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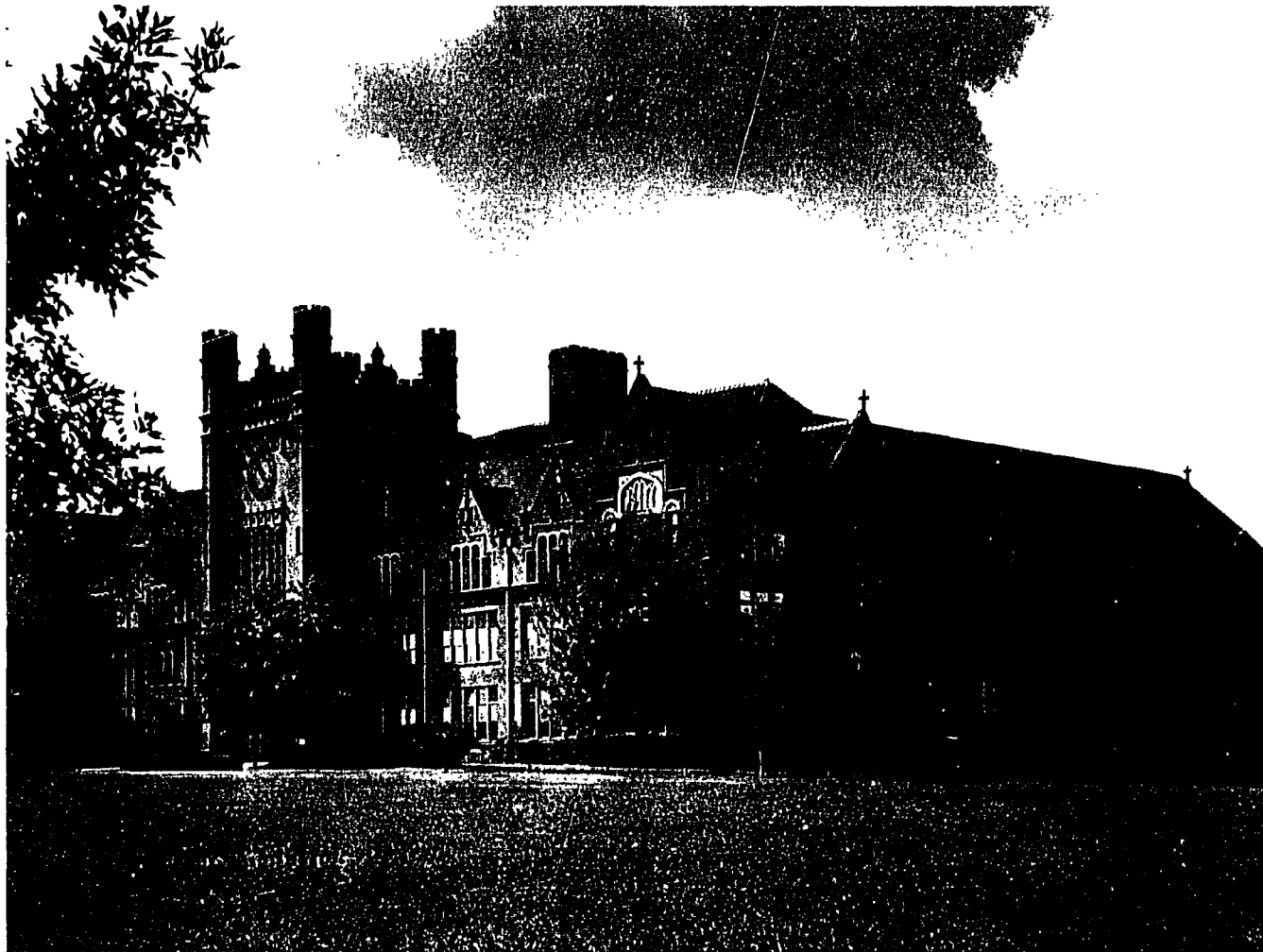
Recommended Citation

43(8) Advocate 11 (2000)

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Report and Recommendations of the Faculty of the University of Idaho College of Law

Presented to President Robert Hoover, June 6, 2000



Introduction

A year ago, the Idaho Board of Education charged each Idaho higher education institution to evaluate different professional education needs in the state; the University of Idaho was assigned to evaluate legal education needs. To that end, we appointed a blue ribbon panel of nationally prominent legal educators to review how legal education resources and services are currently distributed in the state and to recommend long-term strategies to maximize the quality and competitiveness of programs provided by UI over the next several decades. Their report was published in these pages earlier this summer.

What follow are the College of Law faculty's recommendations. We will seek new funding as well as reallocate funds internally to make this proposal a reality. As you will see, it addresses immediate needs in the Treasure Valley as well as longer-term considerations for Boise and the rest of the state. It also reaffirms the College of Law's commitment to providing a high quality, residential, academic experience in Moscow.

President Robert Hoover and Dean John Miller

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PRESIDENT HOOVER'S CHARGE TO THE COLLEGE OF LAW FACULTY

Submit recommendations for educational activities in Boise, and around the state, consistent with preserving and strengthening our Moscow base.

I. BACKGROUND

President Hoover's charge to the College of Law Faculty grew out of our ongoing strategic planning and a request by the Board of Regents of the University of Idaho to examine the delivery of legal education in Idaho.

To aid us in our planning, the University retained a panel of experienced legal educators to visit Idaho, meet with interested parties, and submit a report to President Hoover. The panel's report¹ was submitted in January 2000 and emphasized issues raised by our location in a small college town and the dramatic population growth in the Treasure Valley. After considering the Panel's report, President Hoover issued his charge to the faculty.

The College of Law faculty formed itself into a committee of the whole for the preparation of this report. We assigned research tasks to faculty members and met approximately every two weeks Spring semester 2000. Faculty assignments included the following:

Curriculum - Curriculum Committee, Prof. Beard, Chairman.

LLM - Associate Professor Hasko.

Needs Assessment - Professor Colson.

Short Term Planning - Prof. Lewis and Assoc. Prof. Laflin.

Long Term Planning - Prof. Lillard.

Certification/Specialization - Visiting Assoc. Prof. Costello.

Models for Short Courses and Other Formats - Visiting Assoc. Professors Snyder and Romero.

Adjunct Support - Prof. Anderson and Instructor Pilgram.

Options for Cooperation with WSU - Prof. Vincenti.

Cooperative Programs with UI, BSU, ISU, - Acting Dean Franklin.

Needs in New Boise Building - Professor Goble, Acting Dean Franklin.

Ways for Students in Boise to Remain Active in Student Affairs - Current Student Leaders.

On April 15, 2000 virtually the entire faculty traveled to Boise to present an interim report, and receive feedback from our Board of Advisors and members of the Bench and Bar. A similar meeting was held in Moscow April 26, 2000.

II. RECOMMENDATIONS

Accreditation standards of the American Bar Association (ABA) and the Association of American Law Schools (AALS)² limit activities away from the law school for which JD students³ can receive credit to a one semester externship and, with special permission, a single additional class for up to three credits.⁴ Programs for non-JD students are not subject to these standards except that they may not diminish resources available to law students. Our recommendations focus on activities consistent with current accreditation standards.⁵

A. Recommendations for Activities that can be Undertaken Immediately

We recommend offering third year law students the option of spending a semester in Boise, taking a combination of extern and classroom courses. This will provide all the credit for work in Boise permitted by the ABA and AALS. Such a program will provide educational experiences not available in Moscow and enrich our curriculum.

We are also persuaded there is a demand among Bar members and the general public for access to a variety of specialized law courses. We have begun to offer such courses through the use of adjunct faculty and interactive video, although we have not yet opened these classes to non-JD students. An expansion of this fledgling effort will benefit our JD program and contribute to positive relations with the practicing Bar and public.

The addition of one full-time equivalent (FTE) faculty position,⁶ with appropriate support, would permit us to develop quality extern and adjunct programs in Boise. It will also position us to further explore prospects for the expansion of "professional development courses"⁷ including certification programs and advanced degrees. With sufficient budget for adjunct faculty and technical support we could also deliver professional development courses statewide via interactive video. We recommend beginning with law school classes currently being offered by interactive video and creating a program to effectively deliver them to non-JD students.

1. Courses for JD Students

a. Externship

We recommend a change in College of Law Bylaws to allow a full semester extern course in Boise⁸ for 12 credits including a two-hour per week classroom component. Students would be required to work 36 hours per week for 15 weeks in public law offices and judicial chambers approved by the director of the program. The director would be responsible for selecting and

evaluating placements and for maintaining regular contact with students and supervising attorneys. He or she should provide training and support for supervising attorneys as well as teaching the weekly class. The externship would initially be available only to a limited number of third-year students Spring semester.⁹ After the first year we would consider offering it Fall semester to third-year students graduating in December.¹⁰

A full semester externship in Boise will allow our students to take advantage of placements not available in Moscow including the Federal Courts, State Appellate Courts, United States Attorney, Idaho Attorney General and the State Legislature.

b. Additional Class

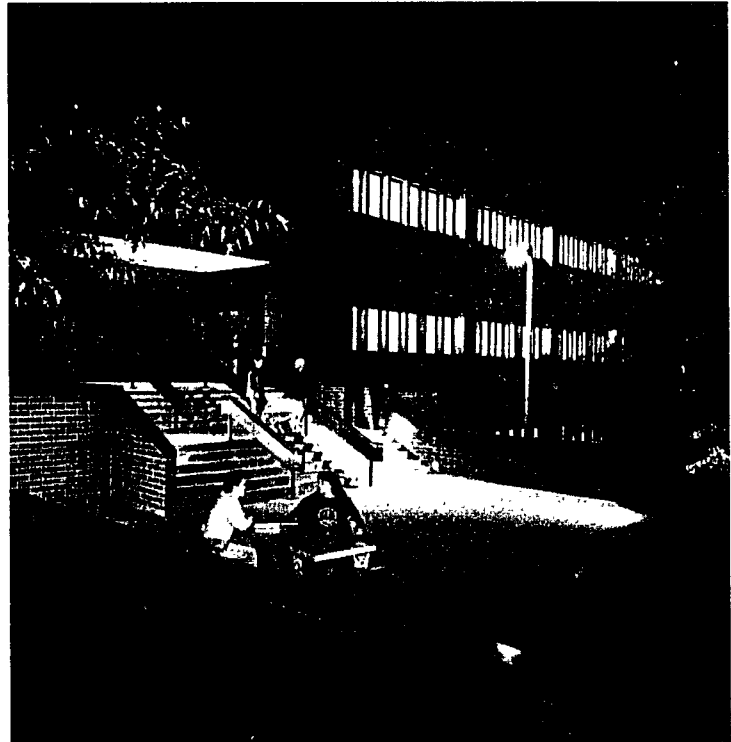
With permission from the ABA Accreditation Committee students can take one course in Boise in addition to the externship. We recommend asking for permission to offer students the option of taking one of the adjunct-taught classes originating in Boise. These are usually for two credits which would give students a 14-credit package in Boise.¹¹ The possibility of offering students three-credit Bar courses currently available only in Moscow would be investigated.

2. Professional Development Courses

We currently offer two courses per semester via interactive video. Most of these are taught from an empty classroom in the Law Foundation building in Boise and transmitted to the law school via interactive video.¹² With a program of adjunct training and support we can design courses that could be offered to lawyers, other professionals, and graduate students in Boise, as well as JD students in Moscow and Boise. With sufficient planning, training and technical support they could also be made available at locations around the state through interactive video.

The need for planning, training and technical support must be emphasized. Adjuncts are not experienced teachers and will not be familiar with interactive video technology. They cannot be expected to successfully teach to a diverse group of students both live and at multiple remote locations without training and technical support. An important first step will be to design a program for adjunct supervision and support, and delivery of courses through interactive video.

It will also be necessary to increase our adjunct stipend from the current level of \$2,000 per credit. Rather than a series of adjuncts teaching a course once or twice, we need to cultivate a cadre of experienced and skilled adjunct faculty.¹³ Once a program is created for recruiting, training, supporting and evaluating adjunct faculty and delivering courses to multiple audiences in multiple locations, it can be expanded to include additional courses at minimal additional cost.



B. Future Activities - Professional Development Programs

We recommend concentrating our initial efforts on the externship and developing systems for delivery of classes to diverse audiences. With a second faculty position in Boise, and a corresponding increase in the budget for adjunct faculty and technical support, more classes could be made available in Boise and around the state. Courses could then be packaged in certification or advanced degree programs. If there is a market for a number of classes in one field, such as advanced advocacy,¹⁴ they could be offered as an LLM (Master of Laws) advanced degree. Others could be aimed at specific audiences such as Intellectual Property for Engineers or Employment Law for Managers. There are no accreditation limits on our ability to deliver professional development courses to multiple locations. It is unclear at this time how much of a market there is for these programs. We would expect to explore the market potential and how we can best meet it as part of our initial activities in Boise.

C. A Two Semester Program in Boise

The Special Panel suggested the possibility that once we had a semester extern program for law students, and a full schedule of adjunct-taught courses, we could ask the ABA and AALS for a waiver of accreditation standards that would allow us to offer a second semester in Boise. Those standards currently consider a two semester program to be a branch campus. A branch campus is required to meet most of the standards for a complete law school including permanent full time faculty, adequate library, support staff and physical facility.¹⁵

It is not at all certain a waiver could be obtained, but assuming it could, a cost-benefit analysis would have to be done to deter-

mine if a full academic year in Boise is justified. A number of high enrollment courses that are tested on the Bar exam would have to be offered to students in Boise. We do not currently have the technology to transmit large enrollment classes via interactive video,¹⁶ and there are questions concerning the efficacy of teaching such courses by interactive video.

The value of a second semester in Boise would be limited since students would not be serving externships in law offices or judicial chambers,¹⁷ but would be taking a full load of classroom courses. The added cost of offering the additional courses may not be justified for the limited benefit of a second semester in Boise.

III. PRESERVING AND STRENGTHENING OUR MOSCOW BASE

A unifying goal of the College of Law faculty is to raise the qualifications, competence and general quality of the student body. Our lack of diversity, including the low number of female students,¹⁸ is troubling, cannot be viewed with complacency and must be improved. The lack of diversity, and the small size of our applicant pool, speak for bolstering our admissions and recruiting efforts.

We believe Moscow-Pullman is a unique academic community with something special to offer the student who desires a residential campus experience combined with high quality grad-

uate programs. Advantages of our college town setting include the most extensive library collection in Idaho and many opportunities for interdisciplinary study. The option of a semester in Boise will add to the attractiveness of the curriculum by providing access to professional activities not available in Moscow. Increased use of adjunct faculty and greater involvement with the legal community of the state will enhance the educational experience for all our students.

We will need more resources to promote these innovations and actively recruit applicants, particularly highly qualified applicants. We need to increase our investment in scholarships as well as in administration, travel, printed materials, promotional mailings, recruiting events, and networking with administrators in undergraduate institutions.

Our concurrent JD/MS in Environmental Science at the University of Idaho and concurrent JD/MBA with Washington State University are examples of the cooperative programs made possible by being part of one research university and eight miles away from another. We need to continue to develop interdisciplinary programs and find other ways to increase options and enrich the educational experience for faculty and students.

Building a living facility next to the Menard Building would greatly enhance the residential experience for law students. Professor Sheldon Vincenti has proposed a plan which would use

"When our policyholders call us with a potential problem or claim, they're angry, they're scared. I tell them 'Let us take this off your shoulders.' Without taking them out of the loop, we assume the burden of responsibility so that they can get back to their practices. That's important to an attorney whose professional reputation depends on his or her practice. It's what makes us different: we care about attorneys."

VICTORIA ORZE, ESQ.
ALPS General Counsel, Former Claims Manager



"When policyholders have a problem, the first phone call they place is one of the most important contacts we make."

Our claims specialists are available 24 hours a day, 365 days a year, and we encourage calls at the first sign of trouble.



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rental income to finance such a project. We recommend that the University consider Professor Vincenti's proposal.

Our proximity to Washington State University presents unique opportunities to strengthen our position on the Palouse. Professor Vincenti has been exploring how we might develop cooperative programs that would help us address issues of student recruitment and diversity. We encourage the University of Idaho to actively explore the possibility of cooperative programs with Washington State University.

IV. CONCLUSION

These recommendations cannot be implemented without cost. There is agreement among College of Law faculty that any expansion of our activities must not be at the expense of our already under-funded Moscow program. Our first priority must remain the delivery of high quality legal education to JD students at our home campus.

This is an incremental approach. We are confident there is a need for programs that can be provided by one additional FTE faculty position. As greater needs are identified we can add personnel to meet them. We offer these recommendations as a way to take advantage of resources, and meet the need for legal education in the Treasure Valley and around the state. We believe the program described here will significantly improve legal education in Idaho, and position us to take advantage of future changes in Idaho demographics and national accreditation standards.

ENDNOTES

1 A copy of the panel's report was published in an earlier edition of *The Advocate*. See *Strategic Directions in Legal Education in Idaho: the Report of a Special Panel Appointed by the President of the University of Idaho*, 43 *The Advocate* 15 (June 2000).

2 American Bar Association Standards for Approval of Law Schools and Interpretations, Chapter 3 Program of Legal Education pp. 41 - 48. Association of American Law Schools 2000 Handbook, Executive Committee Regulations, Chapter 7 Curriculum and Program, pp. 50 - 52.

3 JD students are students who have matriculated in the College of Law and are working towards the Juris Doctor degree.

4 American Bar Association Accreditation Committee Temporary Guidelines for Distance Education, Memorandum dated May 6, 1997 to Deans of ABA Approved Law Schools from James P. White, Consultant on Legal Education to the ABA.

5 These recommendations are also aimed at positioning the College of Law to take advantages of possible future changes in, or waivers of, accreditation standards that may make it easier for us to deliver law courses to law students at locations away from campus.

6 Eventually we would expect any additional faculty to have permanent status akin to tenure, although initial hires might be made on other than long-term basis. If a program were to be put in effect as early as 2000-2001, we would recommend considering providing existing faculty release time to establish the initial program.

7 Professional development courses are law courses aimed at students who are not enrolled in the law school and not pursuing a Juris Doctor (JD) degree. These students could include lawyers, other professionals and graduate students in other fields. These courses could be offered in a variety of formats, and could qualify for Continuing Legal Education (CLE) credit, but would be of longer duration and treat subjects in more depth than the typical CLE course. The courses could also be offered for graduate credit to graduate students in fields other than law.

8 We currently offer a 5 credit externship in the summer and students can earn an additional 4 extern credits towards graduation in Law 973. We do not currently

offer a full semester externship as many law schools do.

9 A survey of first and second year law students was conducted Spring semester 2000. 41% of those responding (57 students) expressed a strong interest in a Spring semester extern course in Boise and 27% (37 students) expressed some interest. It seems clear that more students will want to participate in the course than we can initially accommodate and a selection procedure will have to be developed which will include a minimum GPA requirement.

10 If we continue to offer the summer classroom credit extern course, and offer a Boise extern course Fall semester we can have a Boise extern program operating throughout the year even though individual students would only enroll for a single semester.

11 Students must take 88 credits, or an average of 14.66 credits per semester, to graduate in six semesters. The 14 credit package would be near the maximum number of credits students are permitted to take at a location away from campus under current accreditation standards.

12 We have also offered courses originating at interactive video sites in Seattle, Spokane, and Coeur d'Alene.

13 We have a good model for effective use of adjunct faculty in our Trial Advocacy course. The course is taught by a mix of full-time faculty and attorneys and judges serving as adjunct faculty. While one adjunct, Noel Larivee, has taught in each of the twenty-one years of the program, most rotate in and out of the program every few years. This system provides a mix of experienced and inexperienced faculty, gives adjunct regular breaks, and encourages mentoring.

14 A certification of LLM program in advocacy could include courses in alternative dispute resolution as well as advanced and specialized trial and appellate advocacy. To be approved as an LLM degree program a minimum of 24 credits in substantively related courses would need to be provided.

15 American Bar Association Standards for Approval of Law Schools and Interpretations, Chapter 1, Standard 105, pp. 30 - 31.

16 The interactive video classroom in the Menard Building, the Wheeler Room, seats 18. There are larger interactive video classrooms available in other colleges, but none larger enough for our largest classes. The use of classrooms outside the law school also raises issues of scheduling and technical support.

17 The students would be close to the maximum number of extern credits allowed by the ABA and the second semester would have to consist of classroom courses. Many of those courses would have to be large enrollment classes on subjects tested on the Bar exam, which also must be available in Moscow. While the externship could be spread over two semesters the total number of extern credits would remain the same, requiring us to deliver a full semester of courses, including Bar courses, in Boise.

18 Only 26.4% of the current student body is female, probably the lowest percentage of women found in any law school in the country.