

# A Proposal to Establish a Pathway for Increasing Legal Education Capacity in the Shreveport/Bossier Region by the Southern University Law Center in Response to the Report to the Board of Regents by NCHEMS

Prepared by: John K. Pierre  
Chancellor and Vanue B. Lacour Endowed Professor  
Southern University Law Center (SULC)

## **Introduction**

This document is prepared as a response to the report delivered to the Board of Regents by NCHEMS, and to discuss a potential pathway to increasing legal education capacity in the Shreveport/Bossier Region by the Southern University Law Center. NCHEMS conducted a study and prepared a report that: (a) assessed the demand for legal education in the Shreveport/Bossier region, and (b) explored alternative scenarios to increase legal education capacity in the Shreveport/Bossier Region. NCHEMS made several conclusions that SULC agrees with.

## **Conclusions of NCHEMS that SULC agrees with**

The NCHEMS conclusions that SULC agrees with are as follows:

- 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;
- In general, the region is significantly under-represented with respect to graduate degrees;
- The Shreveport/Bossier region has significant disparities between the numbers of African American and Caucasian lawyers and legal professionals;
- By the current configuration of law schools in Louisiana, the Shreveport/Bossier region is not well served;
- 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; and
- Creating a branch of SULC in Shreveport is a feasible way to increase legal education capacity in the Shreveport/Bossier region. Administrative officials at the Louisiana State University (LSU) Law Center, Tulane University Law School and Loyola Law School, have indicated no interest in establishing a presence in Shreveport.

## **Phase I of the Pathway to a Branch Campus**

NCHEMS intimated that creating a branch of SULC in Shreveport is a feasible way to increase legal education in the Shreveport/Bossier region. There are three phases requiring a strategical approach, because of the present accreditation and financing issues and challenges.

Phase I could take the form of an Off-Campus Instructional Site (OCIS) in Shreveport. OCIS means a physical location within the United States if:

1. The law school offers J.D. degree courses;

2. A student may earn sixteen credit hours or less of the school's program of legal education; and
3. Either (i) is not in reasonable proximity to the law school's main location or (ii) is in reasonable proximity to the law school's main location.

It would not be considered a substantive change in the program of legal education for SULC by establishing an OCIS in Shreveport. It would not require acquiescence from the ABA or approval from SACSCOC as long as a SULC student would not earn more than sixteen credit hours of SULC's program of legal education. The idea behind the OCIS in Shreveport could be to create a "Semester in Shreveport." This will commence in the spring semester of 2022 (January-May of 2022) as a pilot program for SULC students from the Shreveport/Bossier Region, or Northwest Louisiana region. They will spend their final semester of law school in the Shreveport/Bossier region garnering academic credits and securing experiential learning opportunities in the region, exploring employment opportunities in the region, and preparing for the Louisiana Bar Examination. In addition, students interested in relocation to the region could take advantage of the "Semester in Shreveport."

This "Semester in Shreveport" would be similar to a program established by the University of Idaho Law School, which is located in Moscow, Idaho and allows third year students to spend their last year of law school in Boise, Idaho the state capital of Idaho. The "Semester in Shreveport" pilot would be in the spring semester of 2022 and spring semester of 2023 as Phase I of a pathway to a branch campus. It would allow SULC to develop the relationships needed to transition into Phase 2 and Phase 3. The time spent in Phase 1 would allow SULC to incrementally upgrade the Law Library, and other physical facilities required to pass rigorous accreditation ABA and SACSCOC standards that must be satisfied before moving on to Phase 2 and Phase 3. In addition, the Phase 1 time period would be used to secure financial resources needed to successfully transition to Phase 2 and Phase 3, and to gauge the commitment of local governmental entities, private entities, and SULC alums in the region to provide financial and other resources needed to sustain a high quality legal education operation.

### **Phase 2 of the Pathway to a Branch Campus**

Phase 2 of the process would consist of transitioning the OCIS and "Semester in Shreveport" pilot, into a "Separate Location" and the "Year in Shreveport" phase, beginning in the fall semester of 2023. "Separate Location" means a physical location within the United States: (1) at which the law school offers J.D. degree courses, (2) where a student may earn more than sixteen credit hours of the school's program of legal education, and (3) that is not in reasonable proximity to the law school's main location.

Establishing a separate location is a substantive change in its program of legal education under both ABA and SACSCOC standards. Before a law school makes a substantive change in its program of legal education, it must obtain acquiescence of the ABA for the change and approval by SACSCOC for the change. Phase 2 operations would occur in the 2023-2024 and 2024-2025 academic years and result in an SULC law student earning between 17 and 41 credit hours of

SULC’s program that could be earned during the fall, spring, and summer sessions, during the 2023-2024 and 2024-2025 academic year. The year in Shreveport initiative mirrors the aforementioned University of Idaho program where third year students leave Moscow Idaho to spend their final year in Boise, Idaho. Under the “Year in Shreveport” initiative, students would spend their final year garnering academic credits and securing experiential learning opportunities in the region, exploring employment opportunities in the region, and preparing for the Louisiana Bar Examination. A law school that establishes a separate location must:

1. Provide a full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location;
2. Provide library resources and staff that are adequate to support the curriculum offered at the separate location, and that are reasonably accessible to the student body at the separate location;
3. Provide academic advising, career services, and other support services that are adequate to support the student body at the separate location, and that are reasonably equivalent to such services offered to similarly situated students at the law schools main location;
4. Provide access to co-curricular activities and other educational benefits to support the student body at the separate location; and
5. Provide physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.

### **Financial Resources needed for Phase I and Phase II**

The “Semester in Shreveport” and year in Shreveport phases of the pathway will require that the following financial resource expenditures:

1. Facilities expenditures
2. Library expenditures
3. Faculty expenditures
4. Staff expenditures

### **Phase 3 of the Pathway to a Branch Campus**

#### **A. Introduction**

Establishing a SULC branch campus is a substantive change in program or structure by both the ABA and SACSCOC. For purposes of accreditation, the term “branch campus” means a type of separate location at which a student may earn more than two-thirds of the credit hours that the law school requires for the award of a Juris Doctor (J.D.) degree.

The SULC branch campus would be a four-year, part-time/evening/weekend 90-hour program designed to serve nontraditional students in the Shreveport/Bossier region, Northwest and Northeast Louisiana regions. There are also parts of Northeast Texas, and Southwest Arkansas that a SULC branch campus may serve. The inaugural targeted first-year branch campus class would commence in fall 2025. The initial cohort target enrollment would be between 40 to 50 students. Ultimately, the SULC branch campus could have a total target enrollment of 150 to 200 students by fall 2029, which are sustainable enrollment figures for the SULC branch campus.

## B. Resources Needed

### *A law school that establishes a branch campus must:*

1. Provide a full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location,
2. Provide library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location,
3. Provide academic advising, career services, and other support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main location.
4. Provide access to co-curricular activities and other educational benefits to support the student body at the separate location,
5. Provide physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location,
6. Establish a reliable plan that demonstrate that the branch campus has achieved substantial compliance with ABA standards and is reasonably likely to achieve full compliance with each of the ABA standards within three years of the effective date of acquiescence,
7. Comply with instructional requirements as required by ABA standard 403(a) and 404 (a), and
8. Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits required by ABA Standard 312.

In addition to ABA acquiescence for a substantive change in program or structure, creating or establishing a branch campus of SULC in Shreveport would also be considered a substantive change by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). SACSCOC would require prior approval and a SACSCOC staff review. SULC would have to submit a business plan and a prospectus outlining students' needs and demands, describing the branch campus program's curriculum and faculty resources, and describing how SULC will meet physical facilities and financial viability standards of SACSCOC.

The challenge for graduates of a branch campus is that they as a separate branch campus cohort must meet the tougher ABA bar passage standard "right out of the gate." Hence, more stringent admissions standards and program rigor must be strictly adhered to from inception to most likely meet more stringent, recently adopted ABA standards. In addition to ABA and SACSCOC, SULC is a AALS member, as well as being accredited by the ABA and SACSCOC. The report by NCHEMS does not address the potential impact of establishing a branch campus in Shreveport upon AALS membership status of SULC. Not every ABA accredited law school has attained

AALS membership, which have separate principles and standards from the ABA. AALS principles and standards focus more on faculty scholarly productivity and research than ABA standards.

### C. *Library and Information Resources*

The ABA has stringent Library and Information Resources requirements. A law library must provide a core collection of essential materials through ownership or reliable sources.

A law library core collection must include:

1. All reported federal court decisions through ownership or reliable sources state and U. S. territory;
2. All federal codes and session laws, and at least one current annotated code for each state and U. S. territory;
3. All current published treaties and international agreements of the United States;
4. All current published regulations (codified and uncodified) of the federal government and the codified regulations of the state or U. S. territory in which the law school is located;
5. Those federal and state administrative decisions appropriate to the program of the law school;
6. The U. S. Congressional materials appropriate to the programs of the law school;
7. Those tools necessary to identify primary and secondary legal information, and update primary legal information, and
8. Significant secondary works necessary to support the programs of the law school.

Furthermore, ABA standards require that:

1. A law school provide on a consistent basis sufficient financial resources to the law library to enable it to fulfill its responsibilities and to support to the law school and to realize for its established goals;
2. The law library have a staff sufficient in expertise and number to provide appropriate library and information resources services to the school;
3. A law library provides the appropriate range and depth of reference for instructional, bibliographic, and other services to meet the need of the law school's teaching, scholarship, research, and service programs, and
4. The law library provides suitable space and adequate equipment to access and use all information in whatever formats represented to the collection.

The Downtown Shreveport Memorial library appears to provide a suitable space for a law school library. The law library director at SULC will have to perform an assessment of the Downtown Shreveport Memorial Library to determine what it would cost to retrofit that downtown library to meet ABA library and information resources standards.

### D. *Facilities*

The ABA and SACSCOC have stringent facilities requirements. ABA standards specifically provide that a law school's facilities must include:

1. Suitable class and seminar rooms in sufficient numbers to permit reasonable scheduling of all classes, skills, offerings, and seminars;
2. A law library that is suitable and sufficient in size, location, and design in relations to the law school's programs and enrollment to accommodate the needs of the law school's students and faculty, and the law library's services, collections, staff, operations, and equipment;
3. Suitable and sufficient space for staff providing support services, including student support services, to the program of legal education;
4. Office space for full-time faculty members, class preparation, and faculty-student conferences, and suitable and sufficient space for part-time faculty members to conduct faculty-student conferences;
5. Facilities and equipment that meet all applicable health and safety codes;
6. Suitable and sufficient space for equipment and records;
7. Suitable and sufficient space appropriate for conducting any in-house clinical programs in a manner that assures competent and ethical representation of clients and meaningful instruction and supervision of students, including confidential space for (a) client interviewing, (b) working on and discussing client cases, and (c) security for client files.
8. Suitable and sufficient space for its students and faculty for quiet study and research;
9. Suitable and sufficient space for group study and other forms of collaborative work;
10. Reasonable access and accommodations to persons with disabilities, consistent with applicable law, and
11. Equipment, technology, and technology support that enable it to operate in compliance with ABA standards and carry out its program of legal education.

The Downtown Shreveport Memorial Library building appears to be worthy of consideration for a branch campus. There is significant excess space in the Downtown Shreveport Memorial Library that may meet ABA and SACSCOC facilities standards with the appropriate upgrades. In addition, the Southern University-Shreveport (SUSLA) has a downtown Metro Center location which could be considered for operating legal clinics. Both facilities are located on Texas street and are in close proximity to Caddo Parish state district and juvenile courts (Louisiana 1<sup>st</sup> Judicial District), and to the Louisiana Second Circuit Shreveport City Courts. The Texas street locations are within a 15 to 20 minute drive from the Bossier Parish State District Courts and Bossier City Courts.

**E. *Branch Campus Financial Resources***

Both the ABA and SACSCOC accreditation standards stress the importance of having sufficient financial resources. Historically, the ABA and SACSCOC have not looked favorably on schools that are under-resourced. In recent years, the ABA and SACSCOC have given particular scrutiny to financial resources of the institutions they accredit. The ABA has recently been criticized for being too lenient in accrediting schools that are on the edge with respect to meeting financial resource requirements.

Over the last ten years, the Louisiana legislature has significantly reduced state appropriations to higher education institutions. State appropriations for SULC in 2010 accounted for approximately 70% of its budget. Today, state appropriations to SULC account for approximately 24% of its total budget before the subtractions of mandated costs, which go back to the State of Louisiana for benefits and services. Law school programs are expensive as compared to other academic programs generally offered by a university. Direct and indirect costs associated with establishing a branch campus of SULC in Shreveport will be significant. Direct and indirect costs will have to be covered by political and legislative environment where the State Legislature has not been generous to higher education institutions.

Some necessary resources provided as in-kind, such as the Downtown Shreveport Memorial Library appears to be an attractive and useful space, and the SUSLA Metro Center location is attractive and useful. Both are centrally located and useful spaces that could be core facility assets, which would reduce initial capital outlay or investment requirements. However, there will be a need to invest in creating a “law school library” that meets very stringent ABA requirements. The costs of creating a law library that would satisfy ABA standards would have to be determined.

In fall 2025, the operating costs for a part-time/weekend branch campus will range from \$8 million to 10 million per year. This will ensure that the ABA and SACSCOD will understand: (1) the commitment of SULC to make the first cohort and subsequent cohorts unusually or extremely successful, and (2) to demonstrate that the branch program is of the highest quality. The best metric for asserting that the program of legal education is of the highest quality is bar passage rates under the new ABA passage rate. The target two- year cohort rate for the branch program should exceed 85%.

Self-generated funds from tuition and fees would be incremental. The estimated percentage of operating costs that would be covered by student tuition and fees would max out at 50%. Resources for operations would have to be drawn from sources such as the Caddo Parish Commission, the City of Shreveport, local businesses, SULC alumni contributors in the Shreveport-Bossier area, and the Louisiana Legislature, assuming that the legislature would be so inclined to offer legislative appropriations to support the branch campus initiative.

The idea of funding a public higher education institution primarily through local funding and private/public partnerships has never been attempted in Louisiana. Other states have funded higher education institutions using local funding from sources such as special or dedicated local taxing districts or other dedicated funding sources in combination with private dollars from local commercial enterprises., and a need to establish a strong endowment fund.

### *Conclusions*

If the resources required were provided, it would be possible to establish a branch campus of SULC in Shreveport. There is a distribution problem with legal education opportunities in Louisiana. There is a relative shortage of lawyers and judges in the Shreveport-Bossier region as shown by both statistics on the relative numbers of individuals in legal occupations in the Shreveport/Bossier region as compared to other regions of the State of Louisiana. There is also an equity argument, based upon the relative disparity between the number of African American and Caucasian Individuals employed as legal professionals in the Shreveport/Bossier region.

The direct and indirect costs associated with establishing a branch campus of SULC in Shreveport would be significant. Furthermore, the branch campus operations would have to meet stringent and significant institutional and professional accreditation requirements imposed by the ABA and SACSCOC. Establishing a branch campus of SULC in Shreveport would be subject to great scrutiny. Because of the high level of scrutiny, the branch campus would need to have:

- Exceptional and superior facilities, equipment, and technology;
- Superior and exceptional bar passage results for its graduate that are sustainable;
- Superior library and information resources, and
- Exceptional and sustainable financial resources.