

HIGHER EDUCATION LAW AT A GLANCE

THE PRACTICE OF HIGHER EDUCATION LAW

The field of higher education law encompasses the myriad legal matters affecting colleges and universities. Institutions of higher education hire attorneys to serve as in-house counsel and/or external counsel to offer the vital service of identifying, analyzing, resolving, and preventing a broad range of legal issues in a dynamic environment

CHARACTERISTICS OF INSTITUTIONS AND HIGHER EDUCATION LAW CLIENTS

Higher education attorneys serve a variety of types of colleges and universities, including public and private two-year and four-year institutions of higher education, from small liberal arts colleges to large research universities. They include community colleges, church-related institutions, and institutions that are dedicated to specialized subject matter, such as art and music



institutes, or that serve specific populations, such as Historically Black Colleges and Universities (HBCU's) and Hispanic Serving Institutions (HSI's). Whether serving as in-house counsel or outside counsel, higher education attorneys

work with a variety of constituencies at the institution, including boards, presidents, provosts, administrative vice presidents, senior administrators, deans, department heads, and faculty. Campus attorneys are involved with issues such as governance, employment and human resources, student affairs, campus security, athletics, financial and business affairs, risk management, government and community relations, contracts, intellectual property, and various forms of dispute resolution. Higher education law attorneys are involved with virtually every part of the institution since legal matters can affect each and every function of the college or university.

CHARACTERISTICS OF HIGHER EDUCATION LAW ATTORNEYS

Higher education attorneys ideally possess excellent judgment, critical thinking, and strong writing and reasoning skills. They have high ethical standards, discretion, and the ability to forge consensus out of

the sometimes discordant views of various institutional interests. They model the values of collegiality and civility in all of their communications and actions. They are able to handle multiple matters simultaneously,

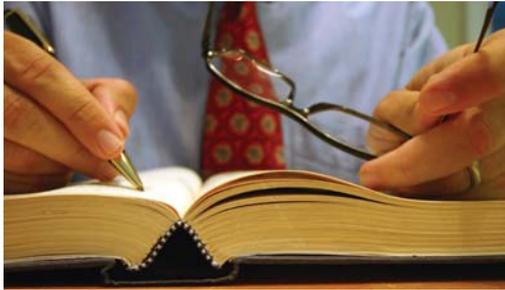


and maintain a professional and thoughtful demeanor, including objectivity and detachment when needed. They work with an intellectually stimulating and engaging group of institutional colleagues who have high expectations of their legal counsel. Most of all, they have a strong and visible commitment to the institution's goals of learning, new ideas and solving society's problems.

Some colleges employ a single attorney or rely solely on outside counsel for their institutional representation. Other institutions, typically larger or more complex ones, have multiple attorneys serving as in-house counsel, with as many as 10-15 attorneys at a large research university. In-house counsel are often supplemented with external counsel who have particular expertise. Higher education attorneys manage institutional compliance with federal, state, and local laws to determine methods to avoid potential legal liability. They practice preventive law to educate clients on campus about legal issues so that conflicts can be handled in a civil and collegial manner before the legal issues even arise or can be mediated before they become serious. They often participate in the representation of clients in formal dispute resolution, including litigation, arbitration, grievances, administrative hearings, and other adversarial proceedings.

AREAS OF LEGAL PRACTICE

Many university attorneys function as “generalists,” handling matters in multiple areas of law. University attorneys may seek assistance from outside counsel in specialty areas, while some universities hire “specialists” to focus on specific areas of law. In their interaction with institutional clients, higher education attorneys provide counsel on a wide variety of issues, encompassing many areas of legal expertise. Higher education attorneys may also need to familiarize



themselves with a number of federal laws and regulations unique to higher education. The types of legal issues a university attorney might encounter include:

- Administrative Law
- Animal Law
- Athletics & Sports
- Business, Finance & Contracts
- Civil Rights
- Computer & Internet Law
- Constitutional Law
- Development & Fundraising
- Employment
- Environmental Law
- Governance
- Health Sciences
- Immigration
- Intellectual Property
- Labor Relations
- Lobbying and Legislative Affairs
- Litigation
- Real Property Acquisition, Development & Zoning
- Research & Technology Transfer
- Statutory & Regulatory Compliance
- Student Admissions, Housing, Discipline and Organizations
- Taxation
- Torts

WHERE HIGHER EDUCATION ATTORNEYS PRACTICE



Higher education law attorneys practice in a variety of locations, both on campus and off. While most work on campus or in private law offices, many are in system offices or in state attorneys general offices. In addition to positions in the General Counsel’s office, attorneys can be employed in other offices of the university, including human resources, compliance, equal opportunity, student affairs, contracting, risk management and research.

NACUA MEMBERSHIP INFORMATION

Founded in 1960, the National Association of College and University Attorneys (NACUA) is the premier membership association in the field of higher education law and serves attorneys who practice in the field of higher education law. Serving more than 700 public and non-profit member institutions, 1,500 campuses, and 3,600 attorneys, NACUA offers many benefits and services designed to assist member attorneys with the practice described above. NACUA’s varied resources include a legal reference service, comprehensive and searchable website providing access to thousands of documents and resources on higher education law, legal discussion listserv, and numerous live and electronic educational programs.

NACUA members may access the Association’s members-only sections of the NACUA website and attend conferences at discounted member rates.

For more information about NACUA membership contact:
Haleema Burton
Manager,
Membership & Outreach Services
202-833-8390
hmb@nacua.org.