be “no.” Again, there is no likely “perfect answer” that works for everyone.

The Quality of Education

When the pandemic first hit, the legal profession, and the world of education, were confronted with whether the sudden move from in-person to remote experiences resulted in a substantial degrading of the quality of the experience.

We have all been asking ourselves this question with regard to many aspects of our lives. My own experience is that the answer varies greatly, as I ask the question in relation to various relationships and communities that form my life—my family, my friendships, my community, my profession, my spiritual world.

Of course, I miss what Bruce Springsteen called the “human touch.” I miss close-by connection to family, friends, students, colleagues, clients, judges, co-counsel, and opposing counsel. Yet realistically, I must say, life goes on. I have been astonished at the extent to which, *educationally* and *professionally*, quality has triumphed over the virus. I have participated in dozens of rich and vibrant educational experiences remotely, involving exchanges of ideas and viewpoints as rigorous and animated as in any in-person setting. I include the wonderful experience I had teaching the first-year Constitutional Law students in the spring of 2020. My fellow lawyers and I have been involved in counseling sessions with clients and co-counsel, conferrals with opposing counsel, and hearings before courts, all done remotely, all done without, in my view, any appreciable decline in the quality of justice.

Over the course of the summer we have been working to develop high-quality curriculum materials and class plans tailored to maximize the quality of remote learning and assessment. For example, we are adopting technological platforms that allow for secure examinations that are remotely administered.

I share these observations with all of you to impress upon you that we are likely entering a “new normal.” As lawyers, our obligation to the system of justice is to be resolute in insisting that we can administer true justice notwithstanding the challenges that face humanity. Even if a miraculous vaccine for this particular virus emerges, we are likely going to find the practice of law forever changed. I do not believe this portends any retreat from of our profession’s great values. I urge everyone in our

community, and most especially our students, to embrace the future with optimism, creativity, resolution, and courage.

Guiding Health and Safety Protocols

President Julie Wollman today announced many University-wide protocols and values. I reiterate those points here that are particularly salient to the Delaware Law School. Our opening in the fall will include:

- Education about how to protect one's own and others' health on campus, reinforced by campus signage and clear community expectations.
- Enhanced disinfecting of classrooms and buildings that exceeds CDC requirements for living, learning, and working.
- Hand sanitizer available in academic and administrative buildings, as well as hand sanitizer refill stations in key locations to refill personal sanitizer bottles.
- Masks covering the nose and mouth will be required. (ADA exceptions will be reviewed as needed.)
- Social distancing will be required in all campus spaces.
- With input from the faculty, classroom configuration and capacity will be adjusted to provide the best educational experience while maintaining safety.
- Properly configured workspaces will be available on campus for student use.
- Everyone living on or coming to campus will participate in daily health self-assessments using a screening tool provided by the university, and will be required to report any COVID-19 symptoms.
- Contact tracing will be conducted with the assistance of public health officials.
- Meetings and events will not take place in person, except for approved classroom instruction.
- Even if meeting participants are on campus, one-on-one and larger meetings will be held electronically; individuals will not gather in offices or meeting rooms.
- Whenever feasible, faculty and staff will work remotely.
- Offices will be staffed in shifts to reduce density.
- We will not host visitors on campus, with the exception of official, scheduled individual or small group student recruiting that maintains required precautions.
- Faculty and staff will attend meetings off campus only through electronic means.

- Anyone experiencing symptoms, anyone testing positive for COVID-19, or anyone who has been in close contact (within 6 feet for more than for 10 minutes) with a person who has tested positive for COVID-19 will follow mandated quarantine requirements.
- The university is prepared should positive cases of COVID-19 arise. Testing will be provided for anyone who is experiencing COVID-19 symptoms or has been in close contact with a person who has tested positive. Anyone who is not symptomatic but wants to be tested will be directed to available services.

Conclusion.

I hope this statement provides sufficient guidance for most members of our community to begin to make concrete plans regarding the opening of the Law School in the fall. I also fully understand that the more detail the better, and the sooner the better. My commitment to the community is to elaborate on these principles with as much detail as possible as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Smolla". The signature is fluid and cursive, with the first name "Rodney" being the most prominent part.

Rodney A. Smolla
Dean and Professor of Law