



## 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 both in-house counsel and external counsel to identify, analyze, and provide advice on the broad range of legal issues they encounter in a dynamic environment. Attorneys also assist in developing policies and helping to prevent and to resolve legal disputes.

### HIGHER EDUCATION LAW ATTORNEYS

Higher education attorneys ideally possess excellent judgment, critical thinking ability, and strong writing and reasoning skills. They must have high ethical standards, discretion, and the ability to forge consensus from multiple views and needs. They should model collegiality and civility in all of their communications and actions. They must handle multiple matters simultaneously and objectively, maintaining a professional and thoughtful demeanor. They are able to think strategically as well as pay careful attention to detail. They enjoy working 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, exploring new ideas and addressing problems in society. Some colleges employ a single attorney or rely solely on outside counsel for their institutional representation. Other institutions have multiple attorneys serving as in-house counsel. In-house counsel are often supplemented with external counsel who have particular expertise or who are asked to provide advice or representation on specific matters. Higher education attorneys must help their institutions manage compliance with federal, state, and local laws, to address important policy matters and to manage potential legal liability. By practicing preventive law, they enable those on campus to apply legal principles and to respond to difficult situations having potential legal implications.

### INSTITUTIONS AND HIGHER EDUCATION LAW CLIENTS

Higher education attorneys serve a variety of types of institutions of higher education: public and private, two-year and four-year, residential and commuter, and everything from small liberal arts colleges to large research universities as well as institutions that are church-related, offer graduate or specialized programs only, or serve specific populations based on historical or other factors, such as Historically Black Colleges and Universities (HBCUs), Predominantly Black Institutions (PBIs), Tribal Colleges and Universities (TCUs) and Hispanic Serving Institutions (HSIs). Whether serving as in-house counsel or outside counsel, higher education attorneys may work with boards, presidents, provosts, administrative vice presidents, senior administrators, deans, department heads, faculty and students. Campus attorneys are involved with issues such as governance, employment and human resources, student affairs, campus security, athletics, financial and business affairs, risk management, compliance, government and community relations, contracts, intellectual property, and various forms of dispute resolution. Attorneys who practice higher education law may be involved with virtually every part of the institution since legal matters that affect colleges and universities can arise from almost everything a college or university or its employees and students do.

## 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 or 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 also must be familiar 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 Law
- Business, Finance & Contracts
- Campus Safety
- Civil Rights & Discrimination
- Computer & Internet Law
- Constitutional Law
- Development & Fundraising
- Employment & Labor Law
- Environmental Law
- Governance
- Health Sciences
- Immigration
- Intellectual Property
- Lobbying & Legislative Affairs
- Litigation & Complaints
- Privacy Law
- Real Property Acquisition, Development & Zoning
- Research & Technology Transfer
- Statutory & Regulatory Compliance
- Student Admissions, Housing, Discipline and Organizations
- Taxation
- Torts

Many higher education attorneys provide legal advice and do no litigation; others also represent their clients in litigation, in arbitrations, before enforcing bodies or in mediation. Some almost exclusively represent their clients in court and in other adversarial proceedings.

## ABOUT NACUA

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 represent institutions of higher education. Serving more than 850 public and non-profit member institutions, 1,650 campuses, and 5,000 attorneys, NACUA offers many benefits and services designed to assist member attorneys and the institutions they represent.

NACUA member resources include a full suite and benefits, including a comprehensive legal resource library, weekly case summaries, members-only discussion community, publications, industry surveys, CLE workshops and conferences, webinars, online courses, briefings, networking, mentor program, volunteer opportunities, and much more. To learn more about NACUA member benefits, please visit [nacua.org/about-nacua/membership](http://nacua.org/about-nacua/membership).

**Have questions or want to learn more?** Contact NACUA at 202.833.8390 or [membership@nacua.org](mailto:membership@nacua.org).



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## WHERE HIGHER EDUCATION ATTORNEYS PRACTICE

Higher education law attorneys work 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. Besides the General Counsel’s office, attorneys are employed in other campus offices, including human resources, compliance, Title IX coordination, equal opportunity/diversity, student affairs, contracting, risk management, research and tech transfer sometimes practicing law, other times using their legal training and analytical skills to perform their responsibilities.

