

## MEMORANDUM

**TO:** Board of Regents  
**FROM:** Kirk Wickersham  
**DATE:** August 31, 2007  
**RE:** Law School Study

The purpose of this presentation is to approve a study for a law school at the University.

**Updated Study.** I have updated my 2003 study with current statistics. It is in PowerPoint format. I did my analysis based on the other small (one-congressman) Western states – Montana, North Dakota, South Dakota and Wyoming. The statistical material from that study is attached as Exhibit A. I will present the full study in a report to the A&SA committee meeting.

**ISER Study.** ISER also conducted a law school study in 2003, and that report is a part of the agenda packet. I would like to comment on that report.

**Demand.** The ISER report concludes that there is little or no demand for new lawyers in Alaska, and thus there is little or no demand for a law school here.

First it cites Department of Labor projections showing zero growth in overall law jobs. This however, is not the proper measure of demand for jobs for new lawyers, because even if there is no overall job growth, there are replacement jobs from lawyers who are retiring, moving away, becoming judges, etc.

The proper measure is new lawyer jobs. On page 5, the ISER report presents a graph from the National Association for Lawyer Placement showing an increase from 64 new lawyer jobs in 1997 to 77 in 2002. The report then states,

*“From this table we can infer that there has been little growth in jobs for new graduates in Alaska.”*

But looking at “this table,” we see that this statement is **factually untrue**. Growth from 64 to 77 new lawyer jobs in five years amounts to 20% growth (4% per year), or about 400% higher than the Alaska job market as a whole for those years.

This is the key conclusion in the entire ISER report, and it is cited frequently (including by senior UA administration) to kill the idea of a law school at the University.

My updated study shows that there is demand from prospective students. And when they graduate, both my study and “the table” in the ISER report show that there are sufficient new law jobs in Alaska.

**ABA Accreditation.** ISER did not consider the possibility of a non-ABA accredited law school. The only alternatives it addressed were (1) Outside law school offering classes in Alaska and (2) subsidy of non-resident tuition for Alaskans studying at Outside schools. Law varies from state to state, and these alternatives are not adequate to educate Alaska lawyers.

**30-Year Old Conclusions.** The ISER report relies heavily on conclusions drawn from a study by John Havelock in 1974 that concluded that the University should not start a law school at that time. The state and the bar have gone through massive changes in the last thirty years. John Havelock recently told me that he disavowed the use of those conclusions in the 2003 report. Today, he believes that conditions have changed and the University should open a law school.

There are other problems with the ISER report. A careful reading indicates many valid reasons to start a law school, but the report concludes that it should not be done.

**Study Proposal.** My 2003 study, and the 2007 update, show that there should be a law school at the University. The issue is American Bar Association accreditation. ABA accreditation is necessary for recent graduates to take other states' bar exams (i.e. to export lawyers), and lends credibility and prestige.

However, my main goal is to train **Alaska law students to fill Alaska law jobs.** The Alaska Supreme Court determines who is eligible to take the Alaska Bar exam, and thus it could accredit a law school for Alaska lawyers.

An ABA accredited law school would cost \$30-40 million to start up, a figure that clearly plays into overall University priorities. A state- accredited school could be started for as little as a few million.

The key question is ABA accreditation. The study proposal before you focuses on that issue.

# **WORKFORCE DEVELOPMENT STUDY LAW SCHOOL**

## **Two Companion Studies –**

1. One assuming the traditional ABA accreditation track, which is costly because it would require a large and obsolete law library, and a dedicated building. Allows a grad to take the Bar exam in any state.

2. The other would be accreditation only by the state Supreme Court, enabling a grad to take (only) the Alaska Bar, then possible licensing by reciprocity in other states.

Each study would have the same elements.

**Demand Analysis** – both traditional law students as well as non-degree candidates taking individual classes (Realtors taking real estate law, police taking criminal law and procedure, DNR personnel taking oil and gas law, Native corporation leaders taking a class in ANCSA). Assume distance delivery and statewide availability.

How would non-ABA accreditation affect enrollment, from both in-state and out of state students? How would the higher cost of an ABA school affect funding by the legislature, tuition, and thus enrollment?

**Cost Analysis** – Start up and operating costs.

**Benefit Analysis** – benefits to students, the Bar, the public and the state.

**Management** – Both studies should be conducted by the same qualified individuals or firms. They should consult the faculty, administration and students, the public, the Bar Association, the Supreme Court, the administration and leadership of the legislature.

**Principles** – Each study should actively attempt to uncover demand without contriving a result, and should actively search for ways to deliver a law school education at minimal start-up and ongoing operating cost.

**Timetable** – final report presented to the Regents at the March 2008 meeting.

**Budget** -- \$75,000