

Committee in Session at 9:07 am on Monday, April 9, 1979.

Senator Keith Ashworth in the Chair.

PRESENT:

Human Resources & Facilities

Chairman Keith Ashworth
Senator Clifton Young
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

Finance

Chairman Floyd Lamb
Vice-Chairman James Gibson
Senator Eugene Echols
Senator Norman Glaser
Senator Thomas Wilson
Senator Lawrence Jacobsen
Senator Clifford McCorkle
Mr. Ed Schorr, Fiscal Analyst,
Legislative Counsel Bureau

ABSENT:

Vice-Chairman Joe Neal

None, All Present

GUESTS:

Senator Jean Ford, Clark County Senatorial District No. 3
Ms. Lise Wyman, President, UNLV Pre-Law Association of Nevada
Mr. Dale Hulen, UNLV Pre-Law Association of Nevada, Past
President-Clark County Young Republicans
Ms. LeighAnne Morejon, UNLV Pre-Law Association of Nevada,
Legal Assistant
Mr. Al Marquis, Attorney at Law
Ms. Elizabeth Foley, UNLV Pre-Law Association of Nevada
Dr. Albert Johns, Professor, University of Nevada Las Vegas

Chairman Ashworth opened the Joint Hearing on S.C.R. 24 pertaining to the establishment of a law school at the University of Nevada.

Senator Jean Ford, co-introducer of S.C.R. 24 with Senator Lamb, stated that the bill contained similar language as A.C.R. 56 and S.C.R. 43 of the 1975 legislative session. She stated that A.C.R. 56 did pass during that session and it requested that the Board of Regents present a continuation of the feasibility study to the 1977 session. She stated that the update to the 1977 session did not exist. Senator Ford said she contacted the university and obtained a memorandum dated January, 1979 (Exhibit "A") that they felt met the obligations of the update. She stated that she did not feel the memo was an adequate update, as did other individuals she had spoken with. Consequently, Senator Ford spoke in strong support of S.C.R. 24 by which the legislature would reaffirm its interest and direct the Board of Regents to continue the preparations for a law school in a serious manner. She added that the law school is part of the University of Nevada System's proposed budget.

Ms. Lise Wyman, President, UNLV Pre-Law Association of Nevada, spoke in support of S.C.R. 24. Ms. Wyman stated that in October,

1978, the student body of the University of Nevada Las Vegas (UNLV) voted "overwhelmingly" on a student ballot question in favor of a law school in Nevada. She said that in the same year the Board of Regents endorsed the establishment of the law school in Las Vegas. She said that the main capital expenditure would involve a building for the law school; however, this would be reduced under a proposal by UNLV Administration to utilize the Moyer Student Union Building. Ms. Wyman read a list of organizations and individuals in support of a law school in Las Vegas to the committees.

Mr. Dale Hulen, UNLV Pre-Law Association of Nevada, spoke in support of S.C.R. 24. Mr. Hulen introduced Dr. Albert Johns, Professor, University of Nevada Las Vegas, and other UNLV individuals attending the Hearing in support of S.C.R. 24. He stated his belief that a critical need does exist for a law school in Nevada. He said that because students who do wish to attend law school and are Nevada residents must leave the state, they are faced with additional hardships; i.e., more strict academic qualifications and high tuition fees as an out-of-state resident. He stated that these factors are discriminatory and impede the academic growth of Nevadans. He felt the addition of a law school would provide many benefits to the state which could not be measured monetarily. He concurred with the testimony of Ms. Wyman as to utilization of the Moyer Student Union Building. As to the ramifications of Question 6, Mr. Hulen stated his support of the Question as responsible tax reform, not tax eradication that would damage present educational programs and limit continuing expansion of educational opportunities.

Ms. LeighAnne Morejon, Secretary, UNLV Pre-Law Association of Nevada and a Legal Assistant, also spoke in support of S.C.R. 24. She stated that she had been accepted to three law schools out-of-state. She had applied for assistance through the Western Interstate Commission for Higher Education (WICHE) and was unable to receive it. She addressed the committees on the extremely high cost of out-of-state tuitions and the increasing difficulty in obtaining WICHE assistance for the purpose of attending law school. She stated that most law schools do not allow first-year students to work and discourage employment during the entire educational period. She said that law schools also limit the number of non-residents admitted; consequently, well-qualified students may easily be excluded. Ms. Morejon said that minorities are under-represented in the legal profession in Nevada due to these extraordinary difficulties. She stated that Ms. Brenda Mason, University of Nevada Regent, was unable to attend law school for more than one year because of financial and other difficulties; a tape of Ms. Mason's observations was played for the committees substantiating this statement. Ms. Morejon also played a tape recording on which Mr. John Mendoza, Chief District Court Judge of Clark County, addressed the issue of the need for a law school in Nevada. Judge Mendoza spoke on the lack of a law school in Nevada which some of the minorities could afford to attend. He addressed the disparity of Spanish-surnamed attorneys in Clark

County in relation to the Spanish-surnamed population. The Judge requested the committees' support of S.C.R. 24. Ms. Morejon stated the Association had received an unsolicited letter from Ms. Elaine Mendonca who holds a 4.0 grade point average but is unable to obtain financial assistance to attend a law school. She stated her belief that no Nevada student has equal opportunity to attend law school. Additionally, Ms. Morejon stated that many students who wish to attend law school are married, many with children, and the availability of a law school in Las Vegas would afford them the opportunity to further their careers without undue hardships. She stated that without legislative support of a law school, it is difficult to ask potential donors to make firm commitments of assistance.

Mr. Al Marquis, Attorney at Law in Las Vegas, spoke in support of S.C.R. 24 and stated his belief that a law school would benefit the state while enhancing the quality of the legal profession. He stated that the communities in which there is a law school tend to retain the top students in the field; consequently, Nevada is seldom selected by the top students of various law schools. He stated that a law school would provide full and part-time teaching opportunities for Nevada attorneys, further enhancing the quality of the profession. He stated that Southern Nevada has a desperate need for a quality research facility that would be provided if a law school were instituted. He stated that a law school in Nevada would not "flood the market" with attorneys; rather, it is conceptualized as a relatively small, high quality institution. With regard to cost, Mr. Marquis stated his belief that it is unfair to penalize a selected few who wish to go on to the legal profession. He stated that he did not believe cost was a justifiable reason for opposition to the law school. He felt that the money students are paying for out-of-state tuition would remain in the state; also, Nevada firms would hire students from the school to the benefit of their clients in the area of lower costs. Mr. Marquis stated a law school would be of benefit to the Judiciary and the Legislature due to review of judicial decisions and legislation. He said that a law review serves as the only critic to judicial decisions as well as analyzing and researching legislation. He stated that the only alternative presently is trial and error and possibly extensive litigation, all at a high cost to the taxpayer. Mr. Marquis stated that support by Nevada attorneys for a law school is growing as more attorneys become aware of the benefits.

Ms. Elizabeth Foley, Vice President, UNLV Pre-Law Association of Nevada, spoke in support of S.C.R. 24. She spoke of the need in public agencies for more individuals with legal training and stated her belief that students of a law school could fill that need while receiving their training. She read a list of provisions that the University of Hawaii law school utilizes for the purpose of assisting the community and stated that any law school, with proper financial assistance, can provide community benefits. As to cost, Ms. Foley read from documentation stating that professional legal

education is relatively economical when compared to other types of graduate instruction; also, that Nevada has arrived at a point where it can well afford to establish a law school to the benefit of the state.

Senator McCorkle questioned the procedures used by WICHE. He asked if the applicants were only those students accepted by a law school. Ms. Morejon stated that many have applied but they have not necessarily been accepted. Senator McCorkle stated that her testimony of 18 accepted for WICHE out of 90 applicants may be a misleadingly low percentage of applicants. She stated that many of the applicants are "ready to go." Senator McCorkle questioned why a student with a 4.0 grade point average wouldn't have been accepted by WICHE. Senator Lamb stated that the reciprocity with other schools was the problem, not WICHE. Dr. Johns concurred with Senator Lamb. Ms. Morejon stated her belief that WICHE acceptance was on a first-come, first-serve basis. Ms. Wyman stated that acceptance was also based on financial need. Senator Lamb stated that he did not believe WICHE was on a first-come, first-serve basis; rather, where the student wishes to attend school, etc.

Senator Lamb questioned if Dr. Johns knew how many individuals would attend a law school should one be established in Nevada. Dr. Johns stated that he did not have the statistics available on that question. Ms. Wyman stated that the Association has fifty signed statements by students that would attend a law school should the school be instituted in Nevada.

Senator Lamb questioned if it would be possible to limit the size of the school by the amount of money allocated, or if the program would be affected. Dr. Johns stated that it would be possible; however, he pointed out that there is no relationship between the cost of the medical school and that of a law school. He stated his belief that the merit of a law school would not be the creation of more lawyers; rather, the technical expertise to understand the language.

Senator Blakemore questioned if sufficient funds still existed for a law library. Ms. Wyman stated that the money would be re-allocated based upon the positive response of this legislature.

Senator Jacobsen stated that the testimony presented indicated support by the legal community. He questioned if business and labor is also in support of this proposal. Ms. Wyman stated that the Las Vegas chapters of the Rotary had indicated support, also people involved with the hotel association had submitted written support. Senator Jacobsen stated that priorities seemed to be an issue and questioned if the law school is a "top priority." Ms. Foley stated that she believed the groundwork for a law school needs to be handled now as it will never be any less expensive.

Senator Neal arrived for the Joint Hearing (9:55 am).

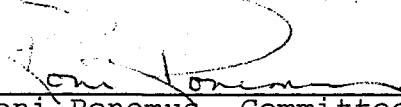
Chairman Ashworth stated his understanding that the law library in Reno was among the best in the western states. He questioned if it would be equally beneficial to have the law school located in Reno. Ms. Foley stated that previous study had been based on the location of the school in Southern Nevada; further study would have to take place prior to an adequate answer. Chairman Ashworth stated that it was his understanding the law library is the largest single capital expenditure for a law school, upwards of \$5 million. Ms. Foley stated that estimate was too high; she believed it to be approximately \$600,000. Ms. Morejon stated that if the law library in Reno were used, there would be a good possibility that the school would not receive accreditation from the American Bar Association. Chairman Ashworth stated that it was also his understanding that in order for the school to be fully accredited, discrimination against out-of-state students would not be possible. Ms. Morejon stated she was unsure as to the accreditation standards; however, schools in other states that are fully accredited do discriminate against out-of-state students. Chairman Ashworth questioned if it would be possible to restrict the school for Nevada students only. Ms. Morejon doubted if that would be possible but stated that many states discourage out-of-state students by their high tuition fees. Chairman Ashworth questioned if it would be possible to be accredited if a disparity as to academic excellence exists and is reflected in entrance requirements. Ms. Foley stated that she believed the admissions committee of the law school would have quite a bit of freedom.

Senator Glaser stated his belief that approximately 170 students had taken the Nevada Bar exam and questioned the number of students passing the exam. Mr. Marquis stated that approximately 75 percent of the individuals traditionally taking the exam, pass the exam. Mr. Marquis stated his belief that the legislature should be concerned with setting up a relatively small, high quality institution and place a high priority on the establishment of the school.

Senator Ford stated that based upon the questions raised in this hearing, the committees could give direction through this resolution to the Board of Regents as to specific areas of study.

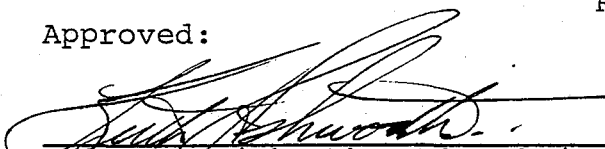
There being no further testimony, Chairman Ashworth closed the hearing on S.C.R. 24 and adjourned the meeting at 10 am.

Respectfully submitted,



Roni Ronemus, Committee Secretary

Approved:



Senator Keith Ashworth, Chairman



UNIVERSITY OF NEVADA SYSTEM
OFFICE OF THE GENERAL COUNSEL

January 26, 1979

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Lorne H. Seidman
Chairman and General Counsel

TO: Persons Interested in the Establishment of
a Law School

FROM: Lorne H. Seidman

In 1974 the University of Nevada, Las Vegas, initiated a study intended to determine the advisability of establishing a new law school. This memorandum is not a complete revision of the 1974 study but it does present the reader with a more current assessment of the justification for a law school, the cost of a law school and a recommendation urging that we seize a unique opportunity.

JUSTIFICATION

Since 1967 two factors have been recognized as generating an increasing interest in the establishment of new law schools and both factors have had a profound impact in the state of Nevada. The first is a growth in population that occurs in various areas and usually occurs as a result of attractive economic conditions. The second is an increasing demand for legal services resulting, in part, from economic growth and from the

Reply to:

increasing complexity of business, social concerns and governmental affairs.

Whether a particular new law school should be established, however, does not depend on demand alone. We must determine if a potential supply of qualified students not likely to be served by existing schools would benefit from legal education and if educating these students will benefit society. More specifically, we may look at the four prerequisites for establishing a new law school established by the Committee on Guidelines for New Law Schools of the Association of American Law Schools.

The first prerequisite is a demonstrated need for the law school and we must review the concept of "need" from several points of view.

A Nevada resident, willing and able to invest time, energy, and money in a legal education does, in fact, need a Nevada law school because he or she has a relatively weak chance of obtaining it elsewhere.

Over the past three years 768 Nevadans have sat for the Law School Admission Test and demonstrated a competency level equal to residents in other states. Although this number clearly demonstrates a potential supply of qualified students and a very significant demand for legal education it still is a smaller number of applicants than one would expect from a state of Nevada's size. Nevadans are discouraged from even attempting to obtain law school admission. Nevadans are discouraged before they even begin the admission process for two basic reasons. First, they realize

They will be confronted by quotas imposed by state law schools in other states, second, that even if successful they will be subject to additional tuition charges as "out of state" students or the heavier burden of tuition charges if a private school is attended and, high costs of moving out of state and occasionally the disruption of a family if one spouse is pursuing a career and the other intends to pursue a legal education.

These additional financial burdens imposed on Nevadans render it difficult for people of average income in our state to study law and virtually bar poor Nevadans from the profession regardless of their ability and desire. (The average Hastings student, for example, graduates owing \$15,000.00 in guaranteed federal loans and a non-resident of California may be compelled to pay an additional three to four thousand dollars per year.)

Nevada's WICHE program is an inadequate "bandaid" only addressing the additional tuition charge imposed on Nevadans and addressing this problem ineffectively. In 1977, 70 residents applied for the 10 available WICHE grants, again demonstrating that we have not met the needs of some of the brightest and most willing citizens.

The need for a law school should be reviewed from the perspective of Nevada's legal community, realizing that well trained lawyers not only benefit the profession but also their clients and the community they serve.

Law schools do not merely serve conventional law students, they are frequently involved with the "law institute function" or providing continuing education for the bar. Nevada's legal

community acknowledges the value of continuing legal education yet it must rely on organizations and institutions from other states to provide these services. Golden Gate University, McGeorge School of Law, the American Law Institute and West Publishing have, for example, recently sponsored various programs and services advertised for members of the Nevada bar.

Nevada's need for a law school goes even beyond what has been sketched in the paragraphs above. The various law institute functions of a law school serve, enrich and improve the standard of life throughout a state. Law schools, through clinical programs, provide legal services for indigents and by placing supervised interns this can be initiated as a state wide program. Law schools provide centers for the study of peculiar problems of importance to their state and engage in activities designed to assist others in providing services to the citizens of the state.

The second prerequisite followed by the Association of American Schools requires that a law school be a part of a fully accredited University and the University of Nevada, Las Vegas, meets this standard.

The third prerequisite demands that the law school, when in full operation, meet at least the minimum standards of accrediting agencies and the administration of the University of Nevada, Las Vegas, is committed to exceed this prerequisite.

The fourth, and final, prerequisite requires a commitment that, within a reasonable time, the law school will meet the higher

standards described in the Association of American Law School's "Guidelines Statements" and the administration of the University of Nevada, Las Vegas, is committed to meet this prerequisite.

COST

The state of Nevada does not require a large school and, therefore, the cost of meeting the needs identified above would not be excessive. It is reasonable to predict an entering class of 50 first year students and a student body of 150-250 after a three year period when the school is in full operation.

Employing the prediction of an entering class of 50 students the cost of developing a law school during the first two years after initial approval would include one academic year of planning and one academic year of operation.

During the planning year University administrators would select the first dean and the dean would begin recruiting faculty and staff, supervising the arrangement of available physical facilities and organizing the academic programs. The total cost of this first year of operation would be approximately \$50,000.00.

During the second year the school would admit its first class and begin operation. Operating the school during this year would require three full time teaching faculty and this number would be increased, in increments of approximately three, over the next two years until a full time teaching staff of nine or ten was assembled. During the first year of operating the staff would

also need a librarian, an assistant librarian and an assistant dean, as required by the Association of American Law Schools, thus freeing the dean to continue concentrating on the tasks of policy formulation and community relations. Developing community relations would include creating a productive and cooperative relationship with the University's academic community and developing a similar relationship with the state's legal community.

In more specific terms, the law school budget during its first year of operation would approximate the following specifications:

Dean	\$42,000
Assistant Dean	\$30,000
Librarian	\$29,000
Assistant Librarian	\$20,000
Faculty (3)	\$95,000
Secretaries (2)	\$25,000
Operating	\$45,000
Part Time Clerical	\$12,000
	<u>\$298,000</u>

In addition to the expenses referred to above two major capital expenditures are required. First, a law school must establish a beginning library of at least 40,000 volumes. Second, a physical plant must be provided for the law school within a reasonable period of time.

It is reasonable to estimate that a new law school will spend between \$600,000.00 and \$800,000.00 for library acquisitions over the first two years of operation and a lesser but significant amount in the years that follow.

A physical plant for the law school could be developed in two different ways. The University could erect a new building or remodel an existing structure that would meet accreditation standards.

At this time it appears that the Moyer Student Union no longer meets the needs of our student body and plans are currently being made that will result in a new student union building. This contemplated move will leave the present structure available for several possible uses and one possibility is conversion to a law school building. Architects are currently determining the cost of conversion. However, it should be noted that, without significant structural modifications, the existing floor plan will accommodate offices and classroom space as well as adequate space for a beginning law library and moot courtroom. Our current estimate of cost for proper facilities in the student union if it is converted and remodeled is 3.5-4 million dollars. Current estimates of construction costs in the foreseeable future are \$100.00 per square foot and at this rate a new law school building would cost in the range of 7-8 million dollars. In light of the significant cost difference between construction and remodeling it is the University's current position that a new law school, if authorized, should be housed in the building

now serving as the Moyer Student Union.

CONCLUSION

The law school study for the University of Nevada, Las Vegas, completed late in 1974, documented the strong demand for legal education in Nevada and reached the following conclusion.

"To provide opportunity for legal education for young Nevadans, to provide a center for legal studies and research for Nevada, to provide Nevada with its own law-trained graduates to serve in public and private assignments, to enrich the University and to provide the State of Nevada with a professional school of great promise of public service and benefit to the State of Nevada, we recommend that the University of Nevada, Las Vegas, establish a Law School now."

The factors leading to the conclusion of the 1974 study have certainly not diminished, in fact, they have become more acute thus the demand and need for a law school is even greater. Amazingly, even after considering inflation, the dollar cost would be substantially less because the 1974 study did not predict availability of the current student union for conversion to a law school building and anticipated the major expense of a new structure.

The opportunity to create a center for legal education in the state of Nevada, at approximately the cost identified above is unlikely to reappear and should be seized now.

LHS/dd

cc: Acting President Dixon, UNLV