

**Report to the Louisiana Board of Regents
To Inform the Feasibility Study of Increasing Legal Education Capacity
in the Shreveport/Bossier Region**

Prepared by



National Center for Higher Education Management Systems

January 31, 2020

Introduction

This report is provided to the Louisiana Board of Regents (BOR) by the National Center for Higher Education Management Systems (NCHEMS) in response to a Request for Proposals (RFP) issued by the BOR in September 2019. The RFP was issued in order to fulfill BOR responsibilities mandated in two separate legislative resolutions—Senate Concurrent Resolution #75 and House Concurrent Resolution #24 of the 2019 Session of the Louisiana Legislature—which directed the BOR to “study how the state can best meet the legal education needs of students and the economic and workforce development needs of the Shreveport/Bossier region, including but not limited to meeting these needs through establishing a campus of the Southern University Law Center in Shreveport (SULC)” in the case of HCR#24. SCR#75 urged and requested the Board of Regents to “study how the state can best meet the legal education needs of students and the economic and workforce development needs of the northwest region, including meeting those needs through establishing a law school in the Shreveport/Bossier area. The Senate resolution also stated that “the Board of Regents shall consider whether any law school established pursuant to this study would best serve the needs of the area and the state by being affiliated solely with the Louisiana State University System, the Southern University System, the University of Louisiana System, or any combination thereof” (see Appendix A for the full texts of these two resolutions). As highlighted in the second part of this charge, the narrow purpose of this study is to determine if a new law school is needed in Shreveport. The broader purpose is to recommend alternatives to better address the relative shortfall in the number of lawyers in the Shreveport/Bossier region and to meet the legal education needs of the region.

NCHEMS undertook this study by engaging in the following activities:

1. **Identify Needed Data and Data Gaps.** NCHEMS staff examined all relevant data sources. On this basis, NCHEMS identified data gaps for discussion with the BOR.
2. **Initial Visit.** Two senior NCHEMS staff members and one NCHEMS research staff member visited Baton Rouge to more fully define the scope of work, plan on-site stakeholder interviews, and locate sources of necessary data.
3. **Data Analysis.** NCHEMS then undertook a series of quantitative analyses focused on the need for legal services and the availability of legal education in the target region in comparison with selected peer regions in other parts of Louisiana and in other states.
4. **Interviews with Key Stakeholders.** Two NCHEMS staff members traveled to Louisiana to conduct interviews with identified informants in the Shreveport/Bossier region. These interviews were augmented by phone interviews with other informants.
5. **Develop Potential Policy Responses.** Using information collected in the previous steps, NCHEMS developed three potential policy responses.
6. **Develop Cost Estimates.** NCHEMS developed cost estimates (both capital and operating) for one of the potential policy responses.

NCHEMS began assembling and collecting information to inform the study immediately upon learning that its proposal had been accepted. Background data sources used included the federal Integrated Postsecondary Educational Data System (IPEDS), the BOR’s own unit-record enrollment data, and associated links to the state’s Unemployment Insurance (UI) wage record files. NCHEMS also examined data from resumes posted online and scraped for information about the alma maters of practicing attorneys in the Shreveport/Bossier area as well in other regions of the

state. This was done for all regions in the state in order to determine the relative over- or under-supply of lawyers including the target region. To establish context, data regarding the number of lawyers relative to population size were developed for all 50 states. Comparative pass rates on the state's bar examination for LA law schools were also a part of this analysis.

Interviews conducted with a total of 34 individuals (see Appendices B and C for a list of those interviewed and the interview protocol used) provided another source of information. These individuals were initially identified in partnership with staff at the BOR but many other potential interviewees were identified by requesting names of additional contacts from those individuals initially identified by the BOR (this is a recognized approach to finding relevant interviewees known technically as “snowball sampling”). NCHEMS also established an “open comment” website associated with the study on which invited individual could post comments and opinions about the feasibility of increasing legal education capacity in the Shreveport/Bossier region. Invitations to post were originally suggested by BOR staff, but those invited were also asked to invite others to participate. Thirty-two individuals were initially invited to post to this website and a total of 75 comments were eventually received. Those interviewed and respondents to the website were assured of confidentiality and their responses summarized in aggregate thematic notes which were used to inform the report's conclusions. As a result, verbatim answers from individual respondents cannot be supplied. Summaries of conclusions from the interviews are included in appropriate sections of the report and, of course, represent the opinions of those interviewed. In most cases, assertions made by individuals interviewed were not independently verified by NCHEMS because no empirical data to support these assertions are available.

All data collection was completed by December 23, 2019 and a draft of the feasibility study report was delivered for discussion with the BOR on January 10, 2020. Conclusions are presented in this report under two major headings: a) numbers of lawyers and legal professionals in the region and an assessment of demand for legal education and, b) alternative scenarios to increase legal education capacity. NCHEMS staff met by phone with BOR staff on January 16, 2020 to discuss the findings of this draft report; on this basis, NCHEMS revised the report and submitted it in final form to the BOR on January 31, 2020.

Background

There have been proposals to increase legal education capacity in the Shreveport/Bossier region for more than fifteen years. In 2007, encouraged by officials from Caddo Parish and the City of Shreveport, Louisiana College proposed developing a new law school to serve the region. Extensive planning occurred as a result including identifying facilities and recruiting a Dean. But this was an unfortunate time for legal education nationally with law school enrollments falling and the country in recession. For reasons unrelated to the law school proposal, moreover, Louisiana College encountered financial problems and experienced substantial scrutiny from its regional accreditation organization, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). In the face of these pressures, the College's plan for opening a new law school was abandoned.

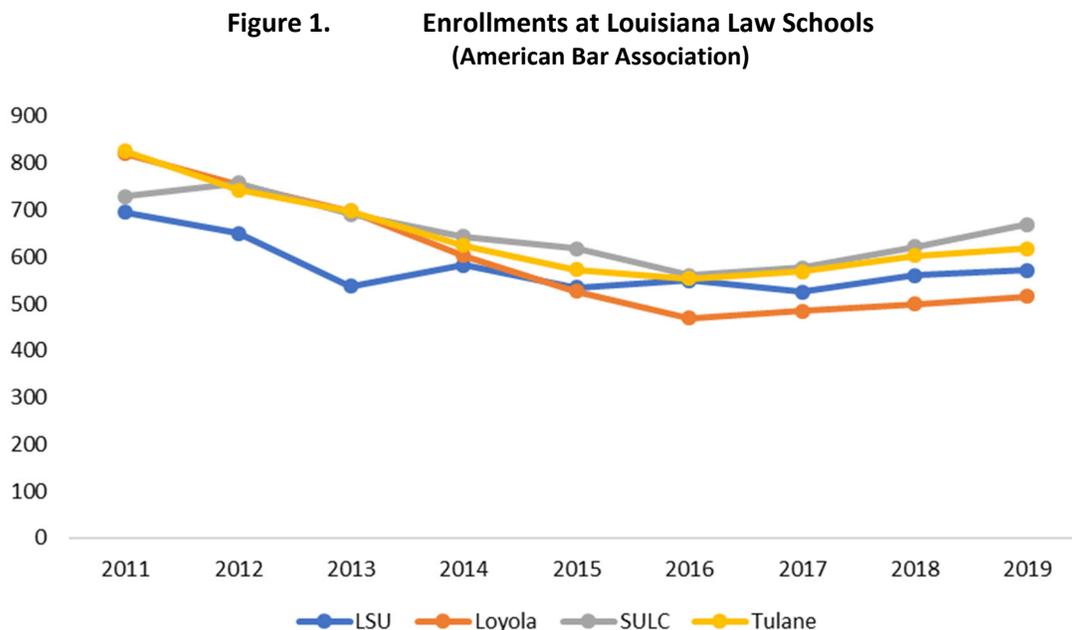
Since that time, proposals to increase legal education capacity have continued to emerge, fueled by widespread perceptions among observers that there are not enough lawyers and legal professionals in the region. This led directly to the study resolutions that formed the basis of the RFP.

Numbers of Lawyers and Legal Professionals and the Demand for Legal Education

The following statistics and points apply to the Shreveport/Bossier region in comparison to the rest of the state. The Shreveport/Bossier region is defined as RMLA7 of the state and consists of ten Parishes located in the northwest corner of the state (Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River, Sabine, and Webster).

1. The demand for legal education is at a low point nationally and is unlikely to rebound.

- According to the American Bar Association, first-year enrollments in law school have been in decline since 2010. Indeed, the last time that fewer students entered American law schools than in 2017 was 1974 when there were far fewer law schools. At the same time, 2009 was the high point nationally for administration of the Law School Admissions Test (LSAT) with 171,514 administrations; that figure fell to 101,689 just five years later (2015). In Louisiana, enrollments in the state's four law schools declined fairly steadily from 2011 to 2016, then recovered slightly from 2016 to 2019.



2. There are fewer lawyers and other legal professionals (e.g. judges, etc.) per capita in the Shreveport/Bossier region than in other urbanized regions in the state.

- According to data from the U. S. Census Bureau, the Shreveport/Bossier region has significantly fewer lawyers per 1,000 adults aged 25 and older (3.6) than the rest of the state (5.5). Data drawn from the Louisiana Bar Association on members of the Bar resident in different regions of the state confirms this conclusion.

Figure 2. Number of Lawyers per 1,000 Adults Aged 25 and Older, Louisiana Regions (American Community Survey)

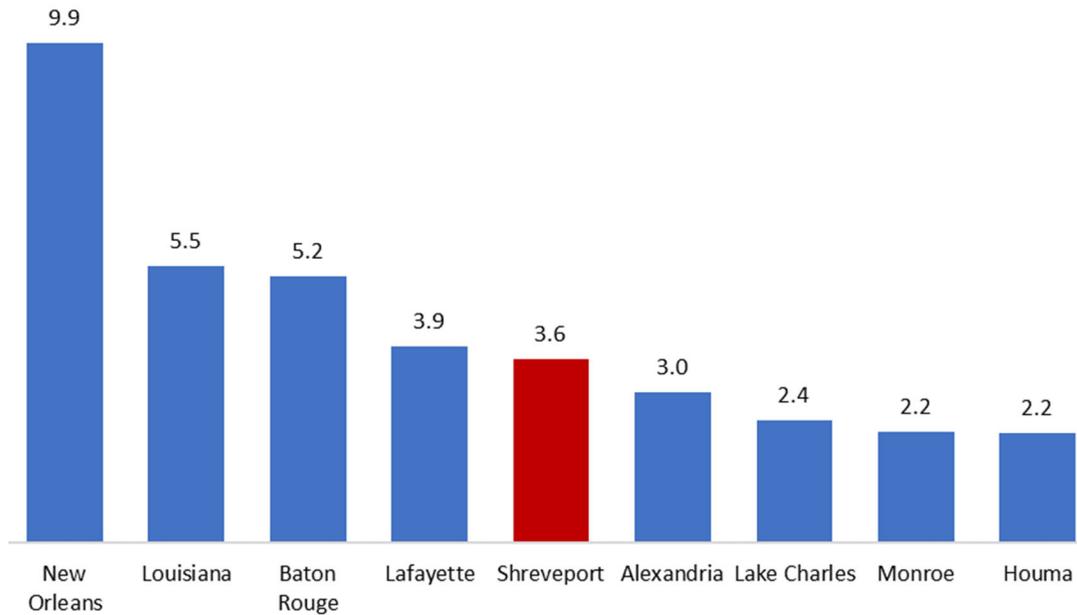
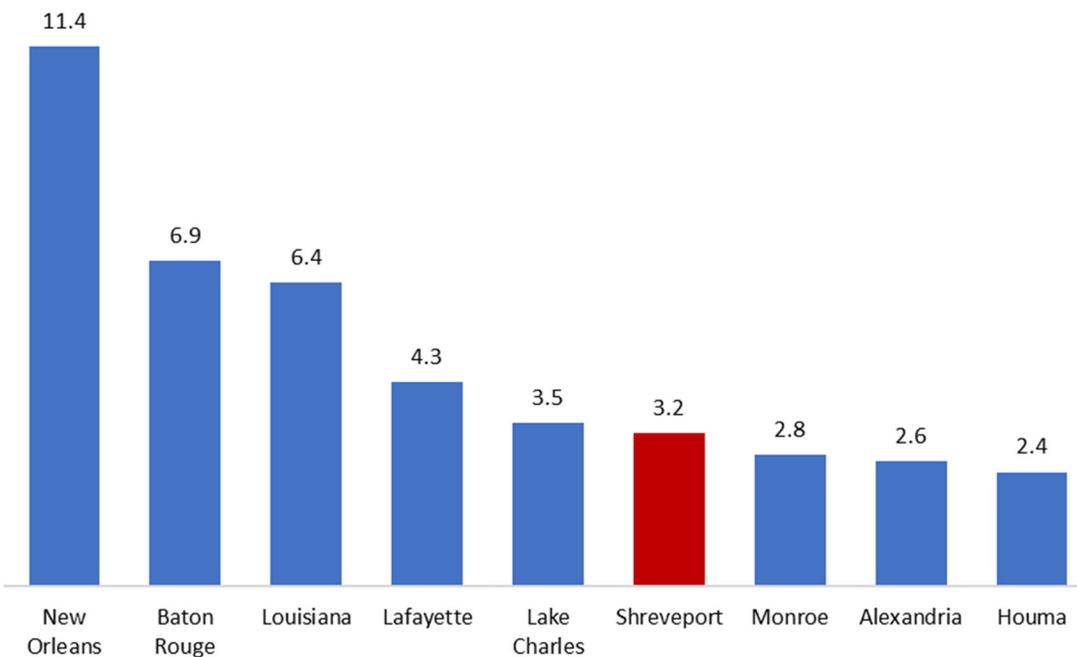
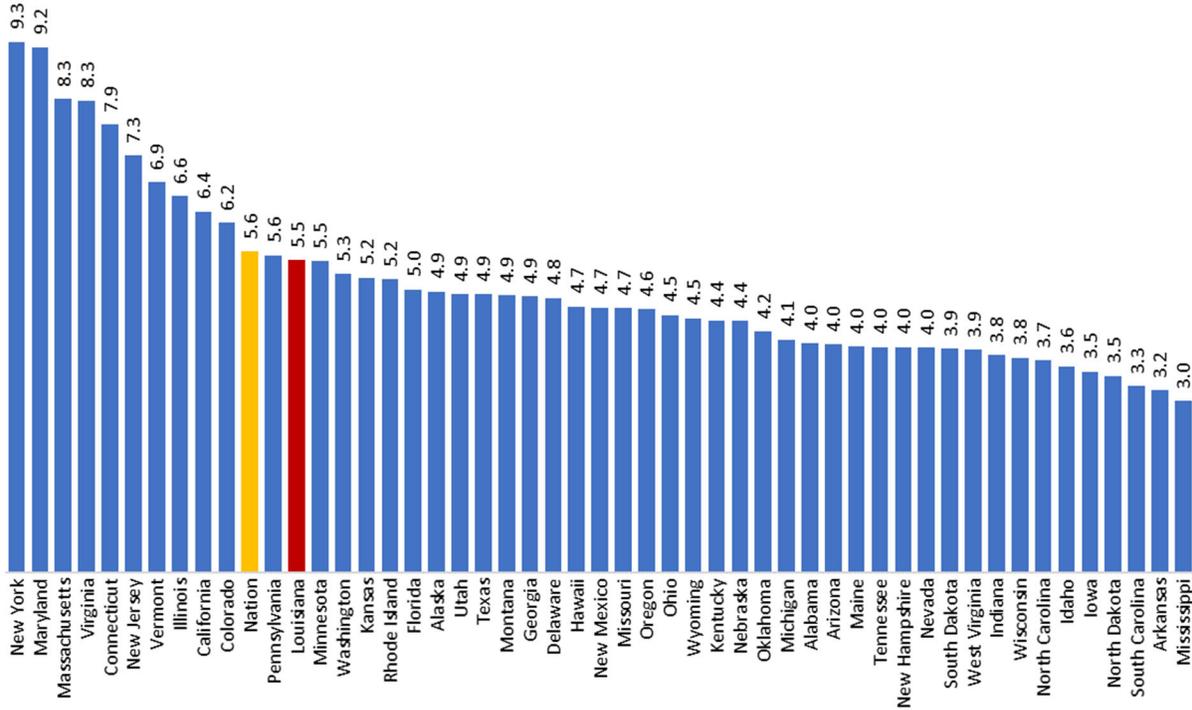


Figure 3. Number of Lawyers per 1,000 Adults Aged 25 and Older, Louisiana Regions (Louisiana Bar Association)



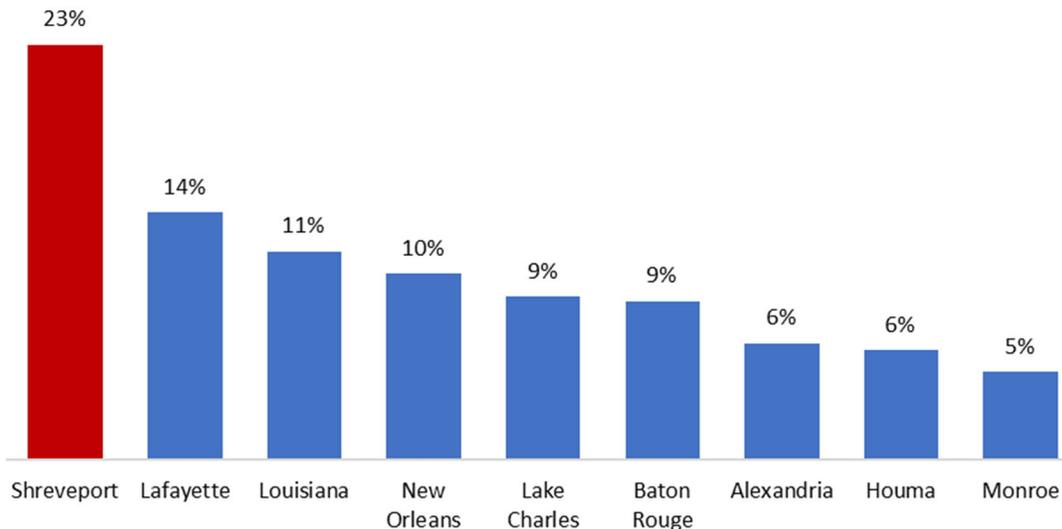
Overall, according to Census data, Louisiana has about the same number of lawyers per 1,000 adults (5.5) as the nation as a whole but more than all but a handful of other states.

Figure 4. Lawyers per 1,000 Adults Aged 25+, Louisiana Compared to the Nation



At the same time, according to data from EMSI, the Shreveport/Bossier region has the highest expected future growth in demand for legal occupations of any region in the state for the period 2017-2025—23% vs. 11%.

Figure 5. Expected Growth Rate in Number of Lawyers, 2017-2025, Louisiana Regions



One qualification counterbalancing this conclusion is that the Shreveport/Bossier region has a relatively low ratio of entry-level job postings for lawyers relative to its population—about the same as New Orleans and considerably lower than Baton Rouge (see Appendix D for details). Another qualification is the fact that rural areas in Louisiana are different from

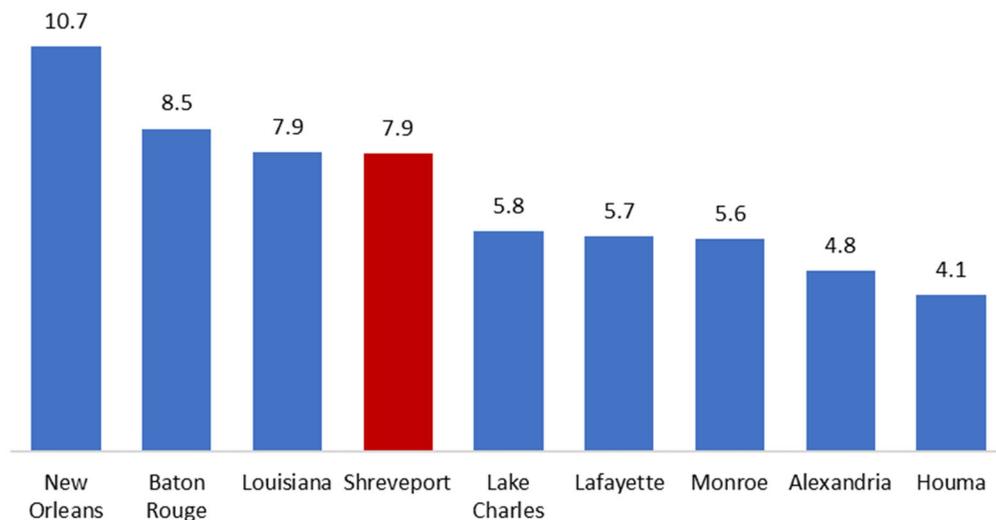
urban areas in population size and character. They also provide a different, and typically lower, demand for legal services than more urbanized areas in the state.

- Interviews conducted by NCHEMS staff, either in focus groups or by telephone, confirmed the opinion among many residents and legal practitioners in the region that the region has a relative shortfall in the numbers of individuals in legal occupations. This conclusion was also broadly confirmed by those posting to the open-access website. There is a particular reported shortfall in the number of people who can serve as public defenders, where the demand is high because of a large indigent population. There are also needs in some identifiable fields including legal issues surrounding gaming as well as oil/gas extraction; patent and family practice law were also mentioned as areas in short supply. Many of those interviewed also supported the proposition that legal training is not just about producing particular kinds of specialists but also provides an education that “increases the number of critical thinkers in the region,” which also benefits its economy. The reality is that not all lawyers practice law. Many find employment in a variety of industries in high level positions. Many supporters interviewed also noted that the real issue was not “increasing the number of lawyers in the region,” but rather “increasing access to legal education to citizens of the region” which are not the same thing. Interviews conducted with people from outside the region generally revealed a sentiment that “there are too many lawyers in Louisiana” so there is no need to produce more. This sentiment was also apparent in the responses of some of those posting to the open-access website.

3. The region is significantly under-represented with respect to graduate degrees in general.

- According to data from the U.S. Census Bureau, educational attainment at the graduate level among the adult population is about the same in the Shreveport/Bossier region as the statewide average, but lower than that for the Baton Rouge and New Orleans regions.

Figure 6. Percent of Population Aged 25-64 with a Graduate Degree, Louisiana Regions

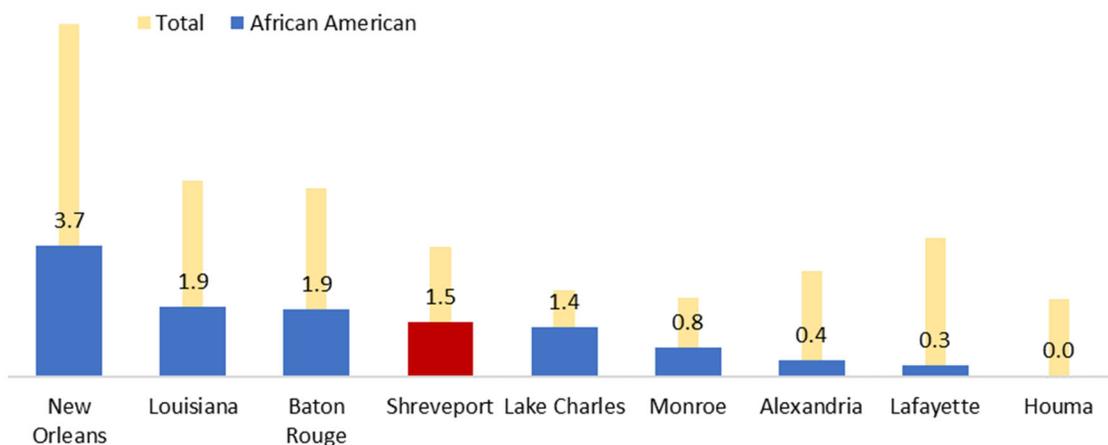


- Interviews conducted by NCHEMS staff either in focus groups or by telephone reflected a view that the Shreveport/Bossier region is not competitive with the Baton Rouge and New Orleans regions in the state with respect to the number of graduate degrees per capita. Interviews also revealed strong support for the proposition that the proportion of citizens with graduate degrees is directly correlated with economic development. But correlation is not the same as causation. A highly educated workforce is attracted to regions with a high proportion of jobs that require graduate preparation. In the absence of those jobs, individuals who complete graduate degrees in the region will seek opportunities elsewhere. Large numbers of studies conducted by NCHEMS and similar organizations in dozens of states confirm the relationship between a highly educated workforce and high per capita income (see a more detailed display of this relationship in Appendix D). Leaders in the region have therefore consistently supported increasing educational capacity for graduate and professional programs in the region; the proposed new Dental school was frequently cited as an example of what is needed. But many of those interviewed who expressed support for increased graduate education in the region believed that it should not be in legal education but instead should be in higher demand and impact professions like health care and engineering.

4. The region has significant disparities between the numbers of African American and Caucasian lawyers and legal professionals.

- For the African American population, the Shreveport/Bossier region has significantly fewer lawyers per 1,000 adults aged 25 and older (1.5) versus 5.5 for the state in general; this is about the same for African Americans in the state in general.

Figure 7. African American Lawyers per 1,000 Adults Aged 25+, Louisiana Regions



- Interviews conducted by NCHEMS staff either in focus groups or by telephone confirmed this disparity and added that the black population in the region is growing. Results suggest that the equity argument is as powerful as the shortfall argument in supporting moves to increase capacity. They also suggest that a law degree has a particular attraction as a professional credential among African American citizens. On the other hand, some interviewees did not believe that legal education entity of the size contemplated in Shreveport (e.g. 30 students per cohort) would have much impact on the existing disparity.

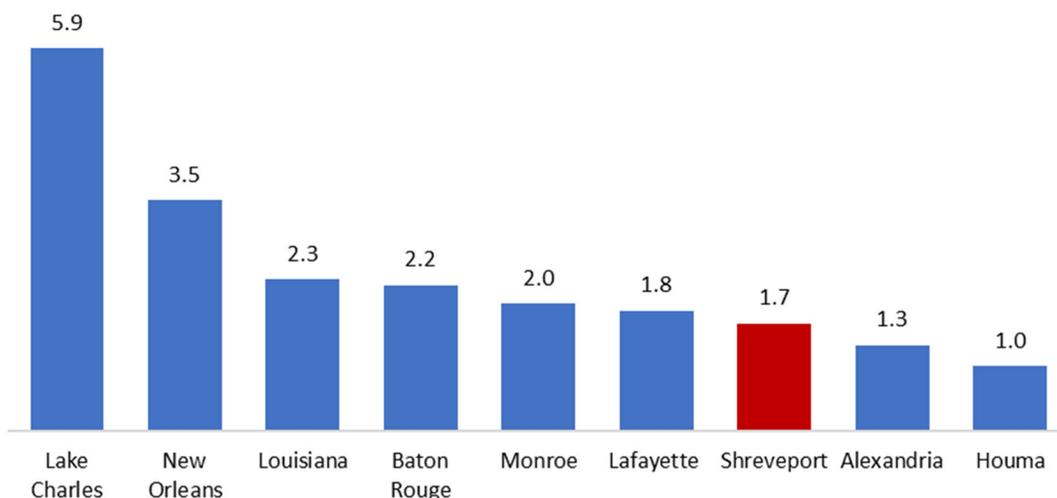
5. The population of lawyers in the region is not aging quickly either absolutely or comparatively.

- According to the U.S. Census, the percent of those in legal occupations in the Shreveport/Bossier region who are over 65 years old is 12%, but this is not changing and is lower in this region than for other regions in the state.
- In contrast, interviews conducted by NCHEMS staff suggest that most residents in the region believe that the legal workforce is aging. In the views of these individuals, this is creating a shortfall in some critical legal occupations where people are retiring and there are no new or younger incumbents to replace them.

6. There is an ongoing demand for para-professional legal education in the region, but it is largely met by existing providers that are already located there.

- U.S. Census data reveals that there are currently 1.7 legal paraprofessionals (paralegals and legal assistants, court reporters, title examiners, and other legal support workers) per 1,000 adults 25 and older in the Shreveport Bossier region.

Figure 8. Paraprofessionals per 1,000 Adults Aged 25+



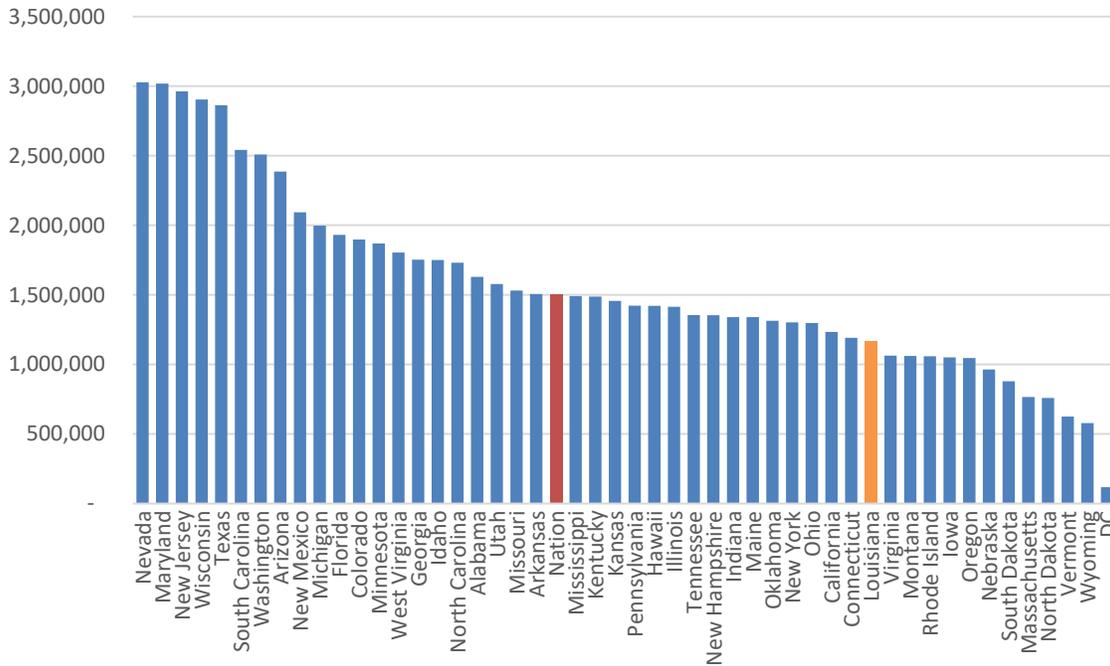
- Three local institutions of higher education (Southern University at Shreveport, Grambling State University, and Bossier Parish Community College offer instructional programs leading to degrees and/or certification in Legal Assistance and similar fields according to BOR records and the Integrated Postsecondary Education Data System (IPEDS). Interviews with

residents of the region and with BOR staff indicate that educational offerings for these occupations are sufficient to meet regional needs—it is a demand, not a supply, issue.

7. Louisiana has a lower than average population per law school than most other states.

- Louisiana has four law schools and a 2018 population of 4,659,690 according to the U.S. Census. This yields an average of one law school per 1,164,923 citizens, which is 12th lowest among the fifty states.

Figure 9. Population per Law School



Data about numbers of law degrees awarded relative to population for the 50 states reveal the same pattern. Louisiana is fifth from the bottom in the nation in population per law school graduate.

8. The region is not well-served by the current configuration of law schools in Louisiana.

- Louisiana BOR enrollment records show that LSU Law Center only draws 8% of its students from the Shreveport region and Southern University Law Center draws only 3%. This compares to 38% from Baton Rouge and 21% from New Orleans at LSULC and 33% from Baton Rouge and 11% from New Orleans at SULC (see Appendix D for more details).
- Interviews conducted by NCHEMS staff either in focus groups or by telephone confirm that there is little current opportunity for legal study for citizens of the region. Baton Rouge has two law schools and New Orleans also has two, all in the south part of the state. Testimony suggests that those residents of the Shreveport/Bossier region who want to study law move south to enroll in one of the four law schools there (or, less frequently, do so at North Texas in Dallas) and do not return once they have completed their studies. This is supported by numerous comments posted to the open-access website.

Summary

The results of data analyses and the information gathered through interviews and the website lead to the conclusions that:

- The Shreveport/Bossier region of the state is underserved in opportunities for graduate and professional level education.
- The region has fewer lawyers per capita than other regions of the state, particularly black lawyers.
- The region does not have a shortage of opportunities for education of paralegals or other individuals educated in related fields.
- A case can be made for increasing the number of lawyers and for creating additional capacity to deliver legal education in the Shreveport/Bossier region.

Alternative Scenarios to Increase Capacity

The following scenarios appear to be the most feasible to increase legal education capacity in the Shreveport/Bossier region:

- *Create a branch of Southern University Law Center (SULC) in Shreveport designed explicitly to serve the Shreveport/Bossier region.* Interviews conducted in the Shreveport region and with individuals identified by BOR staff suggest that the adult nontraditional part-time profile of students who currently attend SULC would be the type of offering that would be most beneficial for the region. This is because the demand is mostly among urban professionals who are already employed. Flexibility in provision is a key to serving this clientele—evening and weekend as well as day programs. It should also be affordable compared to other options because of the need to attract working students (no more than \$25,000 in annual tuition and fees). Online provision, though, was largely ruled out by most of those with a legal background who were interviewed because of the need for face-to-face discussion in legal education; the Socratic method is a “signature pedagogy” in legal education and it was uniformly felt that this would not work in a distance environment. Currently, there are not any purely online accredited law schools in the country although some schools allow up to 12 credits to be earned in this fashion. There was also considerable opinion that there should be a legal services/clinic component to the program to provide internships to law students and to serve a local indigent population—the Shreveport Bar already has a program of this nature. The fact that Southern University is an HBCU was also seen as an advantage because more than half the Shreveport population is African American, and law is seen as an especially prestigious career choice among this population.

A few of those interviewed believe that a full-time selective law school would be important as well as this nontraditional approach because full-time provision would be prestigious and would command competitive respect. Full-time students could be also recruited from the broader ArkLaTex region, especially from East Texas. While many of those interviewed noted the differences between legal education in Louisiana centered on that state’s civil law basis (unique in the continental U.S.) and the common law system typical of the rest of the country, most did not see this as a barrier to study for potential students who were from, or who intended to practice, in states other than Louisiana. Administrative officials at the other three law schools in Louisiana—Louisiana State University Law Center, Tulane University

and Loyola University—indicated that there is no interest on the part of any of them in establishing a presence in Shreveport.

Virtually all of those interviewed in Shreveport believe that this proposal could largely be implemented with existing resources. Caddo Parish put up the money to fund the feasibility study and more money could be raised from local businesses and contributors. Several of those interviewed suggested that there is a potential for joint support using partnerships with local businesses—an idea that they report has never really been tried in Louisiana. Most believed that the program could be largely self-supporting from tuition dollars. Another source of funds might be a wealthy SULC alumnus or alumna employed in the community as a lawyer. Caddo Parish could supply initial start-up funds, though providing ongoing operating support will be more difficult. The city of Shreveport is currently providing funds to several non-profits in the arts and would probably be willing to shift this support to legal education, but existing funding of this kind is not enough to meet the need. Many observed that Shreveport is a tough community in which to raise money.

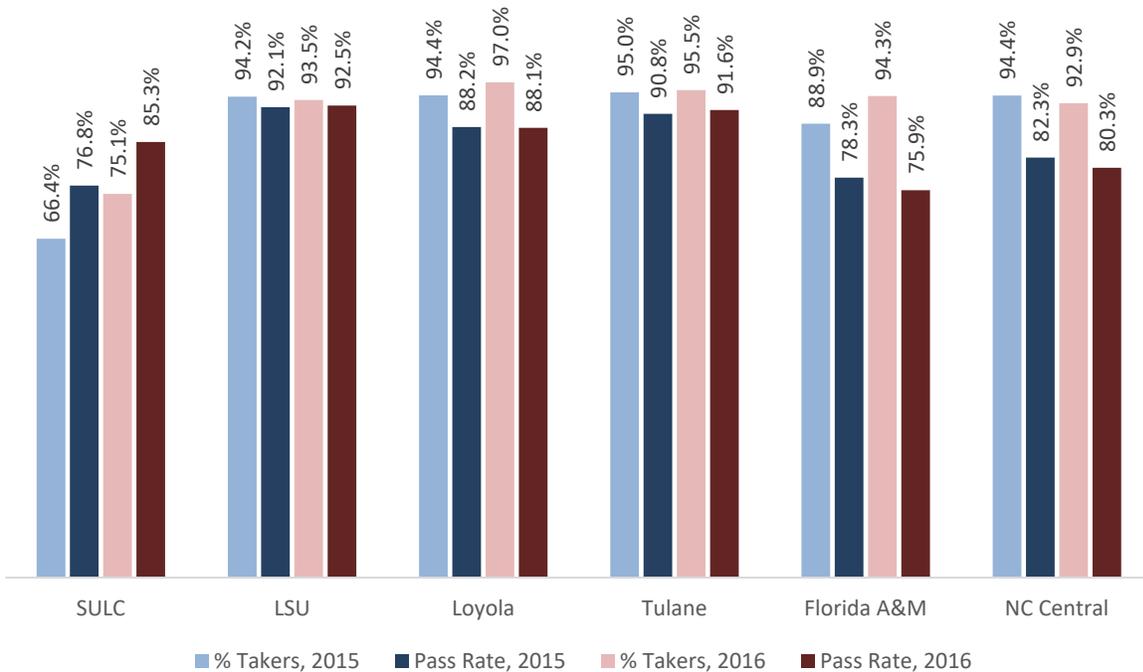
Those interviewed also believe that many of the necessary resources could be provided in kind. The old downtown library is available to house instructional offerings and is a centrally located, attractive, and useful space. They claim that a “law library” already exists in the possession of the local public library and could provide a core resource. Many legal professionals are employed in the region and could provide adjunct faculty at low additional cost; other SULC faculty now resident in Baton Rouge might be induced to commute or move to Shreveport. Most agreed that incremental roll-out would be best with “just in time” funding to support a first-year class, then a second, and so on; yet another proposal was to do the first and second years in Shreveport with the third year completed in residence at the main campus in Baton Rouge. The primary drawback with these alternatives is that accreditors will require that the full program be in place to grant approval. None of these alternatives, interviewees argued, would require a lot of up-front resources. It would need to be sold politically as an extension of an existing opportunity, not a totally new venture. All these opinions were offered in the spirit of “if you build it, they will come.”

There are also significant challenges to pursuing this alternative. Accreditation by both SACSCOC and ABA will be a major hurdle; the approval of both will be needed because any proposal will be treated as a substantive change. Requirements that will be difficult to fulfill are adequate legal library resources and a faculty that meet the required qualifications. ABA requirements for the establishment of a “branch campus,” for example suggest that three to five full-time faculty members will need to be in place (see the section on “Accreditation Requirements” below). Regents approval will also be needed to offer such a program, but the requirements to obtain Regents approval are not entirely clear except for a need to demonstrate ongoing unfulfilled demand and self-sufficiency. A full cost estimate for implementing this proposal, as required by the BOR RFP, is provided below.

The first cohort of graduates will also have to be unusually successful to demonstrate that the program is of high quality; related to this, the quality of SULC is questionable, particularly as indicated by the relatively low Bar pass rate of its graduates. According to the American Bar Association, only 76.8% and 85.3% of SULC graduates ultimately passed the Bar in 2015 and 2016 compared to notably higher rates for the graduates of the other three Louisiana law schools. These rates are, however, roughly comparable to other minority-

servicing law schools like Florida A&M and North Carolina Central which are part of SULC’s peer group.

Figure 10. Bar Taking and Bar Passage Rates for Selected Law Schools



At the same time, attrition rates at SULC are notably higher than for other Louisiana law schools and for their peer minority-serving schools. Between, 2011 and 2019, attrition rates at SULC have fluctuated between a high of about 40% and a more recent low of about 6%, more than twice as high as those of the other three Louisiana law schools (see Appendix D).

Finally, doing this will need to have significant political support across the board, “from the governor’s office on down.”

- *Physically relocate SULC from its current location in Baton Rouge to Shreveport.* This alternative was mentioned by several of those interviewed in Shreveport. Currently, SULC is housed in a single building on the SU campus in Baton Rouge and has 113 faculty and a full curriculum already in place. The proposal here is to physically move the entire SULC operation from Baton Rouge to Shreveport without any additional change in resources or program. Those proposing this alternative would house the new Shreveport campus in the same facilities targeted for the branch campus (suggesting a severe reduction in the size of the program) and additional required resources such as the law library would move with the campus.

Advantages of this alternative are that it would provide a ready-made solution to the lack of a law school in the Shreveport/Bossier region and that it would not entail developing or implementing any new programming. Disadvantages are that it is unclear the extent to which current faculty or currently enrolled students (who are mostly place bound and resident in the Baton Rouge metropolitan area) would also move to follow the campus. The likelihood is that the program would become considerably smaller—benefitting Shreveport but reducing overall legal education capacity in the state. Although SULC is currently fully

accredited by the ABA, relocation would constitute a “substantive change,” so doing this would require the school to demonstrate that facilities in Shreveport are equivalent in extent and quality as those in Baton Rouge. Doing this would also be a “substantive change” for SACSCOC and would require the parent institution to demonstrate that facilities are adequate and that the “institutional environment” is supportive (see the section on “Accreditation Requirements” below). Estimating the one-time cost of such a move is beyond the scope of the current study, although it should be noted that the costs in this instance would be one-time costs not on-going incremental costs.

- *Create incentives for law graduates from all four current Louisiana law schools to locate and practice in the Shreveport/Bossier region.* The most straightforward alternative would be to create scholarships or similar financial incentives (such as deferring tuition) for law students on the condition that a student commit to initially locating and remaining in practice in the Shreveport/Bossier region for a designated period after graduation. Moving away from the region during this commitment period would require the graduate to pay back the scholarship amount together with a penalty. Similar incentive arrangements have been developed and implemented in other states for short-supply occupational graduates in such fields as nursing or health care for rural areas currently lacking enough individuals in these occupations. Louisiana itself has a similar program in the form of the John R. Justice Student Loan Repayment Program, which provides loan relief or forgiveness for state and federal public defenders and state prosecutors employed in Louisiana who agree to remain employed as public defenders and prosecutors for at least three years. Louisiana also has a similar program in dentistry, the Rural Scholars Track Program (RST) that provides tuition waivers to dental graduates when they commit to practicing in rural areas of Louisiana. The cost of such incentives would be the direct cost of the subsidies offered. It is estimated that approximately 30 law school graduates per year could be provided this benefit for the amount of the annual subsidy required to support a branch campus of SULC in Shreveport.

Finally, whatever approach is adopted, the BOR should undertake or commission a detailed study of the labor market and employment needs of the Shreveport/Bossier region aimed at determining what kinds of additional educational and training opportunities beyond legal study would provide the best return on investment.

Costs

The RFP requires NCHEMS to provide a cost estimate for undertaking at least one of the alternatives recommended. In response, this section contains full cost estimates (capital and operating) for establishing and operating a branch campus of SULC in Shreveport. Cost estimates are based on the following assumptions:

- The entering class each year will be 35 students for a maximum program enrollment of 105 students.
- 25 courses will be offered each semester.
- Instructional staff will consist of five full-time and 15 part-time faculty.

Based on these assumptions, operating cost estimates, by function, are:

Instruction

<i>Position</i>	<i>Salary</i>	<i>Total</i>
1 Full-time Full professor	\$125,000 per year	\$125,000
3 Full-time Associate professors	\$110,000 per year	\$330,000
1 Full-time Assistant professor	\$95,000 per year	\$95,000
15 Part-time faculty	\$20,000 per year	\$300,000
2 Full-time Clerical staff	\$45,000 per year	\$90,000
Total Salaries		\$910,000
Benefits of 110% of FT salaries (SULC IPEDS reported rate)		\$671,000
Total Instruction		\$1,581,000
<i>Other Operating Expenses</i>	<i>Cost</i>	<i>Total</i>
Academic Support	\$7,000 per student	\$735,000
Student Services	\$4,000 per student	\$420,000
Institutional Support	10,000 per student	\$1,050,000
Plant O&M	\$2,500 per student	\$262,500
Estimated annual operating costs		\$5,629,500

This number can be reduced to about \$5,000,000 per year if one presumes that much of the back-office administrative costs are borne by the SULC with few additional costs to the parent institution.

In addition to this “bottom up” approach to calculating the potential cost of operating a branch campus law program, NCHEMS reviewed costs associated with operating small, free-standing law schools. There are five such institutions in the country that report useable data. These colleges have enrollments varying from 69 to 234 FTE students. Expenditures per FTE student for these colleges vary from \$34,000 to \$54,000. Both the mean and the median for this group are approximately \$42,500 per FTE student per year. For an institution/program of 105 students this translates into an annual expenditure of \$4,462,500. Combining these two approaches to cost estimation leaves a result that the costs of operating a branch campus of SULC in Shreveport will cost somewhere between 4.5 and 5.0 million dollars per year. If all students paid a full tuition of \$25,000 per year, tuition revenue would cover approximately one-half of the annual operating costs.

Capital Requirements

Operating costs do not account for the costs of acquiring/building the facilities needed to house the program. Review of space available to small law programs puts the requirements at about 180 net square feet per FTE student. This is close to the per student space available at SULC at its Baton Rouge location (172 net square feet per student). This translates into:

- 18,900 Net Square Feet for 105 students
- 31,500 Gross Square Feet assuming a net to gross ratio of 0.60

-
- \$11,025,000 Cost to construct assuming \$350 per square foot cost of construction
 - \$14,700,000 total project cost assuming that actual building costs are 75% of total project costs, the balance being architectural fees, project management fees, etc.

A depreciation amount of \$220,500 (at 2% of replacement value) should be added to annual operating costs to reflect the costs associated with avoiding the accumulation of deferred maintenance.

Accreditation Requirements

Two of the scenarios outlined above—creating a branch campus of SULC in Shreveport and physically moving SULC from Baton Rouge to Shreveport without changing curriculum or pedagogy—would be considered “substantive changes” by the accreditors involved. These are the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) for institutional accreditation and the American Bar Association (ABA) for specialized accreditation. Under normal operating procedures responses to an application for substantive change would require the entity in question (institution or school) to obtain prior approval, to undergo a staff review (and perhaps a campus visit), and to pay fees of varying magnitude.

Specific requirements for each accreditor for each of the two scenarios and associated observations are listed below:

- **SACSCOC.** The first proposal would be considered a “branch campus” for accreditation purposes, so would require prior approval and a staff review. The campus would have to submit a business plan and a prospectus outlining student need and demand, describing the program’s curriculum and faculty resources, and describing how the accreditor’s physical facilities and financial viability standards would be met. A fee of \$500 would apply.

Physically moving SULC to Shreveport would also require prior approval and a staff review, as well as a subsequent site visit. The campus would have to submit a prospectus as above, emphasizing compliance with physical resource requirements and requirements on the institutional environment. A fee of \$500 would apply plus at least \$2000 for the cost of the site visit.

- **ABA.** The first proposal would be considered a “branch campus” for accreditation purposes. Although implemented in stages, it must be reviewed and approved after all stages have been accomplished. It would require a permanent, full-time faculty, a law library, and appropriate physical and financial resources. Full-time faculty must teach essentially all first-year courses as well as half of the rest of offered courses, as well as being “available” for students as mentors and advisors. “Full-time faculty” are defined as teaching staff who are not employed elsewhere as a teacher or a member of the legal profession. In addition, the school must “control and direct” the law library, though it need not actually own it. Finally, graduates of the campus must achieve a 75% bar passage rate within two years. Achieving the last may be problematic because the bar passage rates of SULC have dipped below the 75% level on several recent occasions, and the school was cited for this failure by the ABA as recently as 2017.

Physically moving SULC to Shreveport will require the entity to demonstrate to the ABA that the physical facilities available in the new location are equivalent to the original Baton Rouge location in size, type, and quality. These facilities can be leased but must be “under the exclusive control” of the law school.

Historically, moreover, the ABA has not looked favorably on schools that are under-resourced, so both scenarios would be subject to particular scrutiny. The ABA has also recently been criticized on the grounds that it has been too lenient in accrediting schools that are on the edge of its requirements, so it will probably be hesitant to recognize either of the entities proposed under these two scenarios.

In short, substantial accreditation demands will apply whichever course of action is chosen and these probably constitute the largest single set of obstacles to moving forward.

Conclusions

In the narrow conception of the legislature's charge, there is little compelling evidence that a new law school is warranted in the Shreveport/Bossier region. On a per capita basis (in comparison with other states) Louisiana has a lot of law schools and a lot of law school graduates. The state does not have a capacity problem—it has a distribution problem. There is a relative shortage of lawyers and judges in the region as shown by both statistics on the relative numbers of individuals in legal occupations in the Shreveport/Bossier region compared to other regions and as reported through interviews conducted with area residents and professionals. There is also an equity argument based on the relative disparity between the number of African American and Caucasian individuals employed in legal professions. At the same time, any one of several proposals to meet this demand could certainly be implemented if the resources needed to do so were provided. The most workable such proposal is establishing a branch campus of SULC in Shreveport. But the direct and indirect costs associated with implementing this proposal are significant. Direct costs will have to be covered in a political environment in which financial and material resources are limited and, if forthcoming, will have to be taken away from other meritorious uses. Indirect costs also include those of meeting significant institutional and professional accreditation requirements. Indeed, the latter probably impose the most important obstacles to implementing each of the proposed alternatives. From a policy perspective, it is advisable to define the problem as a distribution problem and to seek solutions that directly address the problem so defined.

In the broader conception of the legislature's charge "feasibility" is a matter of judgment that must balance practicability and cost. Based on the information and analysis underlying this study in response to the two resolutions enacted by the Louisiana legislature, it is certainly practicable to establish an entity to increase legal education capacity in the Shreveport/Bossier region. But investments in such fields as health, business, and engineering may constitute more beneficial investments in educational capacity for the Shreveport/Bossier region than equivalent investments in legal education. Consequently, it is recommended that no new graduate programs be approved in the region until a more comprehensive study of needs for such programs is completed. At the same time, there are several policy actions that could be taken by the state to increase the numbers of individuals in legal occupations resident in the Shreveport/Bossier region that do not depend upon creating a new legal education provider—actions that address the distribution problem.

In sum, there are two questions outside the scope of this study that must be answered by BOR. First, should the state invest the estimated amount of money in additional educational capacity in the region? Second, is legal education the highest priority investment that could be made or are there better alternatives? Only the Board of Regents can make these judgments. The NCHEMS study team sincerely hopes that this report has supplied some of the information required to do so, recognizing that the costs (and benefits) of other possibilities have not been explored.

Appendix A. Text of Resolutions

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 24

BY REPRESENTATIVES GLOVER, BAGLEY, COX, JEFFERSON, NORTON, BAGNERIS, BRASS, TERRY BROWN, CARPENTER, HORTON, JENKINS, LYONS, MOORE, AND PIERRE AND SENATOR PEACOCK

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study how the state can best meet the legal education needs of students and the economic and workforce development needs of the Shreveport-Bossier region, including but not limited to meeting these needs through establishing a campus of the Southern University Law Center in Shreveport, and to submit a written report of findings and recommendations to the House Committee on Education and the Senate Committee on Education by not later than ninety days prior to the beginning of the 2020 Regular Session of the Legislature.

WHEREAS, Article VIII, Section 5(D)(2) of the Constitution of Louisiana provides, relative to public institutions of postsecondary education, that it is a power, duty, and responsibility of the Board of Regents to approve a proposed degree program, department of instruction, division, or similar subdivision; and

WHEREAS, Article VIII, Section 5(D)(3)(a) of the constitution further provides that it is a power, duty, and responsibility of the board to study the need for and feasibility of creating a new institution of postsecondary education, which includes establishing a branch of such an institution; and

WHEREAS, there is great interest in establishing a campus of the Southern University Law Center in Shreveport; and

WHEREAS, the provision of a juris doctor program in the Shreveport-Bossier area, through a campus of the Southern University Law Center in downtown Shreveport, would provide access to law school opportunities in an area of the state which is currently underserved; and

WHEREAS, there is a need in the Shreveport area for law degree programs in order to meet not only the educational needs of students but also the economic and workforce development needs of the region.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Board of Regents to study how the state can best meet the legal education needs of students and the economic and workforce development needs of the Shreveport-Bossier region, including but not limited to meeting these needs through establishing a campus of the Southern University Law Center in Shreveport, and to submit a written report of findings and recommendations to the House Committee on Education and the Senate Committee on Education by not later than ninety days prior to the beginning of the 2020 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted to the chairman of the Board of Regents and the commissioner of higher education.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

2019 Regular Session

SENATE CONCURRENT RESOLUTION NO. 75

BY SENATOR PEACOCK AND REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study how the state can best meet the legal education needs of students and the economic and workforce development needs of the northwest region, including meeting these needs through establishing a law school in the Shreveport-Bossier area.

WHEREAS, Article VIII, Section 5(D)(2) of the Constitution of Louisiana provides, relative to public institutions of postsecondary education, that it is a power, duty, and responsibility of the Board of Regents to approve a proposed degree program, department of instruction, division, or similar subdivision; and

WHEREAS, Article VIII, Section 5(D)(3)(a) of the constitution further provides that it is a power, duty, and responsibility of the board to study the need for and feasibility of creating a new institution of postsecondary education, which includes establishing a branch of such an institution; and

WHEREAS, there is a great interest in establishing a law school in the Shreveport-Bossier area in order to meet not only the educational needs of students, but also the economic and workforce development needs of the region; and

WHEREAS, there are campuses of the Louisiana State University System, the Southern University System, and the University of Louisiana System already existing in the area; and

WHEREAS, a collaborative law school of the three university systems could capitalize on the best of all three systems and result in a school that is second to none in the state; and

WHEREAS, the northwest region of the state lacks a law school program and the provision of a juris doctor program in the Shreveport-Bossier area would provide access to an area of the state that is currently underserved.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Board of Regents to study how the state can best meet the legal education needs of students and the economic and workforce development needs of the northwest region, including meeting these needs through establishing a law school in Shreveport-Bossier area.

BE IT FURTHER RESOLVED that the Board of Regents shall consider whether any law school established pursuant to this study would best serve the needs of the area and the state by being affiliated solely with either the Louisiana State University System, the Southern University System, the University of Louisiana System, or any combination

thereof.

BE IT FURTHER RESOLVED that the Board of Regents shall submit a written report of its findings and recommendations to the Senate Committee on Education and the House Committee on Education by not later than ninety days prior to the beginning of the 2020 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the chairman of the Board of Regents, the commissioner of higher education, the president of the Louisiana State University System, the president of the Southern University System, and the president of the University of Louisiana System.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Appendix B. Interviewees/Participant List

November 6, 2019

John Pierre, Chancellor, Southern University Law Center

November 7, 2019

Erin Cowser, Assistant Commissioner for Legislative and External Affairs, Commissioner's Office

Terrence Ginn, Deputy Commissioner for Finance and Administration, Commissioner's Office

Kim Hunter Reed, Commissioner

Kim Kirkpatrick, Associate Commissioner for Institutional Research and Performance Assessment Services, Commissioner's Office

Connie Koury, Executive Director, Louisiana Association for Justice

Tina Vanichchagorn, Special Counsel, Governor's Office

November 13, 2019

Tom Galligan, Dean, LSU Law Center

November 26, 2019

Karen Denby, former staff, Commissioner's Office

Larry Tremblay, former staff, Commissioner's Office

December 10, 2019

Lisa Johnson, President, Bossier Chamber of Commerce

Curtis Joseph, President, Shreveport Bar Association

Bob Levy, Board of Regents

Timothy Magner, President, Greater Shreveport Chamber of Commerce

Barrow Peacock, State Senator

Markey Pierre, SO Strategy

Wilbert Pryor, Board of Regents

Rocky Rockett, Executive Director / President, Greater Bossier Economic Development Foundation

Jack "Bump" Scaggs, Executive Director, Coordinating & Development District - District 7

Woodrow Wilson, Parish Administrator, Caddo Commission

Angie White, Senior Vice President, North Louisiana Economic Partnership

December 11, 2019

Tom Arceneaux, Shreveport Bar Association President Elect

Brandon Fail, Directory, City of Shreveport Economic Development

Scott Martinez, President, North Louisiana Economic Partnership

Adrian Perkins, Mayor, Shreveport

Philip Rozeman, community leader

Judge Shonda Stone

Mike Woods, community leader, SACS board member

December 16, 2019

Judge Jeff Cox

Judge Erin Garrett

December 17, 2019

Barry Erwin, Council for a Better Louisiana Jim McMichael, Past President Shreveport Bar Association

Kristi Lumpkin, Economic Development Administrator, City of Lumpkin

Robert Mills, Senator-elect

Thomas Pressly, State Representative-elect

Appendix C. Interview Protocol

Questions for All Participants:

Please describe your background as it relates to the proposal to increase legal education capacity in the Shreveport/Bossier region. When did you first hear about it? How have you been involved since then? Who is backing this proposal and why?

Do you believe that northern Louisiana has a shortage of practicing lawyers? If so, among which populations and/or legal specialties? How do you know this (evidence)?

In addition to education of lawyers, is there a need for other kinds of legal education—paralegal, etc.?

What alternatives should be considered (e.g. establishing a new law school, a branch or extension of an existing law school, offering courses on site or online)? If a branch, of which institution?

Is there a need for more general offerings in legal education short of a law degree to serve working professionals in such fields as government, business, or health care?

Should new offerings be directed toward particular types of students and/or be offered in particular ways (e.g. part-time attendance, nontraditional times, nontraditional formats, etc.)?

What would be the concrete benefits to the region? For whom?

What are the main drawbacks?

What do you believe the costs would be and who should bear these costs? Should it go forward if the only source of funds were the reallocation of money within higher education—robbing Peter to pay Paul?

Would doing this provide particular benefits to citizens of color within the region? Why and how? Is serving this audience a sufficient rationale for creating a new law program in the region?

What are the implications of doing this (or not doing this) for economic development in the region?

Questions for Political Leaders:

What political issues are raised by this proposal? Who would like to see it pursued and why?

What political opposition can be anticipated and why?

What are political leaders in the region willing to invest (both in dollars and in kind) to make such a proposal happen? For how long would this commitment be required/tolerated? Is there appetite in the legislature for direct funding of a new law school with new—not reallocated—appropriations?

Questions for Members of the Shreveport Legal Community:

Where does the current supply of legal talent in the region come from?

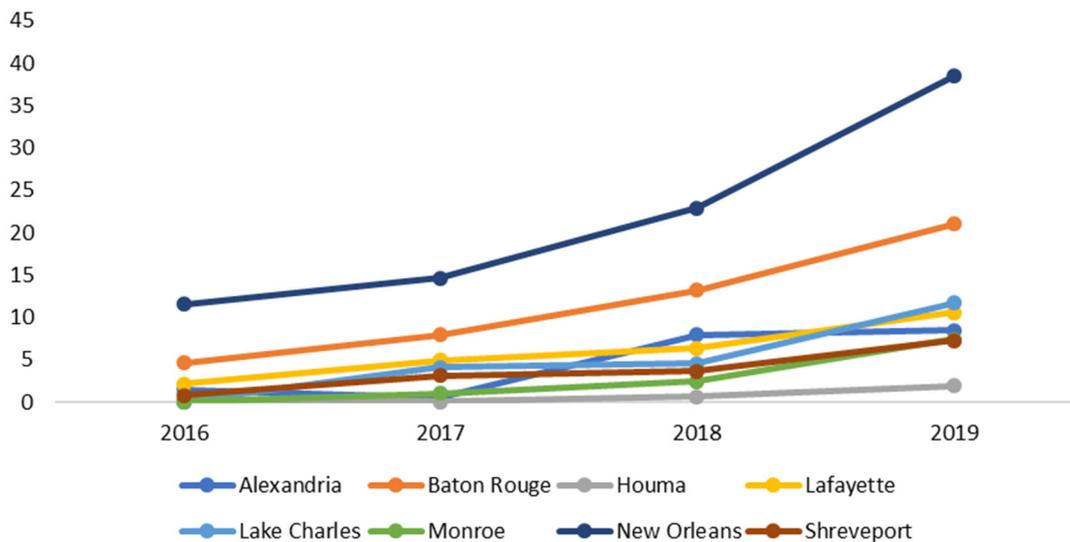
Where do current citizens of the region who wish to enter the legal profession seek training and employment? Do they return to the region to practice? If not, where do they go and why?

Appendix D. Supplemental Data

Chart A1. The Relationship Between Educational Attainment and Personal Income
(American Community Survey; Bureau of Economic Analysis)



Chart A2. Entry-level Postings for Lawyers per 100,000 Individuals 25+
(American Community Survey; EMSI)



**Chart A3. Region of Origin for New Enrollees at Louisiana Law Schools
(Board of Regents)**

