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Strategic Directions In Legal Education For Idaho

The Report Of A Special Panel Appointed By The President Of The University Of Idaho

January 8, 2000

At the request of the Board of Regents of the University of Idaho, and as part of our ongoing strategic planning, the College of Law has been examining how we can best deliver legal education in Idaho. To aid us in that planning the University retained a panel of experienced legal educators. The panel traveled around the state, meeting with interested parties, and submitted a report to President Hoover in January 2000. The report emphasizes issues raised by our location in a small college town and the dramatic population growth in the Treasure Valley.

The panel was selected on the basis of their experience in legal education and their familiarity with the accreditation processes of our two accrediting bodies, the American Bar Association (ABA) and the Association of American Law Schools (AALS). Dean Tom Read chaired the panel. Dean Read is one of the most experienced law school administrators in the country. He has served as dean at five law schools and taught at four others. He was also Deputy Consultant on Legal Education for the ABA. Professor Betsy Levin, former dean at the University of Colorado Law School in Boulder, is also the former executive director of the AALS. Dean Don Burnett is dean of the University of Louisville School of Law. He is from Idaho and served as a clerk for the Chief Justice of the Idaho Supreme Court and as an Assistant Attorney General for Idaho. He is a former President of the Idaho State Bar and former Judge of the Idaho Court of Appeals.

The report provides an overview of legal education in the United States and an analysis of the particular issues we face in Idaho. It discusses the pros and cons of three options: retaining our basic structure of a residential program in Moscow, moving the law school to Boise, and what the panel called an "Idaho Model." The Idaho model calls for retaining and strengthening the residential program in Moscow while exploring ways to have the best of both worlds by offering part of the JD program, as well as non-JD courses, in Boise.

Following consideration of the panel's report, President Hoover asked the faculty of the College of Law to study the potential for legal education in the Treasure Valley, and around the state, consistent with preserving and strengthening our Moscow base. The faculty is in the process of conducting that study. On April 15, 2000 the faculty traveled to Boise to present an interim report and to receive feedback from our Board of Advisors and members of the bench and bar. We held a similar meeting in Moscow on April 26, 2000. The faculty will present its recommendations to President Hoover in June.

The panel's report is just one part of our ongoing research and discussion about the future of legal education in Idaho. We deeply appreciate the time and effort the panel devoted to understanding the issues we face and presenting options for our

consideration. However, the report is not a blueprint for action. The recommendations of the faculty, and ultimate actions by the University of Idaho, may differ significantly from those suggested by the panel. The recommendations of the faculty of the College of Law will be featured in the August issue of the Advocate. — Neil Franklin, Acting Dean, University of Idaho College of Law

Part One

Introduction: The Special Panel And Its Work

On August 10, 1999, Dr. Robert A. Hoover, President of the University of Idaho, appointed a special panel of advisors to assist the University and its College of Law in charting strategic directions for legal education in Idaho. The special panel consisted of three present or former law deans with diverse backgrounds and national experience:

Frank T. Read (Chair), President, Dean and Professor of Law at South Texas College of Law (his fifth deanship); former Deputy Consultant on Legal Education, American Bar Association.

Betsy Levin, Visiting Professor at New York University School of Law, former Dean, University of Colorado School of Law; and Executive Director, Association of American Law Schools.

Don Burnett, Dean and Professor of Law at the Louis D. Brandeis School of Law, University of Louisville, former Judge, Idaho Court of Appeals, and President, Idaho State Bar.

President Hoover charged the panel to review the strategic alignment of resources and services in legal education at the JD (Juris Doctor) degree level, to recommend long-term strategies for maximizing the quality of competitiveness of JD education and continuing legal education provided by the College of Law, and to assess the resource issues associated with the recommended strategies. In a context statement explaining the charge, President Hoover declared that "an important purpose of [the] panel is to advise us on strategies for addressing the legal education needs of Idaho in light of dramatic population and economic growth of the Boise area (the Treasure Valley)."

After reviewing data furnished by the College of Law, and discussing the project by telephone conference, the panel convened in Idaho during the last week of October, 1999. Dean Burnett held a luncheon meeting with members of the Sixth and Seventh District Bar Associations in Pocatello on October 26; that evening, the entire panel, accompanied by Professor Neil Franklin, Acting Dean of the College of Law, met in Boise. The next day, the panel and Dean Franklin held open forum meetings with the Commissioners of the Idaho State Bar, prominent practitioners, members of the state and federal Judiciaries, and other

distinguished public figures. The panel also toured the University of Idaho Boise Center, met the Center staff, and conferred with President Hoover (who was in Boise that day).

On October 28, the panel and Dean Franklin held open forum meetings in Lewiston and Moscow with members of the bench and bar in the Second Judicial District. The panel met with Dr. Brian Pitcher, University Provost, and other University administrators; toured the College of Law building, including the Wheeler interactive video/distance learning facility; and held meetings with the law faculty. On October 29, the panel and Dean Franklin conferred with additional law faculty, including former Dean Sheldon Vincenti; with Sally Savage, a key administrator with Washington State University in nearby Pullman; and a group of students at the College of Law. Later in the day, following a second meeting with Dr. Pitcher, the panel and Dean Franklin traveled to Coeur d'Alene, where they participated in an open forum and a dinner meeting with prominent members of the First Judicial District Bar Association.

After the on-site visit to Idaho, members of the special panel reviewed correspondence from members of the Idaho Bar, conducted their own research, conducted telephone conferences with Dean Franklin and Dean Jack Miller (on sabbatical leave), and prepared drafts of sections of this report. The panel met in person and completed the report during the annual meeting of the Association of American Law School in January, 2000.

At all stages of its work, the panel has recognized that because the University of Idaho is the state's land grant institution, and because its College of Law is a vital source of civic

leadership for the state, the future of legal education is a subject with both academic and political dimensions. The panel, however, has maintained primarily an academic focus in this report, believing that to do otherwise would dishonor the intellectually honest charge delivered by the President. The panel's goal simply is to help the University fulfill its statewide mission of providing legal education of the highest attainable quality. Members of the panel wish to thank Dr. Hoover, Dr. Pitcher, Dean Franklin, and all of their colleagues for their cooperation. The panel is particularly grateful for the thoughtful, candid and sincere views expressed by all participants in the conferences and open forum meetings. The University of Idaho, its College of Law, and its constituents are to be commended for their willingness to address hard issues directly, and for their commitment to strategic planning as the foundation for quality legal education in the new century.

Part Two: Legal Education Today (And Tomorrow)

A. Evolution of the Modern Law School

Although forms of legal education in the Western world may be traced to classical times, the beginning of legal education in the English common law tradition dates to the year 1292, when a royal commission appointed by Edward I recommended that prospective new lawyers learn their professional duties by observing the courts and serving apprenticeships. The Inns of

Court eventually emerged, combining doctrinal education with practical training and personal mentoring. In nineteenth century America, legal education remained closely tied to the courts; students typically would "read law" in the offices of practitioners or in the chambers of judges, and then apply for admission to the bar of a local court. Again, doctrinal education was closely aligned with practical experience and personal supervision.

In medicine, a similar form of professional education unfolded. Abraham Flexner of Louisville developed for the Carnegie Foundation a system of clinical education, combining "didactic" learning in basic medical science with "demonstrative" learning in laboratories, amphitheaters, and other practice settings. In law, however, professional education took a fateful turn with the adoption of the "case method" and Socratic teaching by Professor Christopher Columbus Langdell at Harvard. His theory, later criticized but powerful in its day, was that law should be understood as a science and that law students should "discover" the



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Merlin F. Ludiker holds degrees from 37 institutions of higher learning, all in distant lands. He is a past president of the American League of Practicing Theoreticians and a frequent contributor to "persona Non Grata Monthly," the periodical for unfairly imprisoned white-collar criminals.

Dr. Ludiker has twice been cheated out of the Nobel Prize but is the recipient of so many other high honors and badges he says they have simply become too heavy to wear. He is a "virtual jurist" of the highest caliber and his Supreme Court "decisions," while not controlling, are unparalleled in the history of dissent. His books for lawyers include "Collegiality for the Contentious" and "New Hope for the Rich."



law-much as a natural scientist discovers the natural order-by observing phenomena (decisions by judges in the common law system) and developing hypotheses to explain them. Unfortunately for legal education, this method of instruction could be employed in large classes, and it became popular for obvious economic reasons among American universities. The benefits of small-scale clinical training and mentoring, so central to medical education and so prominent at one time in early legal education, faded away in American law schools.

In the 1920s, again under the auspices of the Carnegie Foundation, Alfred Z. Reed attempted to reintroduce practical training into American law schools. Reed criticized legal education for having none of the “elaborate clinical facilities or shopwork provided by modern medical and engineering schools,” but he urged only incremental reform, sensing that there was less public support for funding the education of lawyers than for training doctors and engineers.² Jerome Frank similarly criticized law schools, asking, “What would one say of a medical school where the students never saw an actual surgical operation, never watched a physician diagnosing the conditions of patients and prescribing for them?...Why not have the [law] students observe the real subject matter they’re supposed to study?”³

The study of law as a science also was questioned by another Louisville figure, Louis D. Brandeis, who had flourished as a student in Langdell’s classroom but who recognized that the lawyer—unlike the natural scientist—actually participated in, and helped to create, the world that he or she studied. Brandeis urged that law schools improve the legal system by promoting an ethos of public service (exemplified by Brandeis’ own *pro bono* service) by providing the broadest form of education (including interdisciplinary scholarship which Brandeis himself had illustrated with the “Brandeis Briefs”), and by contributing to new ideas in public policy (consistent with Brandeis’ view of our federal system as a great laboratory for innovation). Brandeis further argued that law schools should be small, collegial centers of teaching and learning (reflecting his fear of the “curse of bigness”).⁴ Similarly, a report of a committee of the Association of American Law Schools, chaired by Professor Karl Llewellyn, called for curricula that would “give practical reality, practical effectiveness, to vision and to ideals... .”⁵ (It was in that report that Llewellyn made his famous observation that “[t]echnique without ideals may be a menace, but ideals without technique are a mess... .”⁶).

Criticized by Reed, Frank, and Llewellyn for failing to teach practical skills, by Brandeis and Llewellyn for neglecting values, and further by Brandeis for failing to enrich the teaching of doctrine with interdisciplinary and policy perspectives, most American law schools at mid-century responded slowly if at all. Genuine curricular reform was expensive while narrow, traditional legal education in large classrooms remained relatively cheap.⁷ By the 1970s prominent jurists were claiming that the lack of skills training in law school was responsible, at least in part, for an unacceptably large population of incompetent trial practitioners.⁸ The American Bar Association, through its Task

Force on Lawyer Competency (the “Cramton Committee”), began to develop a list of essential areas of lawyer competence and to make specific suggestions on how law schools should undertake to develop them.⁹ The law schools’ response accelerated. Throughout the 1970s and well into the 1980s, law schools—spurred by criticism, buoyed by rising student enrollments, and supported at the time with federal funding of clinical education—significantly expanded the number of credit-generating learning experiences outside the classroom. Among the leaders in this movement were the metropolitan law schools, which had ready access to a community clientele for in-house clinics as well as access to a host of courts and public agencies for varied externship opportunities.

To this day, the leadership role of metropolitan schools has coincided with, and has been caused in part by, several other changes in legal education and the legal profession. Law students today reflect much greater racial, ethnic and gender diversity than was the case a generation ago. Although minority enrollments were insignificant at most law schools in the 1960s, they have increased to a current (1997) average of 20 percent. Similarly, although law graduates of the 1960s can recall very few women in their law classes, the percentage of women has grown to a current average of 45percent in a typical law school student body. Foreign students also have added to the diversity of student bodies, and have illustrated the global environment in which the legal profession now operates. These diversity-enhancing categories of students not only have changed the demography of legal education but also have enriched it by bringing additional experiences and perspectives to the classroom—thereby producing educational benefits for everyone. These benefits have accrued especially at metropolitan schools because, for cultural and economic reasons, diversity-enhancing students have tended disproportionately to apply to, and to accept offers of admission from, law schools in urban areas.

Of course, the economic factor is important to all students in choosing law schools and in planning their courses of study. Students increasingly have become sensitive to a “disconnect” between long-term opportunities in the law and the law salaries available in many entry-level positions. This sensitivity—combined with rising levels of student borrowing and the difficulty servicing educational debt during the first few years after graduation, as well as students’ concern about positioning themselves for future career opportunities—has caused most students to be interested in jobs *during* law school. Metropolitan areas, and the job opportunities they provide, are attractive to students and their spouses or partners. (Faculty and professional staff are similarly attracted to metropolitan areas if they are concerned about finding employment for other members of their households.)

Metropolitan areas also have witnessed the expansion and proliferation of law firms riding the crest of changes in the law itself. Today’s law practice increasingly is devoted to entrepreneurship, international business transactions, multistate or multinational regulatory law, and other growing specialties such as health law, intellectual property, and alternative dispute resolution. Practitioners in these areas tend to be more subject-

oriented than place-oriented in their career planning. Similarly, law students interested in these subject areas are drawn to law schools where specialized instruction is available, and many such students are mobile enough to go where their interests take them. Metropolitan law schools often are favored because they typically offer larger and more differentiated full-time faculties, access to larger pools of specialized adjunct instructors, and greater employment and networking opportunities, than do the smaller, more rural law schools. The metropolitan areas also furnish greater opportunities for law faculties to collaborate with members of the profession in their teaching and scholarship.

In addition, metropolitan law schools have become centers for post-JD degree training for practicing lawyers, judges and even professionals in other fields who seek legal training related to their own professions. Both urban and residential schools have for two decades recognized a mission beyond JD curricular offerings. Urban schools have been leaders in this movement because they are situated in markets with high concentrations of lawyers representing all forms of practice and specializations. Metropolitan schools have pioneered in a proliferation of new, specialized LLM degrees, certification programs and specialty training seminars.

Not all new developments disfavor the rural schools, however. Distance learning—delivered by interactive video, by the Internet, or by other technologies—is allowing all law schools to reach beyond their immediate communities. In its accreditation role, the American Bar Association is proceeding cautiously on distance education, but distance education appears likely to become an increasingly important means by which law schools

offer portions of their JD curricula as well as graduate (LLM) programs and continuing professional education programs.

Both metropolitan and rural law schools are affected by a rising interest in real world, experiential learning. This interest has resulted not only from an increased commitment to skills education, but also from a recognition of the need to inculcate professional values. As noted during the 1980s by Judge Patricia M. Wald, "Teaching students how to litigate can...humanize the law for them... . Dealing with real clients, witnesses and even judges and court personnel can help restore our students' capacities for live feelings about live tragedies."¹⁰ Of course, values go beyond individual empathy; they include a sense of justice, a willingness to sacrifice, and a devotion to public service. Nurturing a commitment to professional values has become the latest challenge to legal education—a controversial task because it can lead to orthodoxy and personal preference, but an essential one because if anything today damages public respect for the legal system and endangers the fragile rule of law in a democracy, it is not concern about the adequacy of lawyers' doctrinal knowledge, nor is it doubt about the acuity of lawyers' skills; rather, it is doubt about the ethical dimensions of law practice, the standards of lawyer behavior, and the commitment of the profession to the public interest.

In 1986, a commission of the American Bar Association called upon law schools to emphasize the public interest in doctrinal and skills instruction.¹¹ In 1992, another commission, chaired by lawyer Robert MacCrate and comprising a wide spectrum of distinguished attorneys, judges and law teachers, issued a landmark report linking law schools with the legal profession in an "educational continuum" and charging each with responsibility to shape professional values while developing professional skills.¹² In the few years that have elapsed since its issuance, the "MacCrate Report" has gained recognition as an important affirmation of a vision of legal education in which skills and values are connected—much as Llewellyn joined them in his observation about techniques and ideals more than 50 years ago. Echoing the same affirmation, the American Bar Association now requires, at Standard 302 of the Standards for Approval of Law Schools, that schools offer instruction in the "values and skills...generally regarded as necessary to effective and responsible participation in the legal profession."

B. Implications for the Law School of Tomorrow

History has provided a pathway to the future. Academically successful and socially useful law schools in the future will provide the full trilogy of a modern legal education: *doctrine* (not only

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embracing the internal content of the law—enriched by diverse perspectives and deepened by specialized knowledge—but also emphasizing the interdisciplinary study of the sources of law, empirical investigation of its performance, and policy analysis of its strengths and weaknesses); *skills* (ranging from legal analysis to effective communication and organization of legal work); and *values* (including an unselfish devotion to the pursuit of justice and the public good).

1. The “urban” vs. “residential” models

No single model of legal education will earn the highest “scorecard” in all aspects of this trilogy. A small residential law school, placed within a university and characterized by collegial teaching and learning, may be optimal for developing doctrinal knowledge in core subjects, including those enriched by perspectives from other academic disciplines; for building skills in legal reasoning and tasks amenable to classroom simulation; and for promoting values built upon the shared sense of a special calling to serve society while exercising independent professional judgment. On the other hand, a larger metropolitan law school, characterized by outreach to its community, may be optimal for developing doctrinal knowledge in specialized subjects and topics best grasped through real-world applications; for building skills through field work under professional supervision; and for nurturing values by providing opportunities to serve real people coping with real problems. If these contrasting models are viewed in the context of a zero-sum game, there will be trade-offs. If they are viewed as elements to be combined innovatively, there may be synergies.

2. The second mission: education beyond the JD degree

In addition, both models, urban and residential, have recognized a second mission beyond merely providing training at the JD degree level. There is an increasing need to offer senior advanced training to the practicing bar, ranging from specialty LLM programs and certification programs to in-depth CLE training in doctrine, skills, and values. Increasingly, there is also need to provide legal background training to professionals in other disciplines.

In any event, the challenge to any public law school in the 21st century will be to craft a mix of educational objectives tailored to the state’s needs and to the interests of its citizens, while also preparing lawyers to lead thoughtful, effective and ethical lives wherever their careers may take them. The University of Idaho and its College of Law now face this challenge.

Part Three: Idaho’s Dilemma

In order to determine the appropriate strategies that will enable the University of Idaho College of Law to meet the legal education needs of the State of Idaho over the next several decades, it is necessary not only to understand the national trends described above, but also to appreciate the nature of the state, the demographic and economic changes that are occurring within the state, and the character of the legal education that the College of Law has provided in the past and is now providing

and to whom. This section of the report will outline, in brief, some of these issues.

A. Uniqueness of Idaho

1. Idaho’s diversity

Idaho has been shaped by its history, geography, and politics at the turn of the last century before the Idaho Territory became a state. Some of this is reflected in its Constitution, including the decision to locate the University of Idaho in Moscow, in Idaho’s Panhandle. Idaho is unusually diverse geographically and in the distribution of its population. It is neither predominately rural nor predominantly urban, although it is projected to be among the states leading the country in population growth in the next several decades. The state is divided geographically into three major segments separated by mountains and wilderness areas, and by time zones (the southern and eastern portions of Idaho are on Mountain Time while the area north of the Salmon River is on Pacific Time). Many commentators have observed the great physical geographic and environmental diversity in the land mass between Boise and Coeur d’Alene.¹³ As one author notes, “arid, rocky, and lightly vegetated” southern Idaho, with the fertile Snake River Plain cultivated by irrigation, contrasts greatly with the gentle mountains of the Panhandle and rugged peaks of central Idaho.” He points out that, historically, the physical geography “effectively isolated the northern and southern halves of Idaho. So great was the topographic rift that during the petition for statehood, many northern Idahoans leaned toward their stronger affiliation with Washington. Even today, a landslide or washout on Highway 95 severs Idaho in two.”¹⁵

The environmental characteristics (location of rivers, farmland, fur-bearing animals, timber, and mineral riches) not only have influenced the development of population centers in the early years,¹⁶ but also have controlled development with the increased demand for outdoor recreation, tourism, and quality of life.¹⁷ The state has rapidly shifted from a resource-based economy to one based on technology and service (including the growth of law firms that provide legal services needed by the high tech industry and other major corporations headquartered in Idaho), as well as tourism.

2. Population growth in Idaho

As noted above, Idaho is a state whose population is increasing at a rapid rate. Idaho ranks sixth in the country in terms of the projected percentage change in population during the period 1995-2025.¹⁸ The state’s two most rapidly growing urban areas are Boise, in the Treasure Valley area, and Coeur d’Alene in the Panhandle. One third of the state’s population now lives in Treasure Valley. Boise is becoming a leading technology center, as well as a regional transportation hub, and it is headquarters for several major corporations. In twenty years, Ada and Canyon Counties are expected to have a combined population of 572,000. Kootenai will have a population of over 143,000; and Bonneville in eastern Idaho will have 110,500. (In comparison, Latah and Nez Perce Counties—the area surrounding the University of Idaho—will have a combined population of 83,820.)¹⁹

3. Population growth and the demand for legal education

In most of the major population centers in the country, there is at least one law school to satisfy the demand for legal education for place-bound persons seeking a JD degree as well as for practicing lawyers seeking advanced legal training or continuing legal education. Today almost all urban areas of 1 million or larger have at least one law school.²⁰ Recent examples exist of new law schools being established in areas soon after they reach this level of population growth.²¹ Moreover, most urban areas with populations over 500,000 but less than 1 million also have one or more law schools serving their populations. Only seven urban areas of that size are without a law school, and four of the seven are within approximately 50 to 100 miles of at least one law school (and in some cases, more than one law school).²²

B. The University of Idaho

1. The University's mission as it relates to law

The University of Idaho was located in Moscow as part of a political compromise when the Idaho Territory was becoming a state. The University, founded one year before Idaho gained statehood, was given constitutional status and designated a land grant institution committed to undergraduate and graduate-research education with extension services responsive to Idaho and the region's business and community needs.²³ Many believe that the University of Idaho, primarily because of its location in Moscow, has played an important role in the past in linking the disparate parts of the state.

The University has "statewide responsibility for instruction, research, extension, and public service in...law."²⁴ The issue the University is seeking to address today is how best to fulfill that statewide responsibility for legal education in the coming decades. Just as many believe that the University has helped link the disparate parts of the state, many also believe that the University of Idaho College of Law has played an important role in linking the profession. The question is whether it can continue to do so in the future.

2. Cooperative arrangements with other institutions

The State of Idaho has suffered from limited resources, particularly for higher education. Partly out of necessity, higher education in Idaho has become a model of cooperative higher

education arrangements, avoiding duplication of programs and using limited resources creatively to better serve the state. For example, the University of Idaho and Idaho State University have an agreement to deliver educational services in Idaho Falls.²⁵ A similar agreement exists for the delivery of educational services in northern Idaho among the University of Idaho, Northern Idaho College, Lewis-Clark State College, and Idaho State University through a consortium known as the Northern Idaho Center for Higher Education (NICHE).

The State of Idaho also has participated in creative cooperative arrangements across the Pacific Northwest. For example, the Washington Higher Education Coordinating Board and the Idaho State Board of Education have agreed to a student exchange program that would waive all or part of the nonresident tuition and fees for each other's residents, especially where degree programs are not available at the institutions in their home states. This agreement facilitates the attendance of Washington residents at the University of Idaho as well as at Boise State, Idaho State University and Lewis-Clark State College. In turn, the agreement facilitates the attendance of Idaho residents at Washington State University, Eastern Washington University, Western Washington University, and Walla Walla Community College. Regional cooperation is also key to medical education with four states: Washington, Alaska, Montana, and Idaho participating in the program (WAMI). The University of Idaho and Washington State University offer a substantial number of cooperative courses in many fields, including, three courses in law.²⁶ Finally, it should be noted that planning is currently underway for cooperative arrangements between the University of Idaho, Boise State University, and Idaho State University to offer a range of educational programs in Boise. The State of Idaho's history of cooperative arrangements may provide a model for expanding and broadening legal education, as will be discussed in the next section of this report.

C. Future Demand for Legal Education in Idaho

The issue confronting the University of Idaho is how to meet its mandate to provide legal education to the entire state in a fiscally constrained environment. While the geographic divisions of the state, with its physical barriers, and the rapid population growth in areas of the state outside of Moscow might indicate the desirability of establishing a second law school elsewhere in the state, the experiences of other under-resourced states with two or more state-supported law schools suggest that the University should explore other solutions to its current dilemma. Arkansas, for example, has struggled to provide sufficient resources to maintain quality at the school on the land grand campus at Fayetteville, while also investing in a metropolitan law school at Little Rock.

1. Today's law school and its challenges

The University of Idaho College of Law, founded in 1909, remains the only law school



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in the state. It is located in Moscow, 300 miles from the Boise area and far from eastern Idaho, and is reachable either by very limited air service, or overland via a two-lane highway which is particularly dangerous under winter conditions. Geographically, the law school is relatively inaccessible for the majority of Idaho's population.

In assessing the future of this isolated law school, the University needs to focus not on where the alumni came from when they were students, and their reasons for choosing the College in the past, but where potential students, making decisions about law schools in the future, are likely to go. Although southern Idaho has been the College of Law's single largest source of students (providing 40 percent to 60 percent of the student body), and for placement of students after graduation, that may be changing. The College is faced with a significantly declining applicant pool (the total number of applicants in 1999 was less than half what it was a decade earlier), and with increasing difficulty in getting admitted applicants, particularly those from Boise, to enroll in the law school.

For the 1999 entering class, the College offered admission to nearly 80 percent of its in-state applicants in order to generate an entering class that was two-thirds resident students. Of those in-state students who were admitted, only a little more than half actually enrolled. The difference in the yield rates between Boise and other parts of the state is striking. Only one-half of the offers of admission are being accepted by Boise applicants compared to two-thirds of the offers made to applicants from eastern and northern Idaho. If another law school were to be established in the Treasure Valley, which might draw not only applicants from Boise but also those from eastern Idaho because of easy access via Interstate 84, the impact on the College's entering class could be devastating. There are also threats to the College from the northern part of the state due to increasing competition from Gonzaga University School of Law which, by virtue of its location in Spokane, offers work experiences for students and jobs for spouses. These attractions tend to offset the advantage derived from the differential between the University of Idaho's low in-state tuition and Gonzaga's high private school tuition.²⁷ The increased age of the student body today, compared to what it was in the past, means that there are heavier demands not only for employment for both student and his or her spouse or partner, but also for child care and low cost housing, available only on a limited basis in the Moscow area. The College also competes with Brigham Young University and the University of Utah for Mormon students and students from eastern Idaho.

The College's location contributes to the lack of diversity within the faculty, staff and student body. This detracts from the educational experience and is of concern. Only 26.4 percent of the current student body is female, the lowest percentage of women found in any law school in the country, and only 4.1 percent of the student body comprises racial and ethnic minorities. Four of the 13 tenured or tenure track faculty are women, but there are no minorities among the faculty or professional staff.

In a meeting of the special panel with current students, concern was expressed about the lack of part-time employment

opportunities in the Moscow area that would provide some of the law practice experiences that would allow students to integrate what they are learning in the classroom, and that would help defray their living expenses. They also expressed concerns about the limited number of electives and the difficulty in developing professional contacts. Financial assistance from the College through scholarships or loans is extremely limited, and the older age of many of today's students (the average age is 28) means that many of them have families to support.

These problems must be weighed against the College's strengths. The College today provides a solid academic program, although it has been operating on the margin financially for a number of years. Because the law school has become increasingly dependent on student tuition and fees,²⁸ the continued decline in applications could threaten the school's ability to continue to operate a quality program. Likewise, geography may be undermining the College's academic program. Although outside evaluators have found that the faculty is dedicated to providing rigorous teaching, that there is a high level of student preparedness, and that the core curriculum is strong, the school is unable to offer a significant number of electives due to the small size of its full-time faculty and the limited number of practitioners in the Moscow area available to serve as adjunct in specialized courses. In addition, the program's quality is threatened by the school's difficulty in attracting new faculty, particularly where employment of spouses or partners is at issue. Location also may be a barrier to professional staff hiring and to filling faculty visitorships.

The impact of location on curriculum may be ameliorated in part by the new interactive video telecommunications system; but sound teaching practices and current accreditation requirements of the American Bar Association will limit reliance on "virtual" classes in the College of Law.²⁹ The professional skills program, which includes a number of simulation courses and several live-client clinics, including a Native American Defender Clinic where students serve as public defenders for the Nez Perce tribe, has been termed "first rate" by evaluators and represents a locational advantage for the College. On the other hand, the clinic necessarily is limited in the number of students who can participate, and other community externships are needed to provide a comprehensive professional skills program.

The law library, which evaluators noted has a hardworking professional staff, is seriously underfunded and its collection has lost depth as a result, worsened by sustained budget cuts in recent years. Recent library budget increases have not completely made up for increases in the cost of legal material which far exceed the cost of inflation. The University has submitted a special request to the legislature for additional funding for the library and is committed to strengthening the collection. The main library of the University, which is a Regional Depository Library, is a readily accessible resource for the law school, as is the law library a resource for faculty and students elsewhere in the University. Along with the main library of the University, Washington State University, located only eight miles from the University of Idaho, is a source for interdisciplinary materials. The College of Law library also serves as a resource for mem-

bers of the Bar, although its distance from the major population centers of the state limits its usefulness in this regard. It is, however, an important resource for attorneys in the Lewiston-Moscow area.

The current proximity of the law school to the University provides mutual benefits. In addition to the resource provided by the University Library, the College and the University provide reciprocal administrative support, and offer opportunities for interdisciplinary programs. The law school and the University's College of Graduate Studies/Environmental Science Program have recently established a concurrent JD/MS degree program in Environmental Science. The College of Law also has established linkages with Washington State University in Pullman. As noted earlier, the law school is offering three courses in cooperation with WSU and also is proposing to offer a JD/MBA program with that institution's College of Business and Economics. Members of the College's faculty also have joined with faculty of other disciplines in collaborative research and publication.³⁰

A high percentage of the faculty is involved in service to the profession and to community organizations, and the faculty regularly contributes to continuing legal education. As a result, the College has solid relations with the bench and the Bar. However, the distance between Moscow and the major population centers of the state imposes substantial limits on the faculty's service opportunities. The new interactive video telecommunications system, including the two new classrooms (one in the College and the other in the Idaho Law Foundation Building), may enhance the ability of the College to contribute to the continuing legal education of the practicing Bar but the distance will still restrict professional contacts.

The special panel's session with many of the College's graduates in various parts of the state revealed a strong, loyal base of alumni supporters who care deeply about the College, although there are widely divergent views as to how the University might best meet the demands of legal education in the future. Many of those with whom the panel spoke believe that the College's superior legal educational training is attributable to the fact that it is a close-knit legal education community. Of course, these alumni are, by definition, persons who chose in the past to attend law school in Moscow; they are not necessary representative of the future applicant pool the College seeks and needs to attract.

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Although the College has solid relations with the bench and the Bar, the inaccessibility of the Idaho State Bar, the Supreme Court, and the Court of Appeals, all of which are located in Treasure Valley, lessens the opportunities for mutually beneficial and more regularized interactions. Other state agencies, such as the Attorney General's Office, are also located in the state capitol, as are most of the state's major law firms.

2. Perceived needs for the future

It is clear that the College has many strengths; future strategies should address the above concerns while building on those strengths. Issues regarding the primary location of the law school, and of programs that can be offered in other parts of the state outside of its primary location, need to be addressed in light of the changing needs of the state, including urban growth in the Boise and Coeur d'Alene areas. The growth of the legal profession in the Treasure Valley is even more dramatic than the growth of the general population. Nearly one-half of the lawyers in the state are now located there.³¹ And while University of Idaho graduates have played a significant role in the state's Bar, their influence is being diluted. This year, 60 percent of those sitting for the Idaho State Bar Examination were Graduates of law schools outside the state, e.g., Brigham Young University, Gonzaga, Willamette, and the University of Utah, and many of those will be practicing in Boise. University of Idaho College of Law graduates make up an increasingly smaller percentage of the Bar. Today, fewer than half (46 percent) of the attorneys licensed to practice in Idaho are graduates of the College, while graduates of 12 other law schools constitute 30 percent of the state's attorneys.³²

These demographic facts bear heavily on the University of Idaho's "statewide responsibility for instruction, research, extension, and public service in...law." Although the future is difficult to predict, it appears unlikely that past sources of students and alumni will sustain the College. Moreover, as noted elsewhere in this report, the content of legal education is changing. The Idaho Bar is aware of these changes; indeed, its Legal Education Conclave, held September 22-23, 1995, attempted to articulate some of the perceived needs of the future, which included more specialty certifications (areas identified as appropriate for specialization included litigation, taxation, securities, patent law, estate planning, and business transactions); CLE programs that

more fully engage and inform attendees; and the exposure of law student to ethical principles."

Part Four: Idaho's Choices

Essentially the State of Idaho has three options, 1) the status quo, 2) relocation of the College of Law to the Treasure Valley area, or, 3) development of a new model of legal education for the state. The strengths and weaknesses of each of these

three major options will be discussed below. It is not the function of the outside panel to recommend a particular option; rather it is our function to utilize our expertise on national trends, accreditation issues and curricular needs to present options. Then, the University of Idaho can evaluate more precisely each option so that it may make the best choice for the state, the University, and the College of Law. The “political risks” or rewards with each option will be better understood by the University than by three outside evaluators. Those political risks or rewards are important and they have been mentioned, but they have not been evaluated in our analysis of the academic issues facing the College.

A. The Enriched Status Quo

This option would leave the College of Law in its present location in Moscow. While the College of Law would be encouraged to increase its outreach to the bench and Bar throughout the state, the law school would remain as it is—a small, residential state school in a very small town. This option would recognize that the College of Law’s residential character and commitment to quality teaching has served the state well. Furthermore, this option would respect the state’s history, geography, and demographics, while keeping the location of the College of Law with the University in Moscow. The advantages and disadvantages of these options are briefly summarized below.

1. Advantages of the status quo.

Residential character: Students at the University of Idaho College of Law spend six semesters studying law in a residential environment. While there are some part-time jobs and clinical opportunities available, essentially students spend their full-time committed to law study. This bonds a small class together; they know each other and develop deep respect for their fellow students, and they are committed to learning the substance of the law.

Collegiality. By living and studying together in a small residential environment, those students develop the collegiality with each other that they sustained in law school. It is felt that this tends to help Idaho avoid the “Rambo lawyering,” that has exacerbated Bar relationships in other areas. Students tend to know each other, trust each other and develop professional respect and bonding that is unique. (Of course, as the Idaho Bar becomes increasingly composed of lawyers educated elsewhere, this benefit may diminish.)

- *Lack of distractions.* The small town environment of Moscow, with its rural location, makes it almost impossible to commute from any metropolitan area to Moscow, limiting distractions to the full commitment to the study of law.
- *Quality of life.* Moscow and Pullman are attractive and safe communities with abundant cultural opportunities and the advantages of clean air and small town friendliness.
- *Historical decisions.* As noted elsewhere in this report, the State of Idaho has a unique history and geography. The decision to place the University in the Panhandle in the north was a deliberate one. It seems probable that any attempt to move a professional school to the Treasure Valley would be challenged legally or politically or both; more importantly, from an academic standpoint, it would polarize alumni

whose private support is needed by a school suffering from shortages of public funds.

- *A chance to be in the north.* The current location is attractive to students from the Panhandle-Idaho’s second fastest growing area. Moreover, students from the eastern and southern part of the state may never have traveled in the northern Panhandle portion of the state. By studying there for three years, law students develop a full understanding of the state, its history and geography, even if they relocate to practice in the south or east.
- *Clinical and externship possibilities.* There are clinical and externship possibilities, particularly with the native tribes, which are unique to the Moscow area.
- *Integration with two research universities.* By locating the law school physically in a comprehensive state university, the chance for both students and faculty to engage in interdisciplinary study is enhanced. This is particularly true with the close proximity of both the University of Idaho and Washington State University.
- *Cost.* An “enriched status quo” would still require an upgrading and modernization of the law library, further enhancing distance learning opportunities. The University is now an Internet II university and given its location, the law library must be made more accessible to the state through technological advances. Some further expansion of the faculty is also necessary. But these costs are relatively minor in comparison to any relocation of the law school.

2. Disadvantages of the status quo.

Potential move of another law school in the Treasure Valley area. Legal history shows that as every metropolitan area in the United States has approached 500,000-1,000,000, a law school springs up if one is not already there. Within 10-20 years, the Treasure Valley will exceed 500,000 people. At some point, some entity, whether public or private, will attempt to put a law school in the Treasure Valley area. Since that is the largest population base in the state, a law school physically located in the general Boise area drastically will impact the College of Law in Moscow. Admissions would be very substantially reduced in a law school that is already one of the smallest in America. This last year there were only approximately 480 applications to the University of Idaho College of Law, and some 300 had to be accepted to net a class of 100. While median LSAT and GPA scores for entering classes have improved over the last three years, any substantial blow to the admissions potential of the College of Law could be potentially catastrophic. Clearly, a refusal of the College of Law to seriously consider methods of serving the Treasure Valley risks the potential of another college of law relocating there. It is important to notice that there is almost no graduate or professional level education in the greater Boise metropolitan area at the present time. That void will be filled, perhaps sooner rather than later.

- *Limited adjunct supply.* While there are some Moscow area lawyers who serve as adjunct faculty, and their contributions are deeply appreciated, their numbers are limited. Boise,

because of its larger and more specialized Bar, could provide greater resources in terms of specialized curricular offerings.

- *Limited externship and employment opportunities.* The opportunity for externships and clerkships is limited in the Moscow area.
- *Low female enrollment.* As noted, the College has an exceptionally low female enrollment. Only 25% of the student body is female. This contrasts with a figure of approximately 45% nationally that is female, approaching 50% in some metropolitan areas. Both students and faculty, anecdotally, believe the lack of female enrollment is attributable to the difficulty faced by women in the age group of 23-27 years of age, the prime law school applicant ages, who for family reasons are unable to pick up and move to Moscow. There is a real fear that their spouses would be unable to find employment in the Moscow area.
- *Minority enrollment loss.* The law school has an extraordinarily low minority population which may be attributable in part to its location.
- *Non-traditional students.* Students who must work to support themselves have difficulty finding suitable employment in the Moscow area. Employment is equally difficult for spouses.
- *Faculty issues.* There are several faculty disadvantages in the Moscow location:
 - Attracting faculty with two professional careers.
 - Limits on faculty service to the Bench and Bar.
 - Limits on faculty opportunity for professional contacts.

B. Relocation to the Treasure Valley

1. Advantages of relocation

- *Boise is the State capital.* Almost all branches of government are located there. It has the largest concentration of lawyers in the State and it is an area of rapidly growing population.
- *National trends in legal education.* As explained elsewhere in this report, some of the major innovations in legal education in the last 15-20 years have occurred in the large metropolitan law schools. Advanced opportunities for specialized study, clinical education, skills training, and

externships have all been pioneered in the major metropolitan areas. A law school in Moscow simply cannot replicate those paths that legal education has been taking.

- *"Move it or lose it."* This panel heard, time and time again, arguments that if the College of Law does not make a bold move and relocate to the Boise area, another law school will move in. The law school will then lose control of its identity, putting its future at grave risk.
- *Job opportunities.* Both students and their spouses find more suitable opportunities in the Treasure Valley area than in Moscow.
- *Admissions.* It is felt that admissions would be very substantially enhanced by such a move. In 1999, half of the offers extended to students in the Treasure Valley area were accepted while offers to students in the eastern and northern parts of the state were accepted at a much higher rate.
- *Enhanced opportunities for minority and female applicants.* It is felt that it will be easier to enroll a greater percentage of female applicants who apparently are less mobile, and there would be a greater opportunity to enroll minorities in the larger metropolitan area.

2. Disadvantages of relocation

- *Divisive political battles.* While it seems clear to the panel that there will be an outcry in both the eastern and northern parts of the state if an attempt were made to move the College of Law, we cannot evaluate how serious such protests will be. There is at least the potential that the political battles would pit the most active supporters of the law school, one against the other, adversely affecting alumni and development efforts of the College and the University.
- *Loss of contact with the main University in Moscow.* The law school would be on its own in the Treasure Valley area. It would be a detached academic unit, losing a number of advantages unless it could cooperate extensively with Boise State University or with the other graduate programs now being established by the University of Idaho in Boise.
- *Loss of "residential" advantages.* There is a fear that if an urban-type model is developed in a move to Boise, it would threaten many of the advantages of concentrated in-depth residential study.

- *Distractions of the urban area.* It is felt that too many students will be distracted by job opportunities, part-time work, family responsibilities, etc. that would pull them away from the law school and detract from their commitment to the full-time study of law.

- *The loss of the history and tradition of the residential college.* To the extent that professionalism and a calling to leadership are uniquely inculcated by three years of study in a small campus, residential setting, these values arguably would be diminished or lost.

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• *Cost of relocation.* It seems doubtful to the special panel that a state legislature that has invested very modestly in legal education over the years, would appropriate a substantial amount of money to create new law school facilities in Boise. Not only would a new physical plant have to be acquired or built, there would be substantial relocation costs for faculty, staff, and library. It is in the experience of this panel that a new building, even for a small law school can cost approximately 30 million dollars, with relocation costs adding up to 10 million dollars more to that figure. In addition, there would be substantial need for student aid of various sorts.

C. Development of an "Idaho Model"

This special panel attempted to determine whether or not there might be an alternative enabling the College of Law to remain physically located in Moscow and yet have a very substantial presence in the Treasure Valley area that might actually better serve both the Bar and the public.

1. Part-time program in Boise

Many felt that there should be an attempt to put together a part-time education program in Boise. However, it is the experience of this panel that demand for part-time education is modest, and not growing in major urban areas of the country. After an initial surge of interest, we estimate student enrollment would settle at approximately 15-20 students per year at an evening division-type law school. Most students who were in Boise might still want a more full-time day division program. Furthermore, the accreditation problems of a part-time program are enormous. There would have to be a permanent site for the school, a resident library that would fill the needs of a part-time division, resident faculty and staff to offer a full J.D. program. In short, Idaho would have to establish a small but almost completely new law school. That law school might well compete with the school in Moscow for the same applicants. In other words, the College of Law might be competing with itself with a part-time division. The part-time idea is an intriguing one but the costs and accreditation burdens appear to be enormous.

2. A graduate study-based program

In contrast with establishing a part-time program, it would be relatively easy to establish a small LLM-type program in the Boise area. All that is required for such a program under current ABA accreditation regulations is that it not dilute the resources of the JD program in Moscow—in short, it would have to be started with new money. This program would require a full-time director, a full-time professor in the graduate subject area, some secretarial support, and a classroom. The curriculum could be fleshed out using adjunct professors with specializations. An LLM program that was broadly conceived, for

example a program in "Transactional Law," might add a list of specialty courses that would be very attractive to the practicing Bar and contribute to economic development in the state. Practicing lawyers might decide to take one or two courses for a certification program or to go for a full LLM. It also offers an opportunity for outreach to those in the Treasure Valley who seek opportunities for non-degree legal education (e.g. engineers, health professionals, and social workers). It is understood that this would be a very small program. We estimate the new program itself would add \$500,000-600,000 a year to the cost of legal education in Idaho. Moreover, once the program is established, it might be possible for interested third-year law students to come to the Boise area from Moscow and take some of these courses to apply to their JD degree. They could also participate in various externship or clinical opportunities that could be developed in the Boise area.

Once third-year students in the Boise area take courses and clinical programs, it is conceivable that the College of Law could apply for a "variance" with the ABA to allow students to spend not just one but two semesters in the Boise area. This would create an option for those students who wanted to practice law in Boise, take urban-type clinical programs, or specialize in areas of the law that the small full-time faculty in Moscow is unable to offer. They could take the first two years in Moscow in a residential environment, getting the best of a residential legal education, and then at their option, spend the final year in the Boise area getting clinical opportunities, externships, and advanced courses in that geographical area.

While this does not meet the needs of students who want to obtain a full legal education in Boise, it does address many student concerns, meets many professional needs of the Bar, and provides a presence in Boise. That presence might dissuade any other law school—especially a private school that would have to rely on comparatively high tuition—from locating in the area. It might also provide a foundation for exciting collaborative opportunities with Boise State University.

3. The variable third year—an "Idaho Model"?

This model of two years in Moscow and the third year in either Moscow or Boise might well be the prototype for an inno-

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vative new model of legal education. There is nothing that says the University of Idaho has to be all rural or all urban, all residential or all commuter. Idaho's unusual geography and history may require a pioneering approach that offers students a choice of educational experiences with differing advantages. A two-year "core" program in Moscow would deliver the benefits of small-scale, residential education; during the third year, a student could choose to remain in Moscow, taking a mix of "Bar courses" and interdisciplinary courses strengthened by the College's presence on the main University, or the student could choose to study in Boise, where selected "Bar courses" could be juxtaposed with adjunct-taught specialties and with clinical opportunities strengthened by the location in a metropolitan capital of state government. Furthermore, the outreach in Boise could service the Bar with graduate level programs, CLE specialty courses, or executive programs.

4. Expanding the model

Once a third-year option in Boise was created, the University could then look to expand that model elsewhere. There is a rapidly growing population base in the Spokane/Coeur d'Alene corridor. It might be possible to set up similar outreach programs in that area, particularly with the cooperation of Washington State University, which has a center in Spokane similar to the University of Idaho Center in Boise. Opportunities in eastern Idaho, e.g., Pocatello, Blackfoot, Idaho Falls, Rexburg, could also be explored including cooperation with Idaho State University.

5. Advantages and Disadvantages

Because it provides choices that resonate with the broad national trends in legal education, this "Idaho Model" would attract interest in the national legal educational community; it could help the College capture those students with Idaho roots who are not opting to attend law school elsewhere; and it could prove to be a magnet for students everywhere who are looking for something more than one-dimensional "urban" or "rural residential" legal education. It also may provide an opportunity for the College to leverage its modest resources by partnering with Washington State University in northern Idaho/eastern Washington and by generating LLM tuition revenue as well as fee revenue from enhanced forms of CLE certification programs, and other types of executive education in the Treasure Valley.

Among the disadvantages would be the duplication of some upper-level curricular offerings at two locations, although the costs could be minimized through the use of technology. Moreover, the College could consider moderately differentiated tuition charges or fees at the two locations, reflecting the expense of labor-intensive faculty supervision of high-quality externship programs in Boise. There is also a danger, which must be avoided, of diluting the already meager resources devoted to the Moscow program to support Boise operations. Another disadvantage—more political than academic—might be the perception among pro-Boise or anti-Boise partisans that the "Idaho Model" is simply a "half a loaf" response that satisfies no one. That, however, is not the spirit in which the special panel offers the idea; rather, the panel urges that the model be exam-

ined on its own academic merits and compared in its educational potential with the other alternatives available to the University.

Conclusion

Idaho faces difficult choices about how it provides legal education, and the need for a decision on those choices is becoming more and more urgent. It is the hope of this special panel that our report will help Idaho in making its decision by providing an understanding of the history, background, and trends in American legal education. Idaho is a state that can effectively support only one law school; that law school should be so constructed that it preserves its historic strengths as a residential college, but also recognizes the risks and rewards of responding to urban trends in legal education. In facing its current problems, Idaho may find an opportunity to create a new distinctive Idaho model that meets its needs while combining the strengths of both "urban" and "residential" models now found nationally.

Your panel again expresses its appreciation for the opportunity to serve the State of Idaho, its University and its College of Law. It is our hope that this report will be of help to the University as it makes its choices.

ENDNOTES

1. John J. Costonis, *The MacCrate Report: Of Loaves, Fishes and the Future of American Legal Education*, 43 J. Leg. Ed. 157 (1993).
2. *Training for the Public Profession of the Law* (Carnegie Foundation Bulletin No. 15, 1921) at 281.
3. Jerome Frank, *Both Ends Against the Middle*, 100 U. Pa. L. Rev. 20, 28-29 (1951).
4. Catalogue of the Louise D. Brandeis School of Law, University of Louisville (1998-2000), at 11-12.
5. *The Place of Skills in Legal Education*, Report of the Committee on Curriculum of the Association of American Law School (1944) (Karl Llewellyn, Chair); published in 48 Columbia L. Rev. 345 (1944).
6. *Id.* at 346.
7. Bayless Manning, *Financial Anemia in Legal Education: Everybody's Business*, 55 A.B.A.J. 1123 (1969).
8. See, e.g., Irving R. Kaufman, *Does the Judge Have a Right to Qualified Counsel?*, 61 A.B.A.J. 569 (1975), and New York Times, April 8, 1975, at 18. col. 2 (story containing statement by Chief Justice Warren Burger that many young lawyers are inadequately trained and are "using the courts as a bush league training camp").
9. Section of Legal Education and Admissions to the Bar, American Bar Association, Report and Recommendations of the task Force on Lawyer Competency: *The Role of Law Schools* (Chicago, 1979 the "Cramton report").
10. Patricia M. Wald, *Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education*. 36 J. Legal Ed. 35, 38 (1986).
11. Commission on Professionalism, American Bar Association, "...In the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism", (Chicago, 1986).
12. Task Force on Law Schools and the Profession: *Narrowing the Gap*. American Bar Association, *Legal Education and Professional Development: An Educational Continuum* (Chicago, 1992).
13. See e.g., Eric C. Ewert, *Setting the Pacific Northwest State: The Influence of the Natural Environment*, in NORTHWEST LANDS, NORTHWEST PEOPLES at 12 (Dale D. Goble & Paul W. Hirt, eds., University of Washington Press, 1999).
14. *Id.* at 14-15.
15. *Id.* at 16.
16. *Id.* at 19-20.
17. *Id.* at 22-24.
18. California is leading the country with a projected increase of 56 percent during this period with Idaho projected to experience a 47 percent change. In contrast, the population increase for Massachusetts is projected to be 13 percent and that for

New York, only 9 percent. Census Bureau Population Projections, May 1997.

19. 1999 Idaho Economic Forecast for the State of Idaho, January 1999.

20. The only two such population areas in the U.S. without law schools—Charlotte, NC and Grand Rapids, MI—are within 60 to 70 miles of a law school.

21. A law school has just been established in Orlando, Florida which recently exceeded one million population.

22. The only three urban areas of that size that do not have a law school within 50 to 100 mile range are Fresno and Bakersfield, CA (125 to 140 miles from a law school), and El Paso, TX, on the Mexican border.

23. University of Idaho Faculty-Staff Handbook, Chapter One, Section 1240.

24. University of Idaho Faculty-Staff Handbook, Chapter One, Section 1320, "Purpose, Functions, and Objectives of the University of Idaho" (emphasis added).

25. This agreement includes the provision of undergraduate and graduate degree programs as well as general education, professional development, and cultural enrichment courses. The agreement includes a plan for collaborative degrees, cooperative degrees, and degrees by one institution relying on service courses offered by the other institution. Delivery of student services is also to be integrated.

26. The three courses are Legal Process, Environmental Law, and Public Land Law. In addition to the courses offered in cooperation with Washington State University, the college of Law has an agreement with Albertson College for a 3—3 BA or BS JD program whereby an exceptionally well-qualified undergraduate student at Albertson College can attend three academic year at Albertson College and then be admitted to the College of Law's three-year program.

27. In general, the College of Law appears to be losing students not only to public law schools in their states, despite their having to pay nonresident tuition, but also to private schools in urban areas of these other states.

28. At many schools, student fees retained by the law school provide the margin of excellence, but the College relies on those fees for basic operating expenses, including some salary lines.

29. The interactive electronic technology has been used with the Summer Externship and Seminar Course so that students placed in legal offices in both Boise and Moscow could participate in the weekly seminar component simultaneously.

30. See, e.g., the recent book edited by Dale D. Goble, Professor of Law at the University of Idaho College of Law, and Paul v. Hirt, Associate Professor of History at Washington State University, NORTHWEST LANDS, NORTHWEST PEOPLES (University of Washington press, 1999).

31. The Third and Fourth Judicial Districts, encompassing the Treasure Valley, contain 48 percent of the state's lawyers. The First Judicial District, where Coeur d'Alene is located, contains 11 percent. All other districts contain less than 10 percent (including the Second Judicial District, the location of the College of Law, which has 7 percent). Data taken from the 1999 "Resolution Process" pamphlet of the Idaho State Bar.

32. The 12 schools with at least 30 graduates who are licensed to practice in Idaho today include (in descending order) Gonzaga (with 24 attorneys), BYU (170 attorneys), University of Utah (117 attorneys), Willamette, University of Oregon, Lewis and Clark, University of Washington, University of California-Hastings, University of Denver, George Washington University, University of Colorado, and Seattle University.

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