LEGAL EDUCATION
FOR A FRONTIER SOCIETY

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MAY 1975
ERRATA

Page 5  
Line 11 - Professor Bamburger should be identified as "Professor Clinton Bamburger, Visiting Professor of Law, Stanford University Law School."

Page 25  
Top of page - insert "Employment in the fishing industry provides an important addendum to these"

Page 53  
Line 7 - insert "high" after "very"

Page 65  
Line 2 - "up" should read "upset"

Page 67  
Strike lines 10 and 11 and substitute: "for 76 deaths in 1973, an effective rate of approximately 23.7 per 100,000 population, compared with 26.5 nationally, (following well behind heart disease"

Page 128  
Line 26 - Professor Keeton should be identified as "Professor Robert Keeton, the principal scholar of no fault."

Page 226  
Line 4 - after "and" insert "be mindful of the more stringent standards of"

Page 232  
Line 2 - after "goal" insert: "The considerably less stringent ABA standards require, at the lowest student population level, a minimum full-time faculty of nine, including dean and law librarian, supplemented by part-time instructors, so long as the full-time faculty is strictly limited to teaching duties."

Note (4 June 2013): This scanned version of the original publication has been annotated on the appropriate pages to reflect the corrections noted above.
LEGAL EDUCATION
FOR A FRONTIER SOCIETY

A Survey of Alaskan Needs and Opportunities in
Education, Research and the Delivery
of Legal Services

A Project Report Commissioned
by
The Alaska Legislative Council, Genie Chance, Chairman
and
The University of Alaska

John E. Havelock
Director of Legal Studies
University of Alaska

May 1975

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Most of Alaska no longer fits the conventional mold of a "frontier society." Dogsledding is now the state's most exciting sport, not an essential means of transportation in the age of jets, hovercraft and snowmobiles. Most Alaskans live in circumstances indistinguishable in their main features from those of any metropolitan district in the northern central states, complete with the threat of smog and daily traffic jams.

Yet there is a classical frontier in rural Alaska where, despite a breathtaking pace of change, life is still very primitive contrasted with contemporary standards where subsistence hunting and fishing is a way of life and where the elements are prepared to snatch life away from the unwary or the novice in a matter of minutes. This rural society, populated principally by Eskimos, Indians and Aleuts, is undergoing extraordinary pressure from the compression of centuries of technological development into the span of a single generation. The adjustment of old and new without breaking the rhythms of continuity, preserving the old values in the structure of a contemporary economic and political organization, provides a special challenge to legal research and education.

Even those Alaskans who live in suburban row houses, driving to work in ranchwagons, fighting crabgrass in the summer and snow blocked driveways in the winter, have a sense of how recently all Alaska was old-time frontier. This sense is a valued aspect of the Alaskan heritage, an important ingredient in what Alaskans quite seriously refer to as the "Alaskan way of life." The frontier spirit continues to burn even in the hearts of Alaska's metropolitan residents.
It is to this frontier of the spirit that this book is addressed. The willingness of Alaskans everywhere to innovate, to improvise solutions to old problems, to reevaluate the issues, to walk the frontiers of knowledge, to experiment with the future fringes of American experience, makes an inquiry into legal education here an exciting adventure in a frontier society.
INTRODUCTION
PART A

ORIGINS

This study of the needs of Alaskan legal education arose as an enterprise of the Alaska Legislative Council and the University of Alaska. Inquiry in Alaska into the needs of legal education has focused on the feasibility of an Alaskan law school. Lawyers, educators and other interested citizens have debated the merits of establishing a law school in Alaska for many years. Though the issue has been the subject of fitful inquiry, no comprehensive investigation marshalling the factual circumstances and examining the prospects in their full context has previously gone beyond the proposal stage.

In early 1974, Mr. Wendall Kay, a distinguished senior member of the Alaska Bar and an admired teacher of law at Arizona State, recognizing that the state's rapid growth was ever increasing the urgency of the question, undertook to persuade the legislature and the University of the importance of responding to this area of public policy. In Richard L. McVeigh, Esq., the chairman of the Alaska Legislative Council, he found a listener concerned with the future of the practice of law. In Robert W. Hiatt, the new president of the University of Alaska, he found an educator committed to assessing the responsibilities of the University to every area of Alaskan educational need.

As a result of this concern and the involvement in particular
of the Board of Governors of the Alaska Bar Association and Mr. Frank Doogan and Mr. Brian Brundin, attorney members of the Board of Regents, an agreement was entered into in early 1974 between the University and the Council, each providing $10,000 to fund an inquiry to include an answer to the question of the feasibility of an Alaskan law school.

As plans for the study were developed, it became clear that many, much broader questions were involved. Law school feasibility is but one avenue to explore in a far ranging inquiry which touches on the character of Alaskan legal services needed in Alaska, the methods of providing that assistance, the purposes of education in law in addition to preparation for the profession, the needs for the products of legal research and the future of Alaska.

In addition to the committee of academic advisors, the study has been advanced by the assistance and support of many people. My research assistant, Ms. Mary Rearden, has been careful where I was careless. The study's typist, Ms. Eleanor O'Kelley, has been patient and diligent. Dr. David Hickock and the staff of the Arctic Environmental Information and Data Center, where much of this work was compiled, have been unfailingly helpful. Particular thanks are due to University Vice President for Academic and Faculty Affairs, Dr. Donald R. Theophilus. Without the special interest in Alaska of Dean Willard H. Pedrick of Arizona State University College of Law, it is unlikely that this inquiry would have been initiated. Professor Justin C. Smith, Visiting Professor, Texas Tech University Law School, Dean Robert Yegge and Professor Alfred J. Coco of the University of Denver, Assistant Dean Leigh-Wai Doo of the University of Hawaii, and Jerry Kurtz of the Alaska Bar Association Committee of Legal Education, among others,
were generous with their time.

The study work program began with the selection and convoca-
tion of a committee of academic advisors consisting of Professor
(and former Dean) Richard Maxwell of UCLA, Professor Monroe Price,
principal mentor to the UCLA-Alaska Law Review; Dean David Hood
of Hawaii, the most recently established law school with high
comparability to Alaska, Dean Thomas Ehrlich of Stanford, a scholar
of renown in the special field of law school studies and Dean
Frederick Hart of New Mexico, whose expertise in Indian and minor-
ity programs gave his judgment special weight in the Alaskan situ-
ation. Professor Clinton Bamburger, Visiting Professor of Law, Stanford University Law School.

Professor Bamburger gave special support in commenting on
the text of this report. The author has relied heavily on the
views of these distinguished scholars and others, but in the final
analysis, the views are the author's own, and he alone is required
to answer for them.

In addition to collective consultation with this committee,
the study has included contact with other scholars with special
knowledge of problems and prospects for legal education and offi-
cers of the Association of American Law Schools and the American
Bar Association's Section of Legal Education and Admissions to
the Bar. An on-site review of the experience of several western
law schools was undertaken; also a review of recent literature on
issues in legal education and in the delivery of legal services
generally. Recent feasibility studies undertaken in the other
states have been examined.

Lastly two surveys are in progress - one statewide canvass-
ing the total population, another a representative sample of
the Anchorage bar - testing attitudes and gathering facts of
significance to the future of Alaska legal education. The
principal results of these surveys are included in this report. Additional findings of interest to the bar and the public will be published separately over the next few months. The principal findings with respect to the organization of Alaska practice and the prospects for legal education in Alaska, including the bald issue of law school feasibility, depend on more objective criteria. Nevertheless, both surveys cast considerable additional light on publicly perceived priorities, problems and opportunities in the delivery of legal services in Alaska and many other aspects of Alaskan experience bearing on the University's response to the challenge of law-related education.

We have chosen to risk error on the side of inclusiveness. If we have failed to deliver on some of these more ambitious inquiries, at least the subject matter is opened up. Our objective has been to write the first word, not the last. If we sometimes seem to have wandered far and walked lightly, it is because we hope to inform the layman, in this study, of some issues in the broader context of the role of legal services in society.

The study has attempted to develop facts and open up a broad range of issues affecting the future of the legal profession and legal education in their application to Alaska, including:

1) An examination of demand for legal and law-related services in the state. A key question raised in this part of the inquiry is how well the needs of the public are met at the present time by the existing delivery system. Particular concern is due the needs of rural Alaska and of middle income Alaskans, not eligible for legal services programs addressed to low income groups, but not prosperous enough to be treated as a part of the
commercial community.

2) A hard look at the methods for delivering legal services from the point of view of their cost and efficiency. The role of allied professions, such as accountants, bookkeepers, banks, real estate offices, government officers and employees, etc. in the delivery of legal services is touched upon, if not fully appraised.

The possibility of expanding educational opportunity for and formalization of paralegal roles is a matter of special concern. The present role of the University of Alaska and other institutions of higher education in meeting educational needs of persons delivering legal and "near" legal services is examined.

3) An evaluation of the present supply of lawyers and law-trained people and future prospects, including reference to national trends in legal education and the migration and admission of attorneys in Alaska. The unique circumstances of Alaskan law practice are examined as they relate to legal professional requirements, for instance, bush justice, natural resource management and specialization within the bar.

4) An analysis of the need for law-related education in the general public and demand for legal or law-related education within the state among students graduating now from Alaskan colleges or from colleges outside Alaska where Alaska is the home state of the student. This includes also reference to measuring the degree of interest in second careers by persons who have previously taken up an occupation in the state and the special interest of Native people in obtaining legal services from persons of a similar social background.
5) An evaluation of a wide variety of state and University options, including: a) the expansion of the Western Interstate Commission for Higher Education; b) enrichment of existing curriculum of law-related education in the University; c) the authorization by court rule or statute of alternative methods of meeting part of the unmet need for legal services; d) the authorization of joint subject matter degrees in law and a related field; e) entering into consortium arrangements with existing law schools; f) the development of a third-year law school or a second and third-year law school involving a major clinical component; g) programs for pre-law, preparatory headstart; h) programs for post-graduate education in special Alaskan legal problems, such as natural resources, the Alaska Native Claims Settlement Act, etc.; i) the establishment of a full range law school.

In consideration of all these options, and others, particular attention is focused on costs. While an assessment of their extent is not within the realm of this study, the reader is reminded of the competing needs for educational and research services of other professions and of other competing demands upon the state's resources.

In examination of the future of legal education, the time frame for action is of great importance. The pro's and con's of a gradual build-up of resources versus the starting of a fully equipped and full range law school are examined.

In addition, comparisons are made with the experience of other states, particularly those which have recently established law schools.

Beyond the recommendations of the report, we hope to have
developed considerable worthwhile information about the nature of the Alaskan attorney and his or her practice which will be of interest and utility to the bar association and others as debate on the future of Alaska's legal structure evolves.

It is recognized that many of the issues raised in this report - such as specialization, paralegals, delivery systems for middle income people - have been treated extensively and more carefully in the literature of legal education. Serious students of particulars, bar association committee members, legislators interested in specific legislation, etc., are directed to this literature. Here it is our hope simply to introduce the subject matter to the average member of the public who is unlikely to be familiar with these writings, and in the context of the Alaskan situation, noting applications and distinctions.
INTRODUCTION
PART B

THE SPECIAL CHARACTERISTICS OF ALASKA

In early 1975 Alaska has a population of approximately 347,000. Based on the assumption that the oil and gas resources of the state are likely to be developed at a fairly rapid rate as a matter of national policy, total population is expected to rise according to the following estimates:

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>End of 75</td>
<td>382,000</td>
</tr>
<tr>
<td>76</td>
<td>394,000</td>
</tr>
<tr>
<td>78</td>
<td>411,000</td>
</tr>
<tr>
<td>80</td>
<td>476,000</td>
</tr>
<tr>
<td>83</td>
<td>551,000</td>
</tr>
<tr>
<td>89</td>
<td>721,000</td>
</tr>
<tr>
<td>90</td>
<td>739,000</td>
</tr>
</tbody>
</table>

In 1970, the state had a census population of 300,382, (302,173 corrected), of whom approximately 30,000 were military. The Alaskan median age is 22.9 years compared to the national median, 28.1 years. The Native population is particularly skewed to youth. 43.7 percent of the Alaska Native population is under 14; 18.9 percent is between 15 and 24; 23.1 percent between 25 and 44; and 14.3 percent above 45. The comparable figures for the total state population are 34.3, 20.8, 29.1 and 15.8 percent respectively. Of this reported Native population, 16,281 were reported as Indian, 28,186 as Eskimo and 6,352 as Aleut, collectively called "Natives." Alaska Native racial or ethnic groups accounted for a combined total of 50,189 or 16.9 percent of the census population. Two-thirds of these live in villages under

1/ In making many of our estimates, we have relied on data developed by Dr. David Kresge of the University of Alaska Institute of Social, Economic and Governmental Research.
2,500. For a variety of reasons this census figure is an under­statement of the Native population. 59,275 residents of Alaska are enrolled as Alaska Natives under the Alaska Native Claims Settlement Act (and 18,559 non-residents). Enrollment eligibility is fixed as of December 31, 1970. 33,325 of the 59,275 are over 18 years old.

In addition to the Native population, according to the 1970 census data, there are 8,803 Negroes (3 percent), 886 Japanese (.3 percent), 1,324 Filipino (.5 percent) and 6,279 persons of Spanish language (2 percent).

As in most of the United States these minorities suffer substantial disadvantages, (median income for Alaska Negroes over 14, for instance, is $4,374 and whites $6,109; heads of household $7,379 and $11,948), but on the whole the circumstances of black people is slightly better in Alaska than in the average of the United States. The largest culturally or racially based disadvantage lies in the circumstances of the Alaska Native. Median family income in 1969 in predominantly white Anchorage was $13,593, but in predominantly Native Bethel it was $4,085.

Alaskans are, on the average, well educated with a median years of education completed of 12.4 compared with 12.1 nationally based on age 25. But these figures cover vast discrepancies between the Native and the non-Native population. Only 4.6 percent of Natives over 25 have completed high school. This situation is changing rapidly. A full 7.6 percent of the whole Native population was in the fourth year of high school in 1974. Native enrollment in Alaska universities is burgeoning. The number of Alaska Natives entering Alaskan colleges increased fourfold from 1963 to
1972. Seven-tenths percent of the Alaska Native population is presently enrolled in college. However, this compares with two percent of the entire Alaskan population which is presently enrolled in college, so that state has some way to go to achieve equality of educational opportunity. The greater proportion of Alaska's Natives are still in the early stages of the educational pipeline and the annual success rate of Natives enrolled at the University of Alaska is only 38 percent, about half the success rate of non-Native students. In 1967-68, only five Alaskan Natives received a four-year degree at any college. By 1971-72, this had grown to 22.

Total Alaska Native student enrollment of the University of Alaska has increased dramatically. The gross enrollment figures for Anchorage (Southcentral Alaska) and Fairbanks are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Anchorage</th>
<th>Fairbanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971-72</td>
<td>382</td>
<td>319</td>
</tr>
<tr>
<td>1972-73</td>
<td>1,120</td>
<td>382</td>
</tr>
<tr>
<td>1973-74</td>
<td>1,186</td>
<td>311</td>
</tr>
<tr>
<td>1974-75</td>
<td>(not available)</td>
<td>220</td>
</tr>
</tbody>
</table>

This represents the sum of two semesters in Fairbanks and three in Anchorage. The 1972 and 1973 enrollments for Anchorage are particularly high because of the enrollment of Dillingham High School students in a foreign study project. Dillingham is a predominantly Native town.

Still it must be observed that if a four-year degree is to be a prerequisite to entering law school, even without an LSAT test standard, Alaska Native college enrollment constitutes a very small pool of Native students to draw from for legal education.

Approximately half of Alaska's population is concentrated in

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1/ The same Native students may be counted from semester to semester.
the City and Borough of Anchorage and the adjacent areas of the Matanuska Valley and the Kenai Peninsula, which make up a common trading area for many purposes. Most of the Kenai population lives two to four hours or more from Anchorage by highway, so a separate daily retail trade is conducted on the peninsula. Most of the Matanuska Valley is an hour or so by car from Anchorage.

Predictions of future growth continually point to Anchorage as the center of Alaska's population, with over 50,000 of Alaska's 80,000-plus population growth in the next five years expected to be in the Anchorage area. The internal composition of much of Alaska's population is highly unstable. Twenty percent of Alaska's population emigrates out of the state each year to be replaced by a larger immigrating number. The principal single cause of this turnover is seasonal migration relating to seasonal construction and fishing. But even considering this factor, an extraordinarily large proportion of Alaskans reside in the state for under five years. Most of this turnover must be attributed to the Anchorage and Fairbanks areas, given the relative stability of the population of rural Alaska and the social and economic maturity of the southeastern panhandle.

Historic transportation and communication problems as well as social and economic distinctions have endowed Alaska with entrenched regional and community biases. Alaska panhandle is one state of mind, the interior bush another, Fairbanks a third, Prince William Sound a fourth, Kodiak and the Aleutians a fifth, Bristol Bay a sixth and so on. They are all suspicious of the giant, Anchorage.

Eskimo country is divided between two distinct languages and regional differences, even animosities, abound. Not so long ago,
the Thlingets took Athabaskans and Athabaskans took Eskimos for
slaves. The adoption of the Alaska Native Claims Settlement Act
was, in some ways, not so much a victory over the white men as a
triumph over internal divisions, the forging of a Native community.

In order of size, the principal cities of Alaska (1970) are:

<table>
<thead>
<tr>
<th>City</th>
<th>Number</th>
<th>Percentage of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage</td>
<td>124,542</td>
<td>41</td>
</tr>
<tr>
<td>Fairbanks</td>
<td>45,864</td>
<td>15</td>
</tr>
<tr>
<td>Juneau</td>
<td>13,556</td>
<td>5</td>
</tr>
<tr>
<td>Ketchikan</td>
<td>10,041</td>
<td>3</td>
</tr>
<tr>
<td>Kodiak</td>
<td>9,409</td>
<td>3</td>
</tr>
<tr>
<td>Bethel</td>
<td>7,579</td>
<td>2</td>
</tr>
<tr>
<td>Sitka</td>
<td>6,109</td>
<td>2</td>
</tr>
<tr>
<td>Nome</td>
<td>5,749</td>
<td>2</td>
</tr>
</tbody>
</table>

Most of the towns are predominantly white, the exceptions
being Bethel and Nome. Outside these and half a dozen other small
cities in the coastal zone and some highway communities, rural or
village Alaska is almost solidly Native and commonly bilingual.
The typical exception to racial homogeneity in the village would
be the BIA school teacher couple. Real fluency in English in rural
Alaska is exceptional though high school graduation is now the norm
for young people. Middle-aged and older people may have very lit-
tle English, with translation in court proceedings and the like a
necessity.

The basic economy in rural Alaska is either government employ-
ment or welfare, either supplemented by subsistence hunting, fish-
ing, egg gathering and berry picking, or it may be viewed vice
versa. The subsistence way of life is preferred as a matter of
lifestyle, but an ever-growing population of Native Alaskans are
being drawn into a cash economy. Pipeline construction employs
3.9 percent of the Native population. During the period from
May 1, 1974 to December 31, 1974, 1,734 Alaska Natives were employed by Alyeska Pipeline Company and its subcontractors. At the lowest point during that period of time, 6.8 percent of the total work force was Alaska Native, at the highest point 10.1 percent. A steady 60 percent of the total work force was made up of claimed Alaskan residents of all races.

There has also been a continuing trend for village people to concentrate in government service and distribution growth centers, such as Bethel, and to migrate to the larger cities, such as Anchorage. On a population basis, Anchorage is "the largest Native village" in Alaska.

There have been some predictions that the adoption of the Alaska Native Claims Settlement Act (ANCSA) will reverse this migratory trend. But for various reasons we would predict the ANCSA could do no more than slow down the trend and may actually accelerate it. This does not mean, however, that there will be any decline in the need for legal services in rural Alaska. ANCSA implementation will accelerate demand.

Alaska's land mass is approximately 365,000,000 acres plus approximately 8.8 million acres of inland water (a total of about 586,000 square miles.) For the westerner, it is about 2-1/2 times the size of Texas; for the easterner, about the same size as the United States east of the Mississippi less the deep south. By far the greatest portion of Alaska is uninhabitable or only marginally inhabitable on the standards of the average citizen of the "south 49," being either treeless tundra, mountain tops and glaciers or subject to extremely long and severe winters. The "habitable" belt of Alaska is a temperate coastal zone heated by the Japanese
current, the coastline from the southeast panhandle to the windswept and fog-shrouded Aleutian Islands. Though much of this area is rain forest, the Matanuska Valley-Anchorage-Kenai area, where most Alaskans live, is sheltered by mountains and is the semi-arid class in total precipitation. Of course many Alaskans live in the "marginally habitable" portions of Alaska and indeed enjoy its challenge. Outside of the coastal zone strip, which is usually quite wet, the rest of the state is arid. The long winter freeze preserves moisture for the brief growing season.

While Alaska enjoys a great reputation as a source of game, the carrying capacity of the land is very low and game population thin compared with most areas of the United States. The reputation for wildlife arises from the low level pressure on the species from man. Alaska's reputation as a sports fishing state has similar origins. The waters are quite cold. Fish grow slowly except in the temperate zone where salmon, halibut and other commerical fish abound, but still in quantities far from limitless, as painfully proven through the depletion of various basic stocks from domestic pressure and, increasingly, from the depredations of foreign fishing fleets.

Alaska has recently experienced a flurry of jurisdictional interest in its lands, as a result of which, the division of "ownership," at the conclusion of Native and state selection rights, will likely be approximately as follows:

<table>
<thead>
<tr>
<th>Ownership</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>27%</td>
</tr>
<tr>
<td>Inland waters (State)</td>
<td>3%</td>
</tr>
<tr>
<td>Native Corporation lands</td>
<td>11%</td>
</tr>
<tr>
<td>Other private lands</td>
<td>1%</td>
</tr>
<tr>
<td>Existing federal reserves, Petroleum Reserve No. 4, parks, national forests and monuments</td>
<td>25%</td>
</tr>
<tr>
<td>Proposed new federal reserves or public domain</td>
<td>33%</td>
</tr>
</tbody>
</table>

-17-
The portion of Alaska's land attributed to state ownership is based on total allowable selection under the Statehood Act. This proportion is probably exaggerated, since it is unlikely that the state (which has selected or nominated almost 70 million acres of its 103 million acre selection allowance) will ever receive its full selection rights. As much as 20 million acres of the acreage designated as "state land" (or about 5 percent) might as well be indicated as federal acreage for planning purposes.

These figures show that Alaska is and will remain, by acreage, overwhelmingly a public lands state, and that the Native corporations, overwhelmingly, will be the largest "private" land owners in the state. A strategically located tract can, of course, have importance far out of proportion to its size. Private land interests still have great economic and ecological significance.

A decades-old cliche calls Alaska a "huge, untapped warehouse of natural resources." Only in the field of oil and gas has the cliche evolved to reality, developments dramatized nationally by the field development at Prudhoe Bay on uplands bordering the Arctic Ocean (Beaufort Sea) and the fight for authorization of the trans-Alaska pipeline system (TAPS) now under construction between the Prudhoe Bay fields and Valdez, on Prince William Sound, a large, irregular, island-dotted bay off the Gulf of Alaska. When the $6.0 billion pipeline goes into operation in 1978 or '79, it will have a carrying capacity of close to 2 million barrels per day, roughly the amount of oil imported from the Arab states at the time of the 1974 oil embargo. (This point Alaskans are likely to express with feeling, noting the vast costs associated with the three-year tie-up of the pipeline authorization in the courts.) A
gas pipeline or other delivery system for the same field is slated for completion in the early '80's at a cost in excess of $6 billion.

This is just the beginning. The reserves of Petroleum Reserve No. 4, adjacent to Prudhoe Bay, on one Interior Department prediction, may more than double those of Prudhoe Bay. In addition, the Department of Interior has identified seven Alaskan outer continental shelf fields with a possible potential production capacity ranging between 1.4 and 2.7 million barrels per day or more. State-owned tidelands and uplands and Native-owned uplands also show great promise. While estimates vary widely, it can be expected that, absent a collapse of national interest in self-sufficiency, other "Prudhoe Bays" are in the cards on Alaska State or Native lands as well as in federally owned offshore lands. Though offshore development can arguably result in a net economic detriment to the coastal state, OCS revenue sharing legislation now pending in Congress is likely to make OCS development, too, a source of major state treasury support.

Considering the slow decline in oil and gas production in the rest of the United States and the soaring development rate of Alaska, this state and its offshore provinces are likely to be the source of more than half of the oil and gas produced in the United States well before the turn of the century.

A largely uncharted revolution in the character of the state is in the making.

Perhaps the single most significant fact that distinguishes this resource boom from that which swept Texas, apart from its magnitude relative to population, is the degree to which these resources are publicly owned. The treasury of the State of Alaska is a major beneficiary of this development. Estimates prepared by
the Institute for Social, Economic and Governmental Research of the University of Alaska place potential state revenue from petroleum alone as exceeding $4 billion per year by 1988 in constant dollars.

Ironically, but of decisive importance to this study, this oil largess will be preceded by a severe state revenue crunch. State spending rose precipitously in 1968-69 in mistaken anticipation of pipeline completion and resulting state revenue. Annual state spending now stands at roughly $500,000,000. This level of expenditure was maintained through consuming the $900 million capital generated by bonus bids on the Prudhoe Bay field. In 1977 this money will be totally consumed, and the state will be in a deficit position until 1979 when receipts start to come in from the flow of oil. Expenditures threaten to exceed revenue in that period by $200-400 million. Some of this deficit is likely to be met by new oil taxes, new oil lease bonus bid sales and forms of advance oil sales and borrowing, but there will be severe constraints on any new starts, involving substantial sums of "front end" state money, before the TAPS has been onstream for a year.

But in the long run, over the last two decades of this century and the first two of the 21st, Alaska's public sector will prove to be far richer on a per capita basis, even considering the higher cost of living and delivery of goods and services, than any other state of the United States has ever been.

A number of factors stand out concerning the impact of government revenue growth. First, given the capital intensive nature of the oil and gas industry and the labor intensive nature of government services, the largest contribution to the employment-related popu-
lation growth will come from the state expenditures generated by this income. Between 1973 and 1983, state and local government employment in Alaska is expected to grow by 150 percent, from 22,400 persons in 1972 to about 56,000 in 1983.¹

Secondly, expansion of the service economy as a principal form of employment is likely to continue, not only reflecting the national trend, but stimulated by the public or quasi-public (Settlement Act corporations) new sources of wealth. Alaska is already predominantly a service economy. The highly capital intensive nature of modern natural resource development, particularly oil and gas, suggests that even a major increase in the rate of resource development is not likely to result in a swing to employment in non-renewable natural resource extraction. Even today, when the fisheries are in a serious state of decline, they far outrank oil and gas as a source of development.

There is considerable public pressure, in part a reflex to historic "colonial" style exploration, to provide for primary processing of these resources in Alaska. The environmental and economic costs to the state of such development have yet to be weighed. A population whose employment is service oriented is likely to carefully assess the environmental costs of such policies. Even if public pressure does result in primary processing policy, the establishment of capital intensive petrochemical processing plants and similar industries is not likely to alter the trend to a service economy.

¹/ A forecast of Industrial and Occupational Employment in Alaska. Institute of Social, Economic and Governmental Research, University of Alaska, 1974.
Thirdly, Alaska is and will continue to be an education-oriented state. It spends $23,400,000, 7 percent of its operating budget, on the state university, the equivalent of $78 per capita, compared with $46 per capita spent nationally. Alaska spends 44.4 percent of its state budget for education generally, the highest of any state in large part because all other states depend more on local financial support for education. In 1972-73, at $1,473 per pupil, Alaska was second only to New York ($1,584) in expenditures for public elementary and secondary education. Only three other states that year spent over $1,200 per pupil: Connecticut ($1241), New Jersey ($1352) and Vermont ($1211).1

When the state made its "great leap forward" in state expenditure in 1968-69, the great bulk of the new expenditure was for education. Despite the heralded budget crunch of 1977-78, in 1975 the state is moving to assume 100 percent of educational costs at an additional annual cost (over ordinary growth) of $20,000,000.

Speculation of this kind is perhaps risky, but given the history of emphasis on education, the overall course of state government policy for the next several decades is likely to see Alaskans, in their definition of an Alaskan way of life and search for improvements to its quality, turn Alaska into a state offering unparalleled educational opportunity, the "education state."

In 1974, the people of the state adopted an initiative petition providing that the state capital shall be moved from Juneau to a site to be selected in the Anchorage-Fairbanks railbelt area,

but no less than 30 miles from Anchorage. Assuming that the final site is located at an efficient commuting distance from Anchorage, according to a Boeing Report prepared for the state, the capital costs of such a move (of the order of magnitude of half a billion dollars) are likely to be reflected in increased, fully compensating, efficiencies over the longer term. Improved data on the impact of a capital move program will have to await the development of a specific program.

There are other prospects for development, more speculative in nature, but nevertheless very real, which might be kicked off by oil and gas development. Cheap energy may be a key to mineral development on many fronts as it opens up cheaper transportation, mining and on-site processing. These developments could be accelerated by world cartelization and, of course, slowed as world recession looms and the threat of cartelization dims.

Japan is a likely partner in extensive mineral developments. Already Japan has proven to be a feasible market for Alaska's wood product and gas, many years before economic interest livened in the contiguous United States. As readily available supplies are exhausted, the development of marginal deposits located within the continental United States will frequently prove more feasible.

Japan is ready for Alaska at any time American foreign trade policies, prices and market strategies indicate long-term international commitment is worthwhile. Depending on the quality of American-Japanese relations generally, Japan could prove to be Alaska's

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premier trading partner, even including the contiguous United States, with the exception of Alaska's oil and gas exports mandated for continental U. S. markets by federal policy. While trading oil exports to Japan for imports of oil on the East Coast of the United States is economically beneficial, it is not yet politically feasible.

Though these areas of growth beckon to the imagination, they are far from representative of Alaska today though some foreshadowsloom. Work force and employment figures for 1971 are indicated in Table 1:

<table>
<thead>
<tr>
<th>Civilian work force</th>
<th>In thousands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>122.8</td>
</tr>
<tr>
<td>Total insured unemployment</td>
<td>12.2 (9.9%)</td>
</tr>
<tr>
<td>Mining</td>
<td>2.4</td>
</tr>
<tr>
<td>Contract Construction</td>
<td>7.4</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>7.8</td>
</tr>
<tr>
<td>(primarily fish processing, logging and wood processing)</td>
<td></td>
</tr>
<tr>
<td>Transport, Communications and Public Utilities</td>
<td>9.8</td>
</tr>
<tr>
<td>Trade (12.9 retail)</td>
<td>16.1</td>
</tr>
<tr>
<td>Finance, Insurance and Real Estate</td>
<td>3.2</td>
</tr>
<tr>
<td>Services</td>
<td>12.5</td>
</tr>
<tr>
<td>Gov't. - Federal</td>
<td>17.3</td>
</tr>
<tr>
<td>State</td>
<td>11.7</td>
</tr>
<tr>
<td>Local</td>
<td>9.0</td>
</tr>
<tr>
<td>Other</td>
<td>13.4</td>
</tr>
</tbody>
</table>

1/ Source: Alaska Department of Labor
Employment in the fishing industry provides an important addendum to these figures since it is not recorded in insured employment statistics. The commercial fishery is one of the largest sources of employment. In addition to those actively employed in the commercial fishery, an equal or larger number of rural people, also not on insured unemployment lists, are employed, in the sense of livelihood dependency, fishing for subsistence purposes. Fishing is 9 parts avocation to 1 part business sense. Most fishermen, though commercially licensed, operate at or near subsistence level. Only in the lucrative crab and shrimp fisheries are substantial annual incomes really made. Yet 22,088 commercial fishing licenses were issued in the year 1970. 11,800 actively fished commercially in July of that year, 10.2 percent of the total state civilian work force for that month.

The state program of limited fisheries entry and natural stock limitation would seem to suggest that the number of persons employed in the industry is not likely to grow very rapidly and could even decline. But the role of fishing in Alaska is an emotional one, playing a central role in self-perceptions of the Alaska lifestyle.

Regardless of the state of the national economy, the Alaskan economy is fated to grow at a high rate. This does not necessarily mean unemployment will fall. On the contrary, it is likely to rise as immigration is precipitated beyond the capacity of the state economy to absorb. The state's growth, over the long run, can be expected to produce a relative (percentile) decline in unemployment. Average wages are not likely to grow precipitously, the main impact of government expenditure being felt in an enlargement of the work force, population following.
The cost of living in Alaska is high, but can be expected to decrease as economics of scale become more of a factor. The state's overall cost index is now about 20 percent above Seattle. The history of the index has been one of narrowing the gap from 30 percent fifteen years ago. Differences in rural Alaskan can run to 100 percent or more and the construction cost index two or three times higher. Costs of transportation alone do not come close to supporting the differential and further relative decline can be expected after the profiteering climate generated by the pipeline construction build-up abates.
SUMMARY OF FINDINGS AND CONCLUSIONS

Legal education is not a unitary concept. Many people and many social objectives would benefit from an enhancement of understanding of some aspect of the legal systems of our civilization. Our political system, our economic system, even our social system is underpinned by law. Fortunately, considering the understandably limited tolerance of the average citizen for legal vocabulary, most of us operate on a day-to-day basis without consciously acknowledging the legal environment of our thoughts and actions. Yet sometimes this ignorance is to our detriment, individually or as a people. There are many whose social claim to some aspect of legal education is entitled to recognition. Few of them are freshly graduated collegians anticipating three years of rigorous training to be followed by a satisfying and possibly lucrative career as lawyers.

To the extent that this presentation is intended to persuade, it is in the direction of asking the reader to contemplate the full range of potential needs in research and education, the full range of audiences for legal education, the full range of institutions which might be developed or adapted to meet the public objectives involved.

In Part VII we attempt to set these out in some detail. Considered collectively, they suggest that an enlargement of University responsibility for legal education might best be undertaken within the context of an institute or center for law and public policy which could operate on flexibly determined resources relating to
specific, articulated needs. This institution would not replace a professional degree-granting law curriculum, but anticipate it, meeting those specific needs in legal research and education and technical assistance which the legislature, the executive and the Regents identify as necessary to accomplish the priorities of public policy until such time as the establishment of a J.D. program becomes one of those priorities, whether in two years or twenty.

For those who think that priority should be early rather than late, the institute would make the development of a J.D. program easier in dozens of ways. For those who think that priority should be later or never, an existing institution, meeting some well established needs for Alaska legal education would forestall demand for "a law school" as the all-inclusive remedy to Alaskan needs for legal education.

A law school - to be or not to be? - is not the question. Our first tentative conclusion regarding the establishment of a law school in Alaska is that the question is not just: "whether" a law school should be established, but threefold: "What should the University offer in education and research about the law now?" "What kind of law school should there be in Alaska eventually?" "When should it be established?"

Considering the overall population trend in Alaska and, with it, the gradually increasing weight of so many of the factors which constitute "demand" or "need," it becomes increasingly difficult, looking ahead to 1985, 1990 or 2000, to say that Alaska will not need a law school, assuming the same standards and criteria are observed upon which the establishment of American law schools has
been based in recent years. The differences of opinion, then, among most people who take the time to study the question of law school feasibility, are likely to turn on different assessments of the conditions of 1976-77 on the one hand and 1999-2000 on the other, with most opinions lying somewhere in between.

Most law schools are in the business of preparing their graduates to meet the demand for services of the commercial community. While some law graduates do enter government or subsidized programs for the delivery of legal services, the great majority of the average graduating class is heading for private practice along fairly conventional lines. These law graduates are competing for employment in a national job market. The fact that a law graduate is focusing his interest on Alaska does not immunize him from national job market influences. Attorney employment in Alaska is a part of the national market.

The study has tentatively reached two critical findings which bear specifically on the feasibility of the usual kind of law school. First, buttressed by a backlog of older potential students who have been unable to attend law schools for economic reasons and by the law school admissions crunch generally, there likely are enough qualified students to meet minimum requirements for the establishment of an Alaskan law school even if the doors to such an institution were opened in the near future. Secondly, the usual job market for the graduates of this kind of law school in Alaska is highly competitive and near saturation.

The number of attorneys in the state has been growing at a rate in excess of the rate of the whole population of the state for several years. Last year and this year, the increase in the
number of new admissions has been precipitous. The Alaska bar has 694 active members in addition to non-members practicing in federal programs in Alaska. One hundred twenty-one new members were admitted to the Alaska bar in 1974. Close to 200 will be admitted in 1975. Yet the 1965-68 average annual admission rate was only 22 per year. For purposes of comparison with whole populations, there is one lawyer for every 572 people nationally; in Alaska, one for every 500 this year and probably one for every 450 next year. There is a very low dropout rate among Alaska lawyers from mortality or for other reasons. The low average age of the bar insures a low turnover for a decade or more to come.

Alaska offers a highly attractive environment to young men and women graduating from law school. There is every indication that high immigration rates will continue to keep the pressure on the employment market for lawyers. Lawyers will not only be available for their usual employment, but will overflow into job areas where a law degree is useful but not essential. This pressure will assure the presence of an ample supply of lawyers in all areas of the economy where lawyers are usually found.

Accordingly, from the perspective of the public which has historically been the consumer of legal services, there is no need to increase the supply of lawyers through establishing an Alaska law school.

The graduates of a new, unproven law school of uncertain reputation would be hard pressed in the early years to meet the competition provided by immigrating attorneys from long-established law schools. Alaska is very attractive to the graduates of the stronger law schools. Fifteen percent of the Alaska bar member-
ship consists of attorneys graduating from the eight law schools the admissions requirements for which are rated stiffest nationally. The incidence of graduates of these schools is double the incidence of graduates in the whole national lawyer population. Extension of this law school list to cover other nationally renowned law schools makes Alaska's share of alumni of top rated law schools even higher. The Alaska law school the first decade or more would have to compete against obvious sentiments of lawyers to give some preference to graduates of the schools they attended. Forty percent of lawyers polled on the questionnaire said they would not give a preference to graduates of an Alaska law school even if the Alaska law school met American Bar Association criteria for a first class new law school. The establishment of a conventional law school under such circumstances may offer a trap for the unwary, a career promise that cannot be fulfilled.

Thus, for Alaska, the question of what a law school should look like – what specialized functions it could serve – is a critical one. Alaskan legal education will survive and flourish only if it offers something different, something peculiarly suited to Alaska, something special that will give an experience and talking edge to the Alaskan student in a limited, tough, competitive professional employment market.

The value of recognizing a unique Alaskan approach in designing a J.D. program is equally pertinent in responding to the needs of Alaskan legal education prior to law school development. What is central to most law schools may be peripheral in the first Alaskan institutional response, and what is peripheral elsewhere may become the core to an Alaskan approach to legal education.
There are a wide range of additional services performed and purposes met by a law school which must be examined for their relevance to the Alaska situation. Many of the objectives served by a law school may be met by other institutional arrangements, without commitment to the heavy expense associated with starting a new law school.

That expense looms large indeed in an era when existing basic programs are scraped to the bone to meet the exigencies of a severe state financial crunch.

At some date, an institution of special characteristics which offers a J.D. degree or equivalent program will evolve in Alaska. The prospects of a rosier hue to Alaska's financial picture when pipeline revenues have been onstream for a few years suggests an appropriate time to consider phasing in a more ambitious program without reordering established priorities in Alaskan higher education.

The question today for Alaskan higher education is what should we do until that date dawns? What steps can the state and the University take now to meet public needs for law-related knowledge and to respond to those who look to careers in law?¹

Many of the needs met by a law school can be addressed, if not fully met, now. Not all Alaskan students interested in pursuing legal subject matter are interested in undertaking the

¹/ While there is no need to elaborate now on these values, the argument should be noted that Alaska benefits greatly from the diversity of backgrounds of Alaskan lawyers and, if he or she can overcome the cost hurdle, there is much to be said for the benefit of the diversity in education experience to any student who seeks a legal education in a good school beyond the boundaries of his home state.
long-term educational rigors and career track of the lawyer. For some if not all of those who are firmly law school oriented, the enrichment of loan and scholarship support for study in another state is an answer. If the legislature is not able to make a commitment to such additional funding, it is difficult to see how enthusiasm could be engendered among its members for the far higher per student costs of a full law school education at home in Alaska.

There are many other purposes to be served by the University in legal education at less cost which, at the same time, pave the way for a better quality law school in due course.

It would take too much time to discuss each potential objective in detail, but some idea might be given of the breadth of purposes involved from an abbreviated listing.

First among these, of special interest to those interested in law school education, would be the establishment of an institution to house a core of graduate law studies.

There are many law students enrolled in outside institutions who now spend part of their third year in Alaska in a "work study" or "extern" program situation. This situation presents an opportunity for the University of Alaska with far reaching benefits. If the University offered special education of law school quality, in subjects of particular Alaskan interest, the practicing bar and those with related professional interests would be greatly benefited. The time which Alaskans spend in residence attending outside law schools could be reduced and considerable hardship would be avoided in some cases if the University chose to take a leadership role in developing special third year instruction arrangements. Alaskans enrolling in such programs would gain the advan-
tage of prior acquaintance with the realities of Alaskan practice. Those enrolled in existing "extern" programs would get the benefit of regular professional academic support for their clinical program.

The new lawyer and the old and the public they serve would benefit from course offerings regularly given in Alaska subject matter such as land law, Native Claims Settlement Act matters, oil and gas and natural resource law. The bar would benefit from a general commitment of University-based resources to its continuing legal education programs.

Law makers at every level would benefit enormously from the presence of lawyer scholars whose endeavors could raise the quality of background data and provide expert knowledge and drafting in support of consideration of state and national issues and issues of critical importance to the future of the state. Money will be spent anyway for temporary consultants, exploring the legal ramifications of coastal zoning, land and resource management, and taxation and regulation schemes. Would it not be better and cheaper to spend some of that money in building a nucleus of legal scholars permanently in residence in Alaska instead of relying on the ubiquitous and expensive "outside expert?"

We can enhance undergraduate education in the understanding of the legal process without vocational emphasis as a contribution to general education for a society of liberties and responsibilities ordered under law.

A greater legal content in vocationally oriented undergraduate education in law-related professions such as police, corrections and court administration, banking, insurance, real estate and pub-
lic administration would be responsive to existing student interest. There are more police department employees than lawyers in Alaska, more employees in courts and corrections. Law-related professional employment absorbs several times the number of persons engaged in practice. Many more students will follow these career tracks than will enter the legal profession, and their needs for law-related education are not served well today.

The value at the graduate level of a higher law-related quotient in education for such careers will become more conspicuous.

Teachers should be trained to teach about law for elementary and secondary education, where the needs of understanding of the responsibilities of citizenship must take root.

Particularly in the climate of culturally based disadvantage which handicaps many Alaskan Natives in taking form admission tests to outside law schools, pre-law educational enrichment designed to help students prepare for admission to and success in the first year of law school has particular relevance. Such training could be linked to and spur interest in the study of the English language.

The whole area of paraprofessional education needs serious attention as the profession realigns itself to meet the requirements of the delivery of legal services in remote rural areas on the one hand and the demand for cheaper and more efficient services in established urban centers on the other. Though lawyers will be in good supply, in the long run those who have invested so much in their education will not stay with lower value work.

While one can sympathize with those who aspire to attend a law school at home, these other options are also related to real
Alaskan needs. The J.D. program must find its rank in other priorities of law-related education. That priority is far from negligible. Emphasis on what can be done more easily and with more immediate return should not obscure the fact that those economically less favored will always find it harder to attend school outside the state. All of the program objectives recited in the preceding paragraphs have some associated costs. But the costs of a first-class accredited law school are higher than most of them put together.

The cost of acquisition of a library meeting law school accreditation standards would be of the order of magnitude of $900,000.¹

A first year operating budget of $400-500,000 per year can be expected, rising to about $700,000 by the third year. Forty thousand to sixty thousand square feet of space for a small law school at an Alaska public construction index for 1977 of about $100 per foot would cost, conservatively $4-6 million. It is true that if the purchase of the AMU campus and buildings goes through, a conversion of part of this space could be made at a fraction of this stated cost. But in considering this commitment, alternative programs and commitments to beneficial use of the premises must be weighed.

These are the kind of facts upon which a determination of policy can be made. Which are the most important objectives and

¹ $100-200,000 of this could be saved by adding a law library librarian to the staff of the University with a modest acquisition budget two years in advance of the establishment of the J.D. program. A more precise breakdown of the range of cost probabilities is found in Part VII of this report.
whether the purposes justify the cost is for the Regents and the legislature to determine.
1.00.00 INTRODUCTION AND CONCEPTUAL ISSUES

THE NEED FOR LEGAL AND LAW-RELATED SERVICES IN ALASKA

This study grew out of a proposal to examine the feasibility of establishing a law school within the University of Alaska. But before the University, the Alaska Legislative Council and the author reached agreement on the description of the task to be undertaken, it was clear that, if the University was to recommend the establishment of a law school, it must first answer a number of larger questions, not previously addressed systematically in the Alaska setting, regarding the nature and purpose of law, of legal systems, of legal services, of professional education and of law-related institutions.¹ These questions in turn led to more particular sets of new questions and a range of options facing the University and state policy. How best can we provide adequate information to the citizens of a law-driven society both directly and through the training and education of persons in professional legal skills?

Public interest in establishing a law school is founded on only the broadest understanding of what a "law school" is and how it would relate to public need.

The average citizen's undistinguishing enthusiasm for a law school (if he be so inclined) is much like the interest of the average patient for penicillin. Our task is similar to that of a physician. When a patient comes in to ask for a shot, the doctor must first find out if the patient's health is in jeopardy. His

symptoms should be carefully examined, a diagnosis made and a remedy prescribed. Though penicillin may be the first suggestion of the patient, it may be an irrelevant or harmful ministration. If the ailment is one of those which does respond to drug therapy, the physician must decide if a member of the penicillin family is appropriate and if so, in what dosage. As likely as not, some quite different prescription is in order than the treatment notion of the patient.

So it is with the establishment of an Alaskan law school. We must first ask "what are the basic needs of the Alaska public?", then "what institutional arrangement will satisfy those needs?"

Some care must be taken in defining "need" and "demand" in the setting of a price-sensitive, legal services market. The self-perceived need of an individual for legal services may not justify the social cost. The cost of service may well exceed the value of the social benefit in trivial matters. The dowager reviewing the disposition of her wealth with her attorney to seek relief from boredom by imagining futures for her relatives is a familiar figure in legal literature. There are dozens of more frequent situations where cost of service imposes a desirable discipline in making people deal with their own problems. At the other end of the spectrum, desperate needs, subjective or objective, of those who cannot afford to pay may not be met in the absence of a subsidized delivery system. There are many stages in between which make the design, efficiency and simplicity of the delivery system critical in striking the balance in social need for legal services.

In Part II we look at the existing system for the delivery of
legal services in Alaska. In Parts III and IV we assay the future of supply and demand. In Part V we address the personal needs of Alaskans interested in satisfying careers in law and law-related fields, and in Part VI we review the results of our surveys of public attitudes and perceived needs and the lawyer's own perception of his realm. In Part VII we examine the options for a University role in legal education.

In the subdivision of this part, Part I, we address the needs of the public for services. In section 1.10 the needs of the public at large are addressed. In section 1.20 we look at the needs of specific clienteles and the specific demand of individuals and institutions by location, economic circumstance and institutional context - whether personal, commercial or governmental. In section 1.30 we examine the character of legal services rendered.

There are a number of ways of getting at the "demand" generated by specific clienteles. There may be some objective criteria: a person who is arrested on a charge that may result in loss of freedom or a substantial right needs a lawyer whether she knows it or not and whether she can afford it or not. A person who is in an altercation with a neighbor resulting in substantial damages or who dies without a will and with an estate in excess of $60,000 also needed an attorney whether she knew it or not. Though the raw data base is there in probate and other court files, the measurement of objectively defined criteria of needs in anticipation of death must await later study.

The attorney's discretion in referring persons to their own devices, when exercised, provides some curb to unbridled subjectivity. But subjective criteria ultimately determine unmet market demand.
A market analysis can be helpful whether the services are costed at price paid or supported by subsidy. The individual's perception of situations where a lawyer - or what he thinks of as a lawyer - would be helpful if the cost of service were a bit lower, also measures demand, as does counting the times the subject consults someone else whom he perceives as having professional qualifications, on a problem which has legal implication either as he sees it or on some objective standard.

It should come as no surprise to attorney readers of this report that we found no need for the University to assist in supplying lawyers to that portion of the public which can afford it and who live convenient to the supply. Within this sector of the population, there may be a need for some public education in the use of legal services and some legal services may be simply not worth rendering without greater cost-reducing efficiency, but the business of the majority of lawyers is serving established business. Lawyers, as they go about this business, are in good supply in Alaska. It is in the area of cost of services, a reduction in which benefits all, and ability to pay, among those who have objective needs, that an analysis of demand provides benefits.

Manipulation of the delivery system and corresponding changes in the educational system to meet new roles does not avoid the effect of market forces on the University's newly defined responsibilities. The law school graduate operates in a national market including Alaska. When there is an oversupply of lawyers in the national market, these graduates will be looking for newly defined legal careers. They will be ready of necessity to accept lesser income expectations.
Thus, even if Alaska rises to the occasion in creating legal employment positions to meet newly defined demand, the question remains: "Will not the national market supply these needs?" - given the history of Alaska's attractiveness as a human environment to attorneys without regard to high income potential. Against that market induced threat, the special localized education skills that the University of Alaska might offer have special relevance.

The question an Alaska law school or any institution teaching advanced legal skills must answer is, "will our graduates displace the tide of new lawyers coming into the state?" That will depend very much on the kind of special program the University of Alaska offers.

The rendering of specific legal services to members of the public on demand is but one aspect of the delivery of legal services as it is approached in this part. Section 1.10 addresses the question of the needs of the society at large. This need or demand is even more elusive than that attributed to specific clienteles. Yet these needs are nonetheless important for their defiance of ready measurement. It is our conclusion that the needs of the society at large are so significant that, for many purposes, they form the key to the University's response.

1.10.00 NEEDS OF THE SOCIETY AT LARGE

In many of the larger states, the benefits to the general legal and social order flowing from the existence of each law school operating in it were dividends unexpected and unsought by the movement which brought the school into existence. Most law schools in this country were founded on the principle that their most important product would be men educated and trained in the
profession to meet the needs of commerce. What would be the most obvious goal of a law school but to produce men for employment in the principal business of the legal profession as it evolved from an apprentice-based, educational foundation?

Yet as law schools have settled in as permanent features of the educational landscape, the education and research benefits to the larger community have grown in importance to the point where today they are recognized as important, independently valid goals of institutional organization. Many of these goals are worthy of individual identification and evaluation. In the case of Alaska, where enhancement of the supply of lawyers for the traditional lawyers' market is not indicated as a public need, it is these ancillary benefits which are the focal point of purpose in considering arrangements for a new institution.

If the production of the usual kind of lawyer for the usual kind of market is not the key public purpose in institution building, if this central purpose becomes peripheral and a variety of peripheral purposes become central, then the design of the institution should be oriented to these freshly perceived institutional objectives.

As is demonstrated in Parts III, IV and VII, the implication of this review is not that the law teaching function merits a low priority in the goals of Alaska higher education, but that it should involve teaching different people with different objectives than the traditional law school. Issues such as to whom teaching is addressed, what is taught, the method by which teaching proceeds and the time the teaching process consumes should be faced as the unmet needs of particular community clienteles are identified. In
recording the priorities, those needs of the society at large, formerly classified as "fringe" benefits, rise to the top.

1.10.10 THE PUBLIC INTEREST IN GENERAL EDUCATION IN LAW

The society at large has many categories of need for legal education. Of these, education for citizenship in a free society is first.

American education, with rare exceptions, has poorly educated its people for citizenship. Part of the reason for this failure may well lie in the failure of the education system to recognize the major role of the legal process in the functioning of our society. "In this the most law-ridden of all nations, the proportion of university-educated citizens who possess some education in law is probably lower than in any other country."1

Undergraduate teaching of law is today peripheral to other subject matter such as history, political science or economics and colored by the views of each branch of learning. Without rejecting the role of the non-lawyer in teaching law, there is little doubt that the students' appreciation of the subject matter and its contribution to civilization would be enhanced by the presence of a law trained faculty also competent to show the light law casts on political science, economics and history.

A generation of students during the '50's were raised with indifference to the function and purpose of the Bill of Rights to the Constitution of the United States, or, worse yet, learned to view it chiefly as a source of obstruction to the firm adminis-

tration of law and order. In part, this misunderstanding has arisen from the teaching of law as a mechanistic system by teachers not educated in law or jurisprudence. The teaching of law in elementary, secondary and undergraduate education as a mechanistic rather than organic and purposeful system is not confined to the precepts of the Bill of Rights or the Constitution. Far too many of our citizens, particularly the young, racial minorities, the poor and the poorly educated view themselves as pushed and prodded by a system that makes no sense and restricts freedom in a thousand arbitrary ways. Given this view, it is more understandable that law may be viewed as an obstacle to be beaten or circumvented rather than identified with and respected.

It should be a principal task of legal education to attack this central social problem, by explaining the legal system directly to the public, by teaching teachers to understand the law so they may share a better understanding with their students, and by revealing and expounding the relevance of legal principles to the problems of living and the issues of our times on a daily basis.

Though lawyers make a substantial contribution, it is too much to expect the private legal professional to make much of this task undirected and unaided. Private practitioners manage small businesses beset with the preoccupations of making a living and the organization and advocacy of narrow client interests. A disinterested group of legal scholars at a university is far better equipped to lead an effort in general education in law and society than members of the private bar whose attentions are so distracted.

The response demanded of the University in meeting the need for general education in law is well expressed in the conclusions
of the conference on "Law in the Liberal Arts: The Social Dimension," held at the Catholic University of America in 1964. As might be expected when so many lawyers and educators get together, there were many points of dissension. "The conferees had no difficulty, though, in reaching a consensus on three interesting propositions: 1) law is everybody's business; 2) the rigid disciplinary categories of America's higher educational structure are out of tune with some urgent needs of contemporary life; and 3) faculty training and creation of course materials for interdisciplinary courses in law - society are needed for colleges and universities across the land, regardless of size and orientation, if American education is to produce men and women equipped to participate in the decision making and policy formulation of an advanced nuclear-industrial age democracy."1

1.10.20 PUBLIC INTEREST IN LEGAL EDUCATION IN SPECIAL ALASKAN CONCERNS

Apart from those needs in general legal education of the society at large which, in our times, are in serious deficit, there are a number of subjects of special concern which grow out of Alaska's special geographic circumstances and which should be considered in organizing a University response to the need for legal education.

Alaska is a society of public administrators or private administrators of concerns specially involved with the public interest. The circumstance of a very small population in a vast domain of public land and publicly or communally owned natural

resources mandates that a large proportion of the inhabitants of the state will be deeply involved in land and resource management. The existence of a supply of natural resources disproportionately large in relation to population means special demands are obviously placed on the University to produce scientific technicians in the field of lands and resource development and conservation. But less obvious, parallel demands are placed on the University by society's needs in the social spectrum. We need also social scientists and lawyers capable of arbitrating the competing requirements of nature and of man.

Particularly considering Alaska's special destiny as a source of fuels to the American economy, law-trained people are needed who are also experts in resource technology, and we need places where law-related social research and learning can be pursued on a scale commensurate with the state's enormous responsibilities.

1.10.30 THE NEEDS OF THE LEGISLATURE

In the past few years, perhaps partly in recognition of the need to redress the imbalance in accretions to executive power, there has been a national awakening to the needs of the legislature for expert law-trained assistance. Part of that need arises on a day-to-day basis, but a greater need involves long-term scholarship and research, if the legislature is to lead as well as respond to executive initiative. The emersion of the legislator himself in the educational process holds great promise of benefit. An informal introductory seminar for freshman legislators held in the fall of 1974 could prove to be the beginning of a more comprehensive effort.

The State Legislative Affairs Agency meets some of the re-
quirements of the legislature, particularly on a day-to-day basis. But the law-trained staff tend to be recent law school graduates, tenure is short and both consistency and enduring expertise are rare. The legislature is frequently forced to rely on outside experts whose costs run high and whose acquaintance with Alaska is minimal. More often, the legislature must rely exclusively on lobbyists or do without. The presence of a law-trained faculty in the University would provide a pool of expertise that could be drawn on for a broad range of law-related legislative inquiries and statutory revision.

1.10.40 THE COURTS AND UNIVERSITY-BASED LEGAL EDUCATION

Law schools have been the center of constructive criticism and scholarly research regarding the performance of the courts since the turn of the century, giving responsible articulation to criticism from other public institutions and the more potent but less constructive reactions of the citizenry at large. The principal and almost exclusive source of such constructive analysis in Alaska has been the UCLA-Alaska Law Review, a publication prepared by students from the UCLA School of Law and sponsored by the Alaska Bar Association, published twice annually. The Review is an outstanding contribution to the Alaska legal scene, but undoubtedly handicapped by the absence of strong institutional roots within the state. The Alaska Judicial Council is by its composition (the Chief Justice is its chairman) more oriented to improvements generated from within the judicial system itself. The scholarship of a locally-based law faculty would not only build a resource upon which the courts could draw, but would also provide a source of valuable and responsible criticism of court performance.
A second aspect of the critical function lies in the need to explain the judicial role to the public. The judiciary is limited in its mode of expression, of necessity, to the opinions in decided cases and the promulgation of rules. There is no give and take, no subsequent exchange. A law faculty will play a role both as a refiner of public criticism of judicial affairs and an educator and explainer to the public of the judicial system.

1.10.50 THE CONTRIBUTION OF LEGAL EDUCATION TO THE OPERATIONS OF ADMINISTRATIVE AGENCIES

It is a widely held view among members of the bar of Alaska, reflected in the judgment of the Alaska Bar Association's Committee on Administrative Law, that the administrative and quasi-judicial agencies of the state operate at a level of performance in matters of due process and procedure well below that necessary to the proper conduct of the business of government. A university law faculty would constitute a source of constructive criticism and practical legal support for these agencies of even greater value than the similar service performed for the courts, considering the degree to which attention to these problems has been neglected. An early endeavor of a student-aided law faculty might be preparation of uniform rules of practice and procedure before administrative agencies.

1.10.60 THE CONTRIBUTION OF INSTITUTIONS OF LEGAL EDUCATION TO LOCAL GOVERNMENT

These forms of indirect and direct support to governmental activity at the state level can operate at the local level too. It is possible that the lesser scale of operations and the lack of staff resources available to local government makes the contribution of a law faculty even more important at the local level.
Cooperative efforts in educational programs for municipal administrators and technical services in support of programs of the state Department of Community and Regional Affairs would also make sense.

1.10.70 AIDING AND PROMOTING LAW ENFORCEMENT AND CRIMINAL JUSTICE ADMINISTRATION

The contribution which can be made to law enforcement and corrections by an appropriate law-trained faculty is considerable. An effort in this direction was initiated a few years ago with the introduction of a police sciences curriculum in Alaska's community colleges. In the past two years these beginnings have been supplemented with course offerings in law sciences and correctional sciences. The establishment of the Criminal Justice Center within the University has converted a planning effort of the University to a full commitment. The reader is referred to the description of the Alaska Criminal Justice Center in paragraph 2.60.30.

1.10.80 EDUCATIONAL COMMUNITY SUPPORT AND JOINT PROGRAM NEEDS

Virtually every aspect of human enterprise engaging public policy has a legal aspect also. Law is the language of applied policy. Whether the subject matter is the enhancement of Alaska's fisheries, the delivery of medical services in the bush, the fiscal structure of public works improvements or the development of small business, the conversion of technical knowledge to useful enterprise will require the fitting of the endeavor to the legal structure of our society or, if the scale and novelty is great enough, the fabrication of a comprehensive internal ordering system. A medical program will require lawyers to draw up a workable "Medicare" program. Limited entry in fisheries required many
lawyer years to design. Government lending programs in aid of business development or housing, past or prospective, include many months of lawyer labor in design and implementation.

The development of interdisciplinary teaching and research teams involving law is rapidly becoming the rule in American education. Usually specific program development is supported by the existence of a law school faculty. But in many cases it is not. The absence of a faculty does not make the need for interdisciplinary studies any less urgent, but few colleges have been bold enough to provide alternative institutional support. The University of Alaska, as a state university, has a special obligation to assure that these needs are met.

Various departments of the University would benefit greatly. The research tradition of the University with particular emphasis on its Institutes would be broadened and strengthened. There is a wealth of interest in cooperative research involving a legal component, particularly in the Institute of Social, Economic and Governmental Research and the Arctic Environmental Data Center and Sea Grant programs of the University.

Though in many ways informal interaction is the least measurable benefit from a law-trained faculty, it is true here as elsewhere that innovative thought is more likely the product of the exchange of ideas in the clash of points of view than the result of the workings of a mind in isolation. The presence of a faculty of law will contribute greatly to the intellectual life of the University community and enhance its ability to contribute to the society as a whole, particularly if the institution is designed around the principle of interaction with the rest of the University
community instead of concentrated around narrow professional objectives.

1.20.00 THE CLIENTELES OF THE LEGAL PROFESSION

In section 1.10 we discussed ways in which legal education is necessary to support the needs of society as a whole. Legal education has a very special commitment to such purposes in Alaska considering the very proportion of Alaskan enterprise which is guided by public law, a proportion reflected in the fact that Alaska has proportionately more publicly employed lawyers than any other state, approximately one-third.

But besides these benefits, considered "spinoffs" from a typical national law school, but which are central to Alaskan needs, there is a need for legal services in the more conventional context of lawyer counsel and advocacy which this section (1.20) will attempt to gauge.

We have apportioned demand or latent demand for legal services among various clienteles, some now being served, others a potential market only. The demand most difficult to measure is potential or latent demand. And, of course, the kind of advice or conduct one considers "legal services" and the influence of pricing on demand make the measurement of need or demand all the more slippery.

The largest single category of unrealized demand is the non-commercial need of the citizen who is not poor enough to qualify for legal aid, but not rich enough to obtain a lawyer's skills when needed without financial agony. The rural citizen has a special set of legal problems which bear looking at differently.

The "qualifying" poor have their legal needs met by Alaska Legal Services Corporation and the Public Defender, but the ex-
tent to which their services fully meet demand bears examination.

The upper income person tends to manage his personal affairs in a businesslike manner, and we see no necessity of treating his need for legal services distinctly from that of the commercial community generally.

The commercial community is the market for the great bulk of the lawyers turned out by law schools today. The business of most American law schools, despite some squirming, is turning out lawyers to business. A significant fraction of law graduates have entered the specifically legal departments of government or politics. But today general government - state, local and federal - is absorbing an increasing share of the product of legal education, particularly in Alaska.

Each of these clienteles has special characteristics pertinent to the design of Alaskan legal education.

Organization of demand by income level or region has its uses. But in the end we should remember that there are no organized clienteles, only people in need of legal assistance. They can be categorized in dozens of ways, but at bottom, the individuality of personal problems determines the professional individualization of the assistance. In the following paragraphs we have divided the whole population on an income and geographic basis, the first relating to ability to purchase, the second relating to availability of service.

1.20.10 THE POOR - NUMBER AND EXISTING SERVICE LEVEL

According to American Bar Association figures, 20 percent of the 90 percent of Americans who are too poor to pay commercial lawyer fees are fortunate enough to be eligible for help from
government-financed legal assistance programs. In Alaska we do better, but we have to. In Alaska there is a sharper division between the employed and the unemployed. In Alaska, to be unemployed is to be very poor indeed. Alaska's insured unemployment rate has always been over 10 percent. But an even larger number have never entered the labor force and are accordingly "not counted" for various federal purposes.

The 1970 census lists 79,739 Alaskan households, including 258,640 family members, of whom 30,030, or 11.6 percent, depend upon incomes below nationally established poverty standards. Some perspective on the validity of nationally established poverty standards as applied to Alaska might be gained from the observation that 13.5 percent of 1969 Alaskan households reported income under $4,000 and 32 percent under $8,000. This lower third income population receives substantial legal representation from the Alaska Legal Services Corporation, (section 2.50.20), but problems of delivery of legal services to remote settings, outreach problems generally with impoverished populations and limitations on resources, suggest that less than half of the legal needs of the lower third income population are in fact met, considered with reference to the number of lawyers which would normally provide service to a population this size.

1.20.20 THE RURAL POOR

Ironically, the remote villagers, since the establishment of Alaska Legal Services Corporation (ALSC), may well fare better than their urban kin. Villagers live in a socio-legal setting which does not rely as heavily on formal legal systems requiring law-trained counsel. When needs do arise, they tend to have better
access to ALSC or other resources via village and regional ethnic political representation systems. They are identifiable people, protected, in part, by the isolation of their setting, in part by a relatively more stylized and effective system of social organization.

1.20.30 THE URBAN POOR

The urban poor are locked in low levels of legal representation by their lack of identity or roots in the community. Anchorage is often referred to as Alaska's largest Native village. There are more Alaskan Natives living in Anchorage than any other city. Fairbanks, likewise, has a burgeoning Native population. Among the Alaskan Native people, the recent immigrant to the city is frequently the least fortunate: jobless, too often alcohol-ridden, victimized by crime and cut loose from his social moorings. The non-Native immigrant is scarcely better off.

As with medical aid, employment or housing assistance, the legal needs of the urban poor go unmet because the client is preoccupied with the immediacy of his other problems. Inexperienced, ignorant of his surroundings, unsophisticated, commonly the poor will receive service only because the service finds the poor person, not vice versa. Alaska Legal Services attorneys are usually too busy to conduct extensive preventive legal education. For most of their clientele ALSC depends upon referrals from social agencies or Native organizations which have strong communication ties to the street. A significant caseload is "walk-in" - those who have heard of the agency informally. Many of the issues affecting the urban poor person in Anchorage or Fairbanks, as elsewhere, though susceptible to legal description, are not seen
by the poor as legal and therefore susceptible to legal solution. Sometimes they are right. The unemployed cannot wait for resolution of a discrimination claim.

One-third of the population of the state is eligible for the assistance of Alaska Legal Services Corporation. Although some volunteer assistance comes from the private bar, it is a slight factor in relation to ALSC services. In many ways, its greatest significance lies in its statistical value in meeting the ten percent "local match" required by federal funding. If less than half of the needs of the poor can be serviced by ALSC, as we have hypothesized in paragraph 2.50.20, then most of that unmet need is among the poorest of the urban poor, those least accessible sociologically.

In determining the resources to be applied to reach such a population, at some point, the outreach cost of finding and holding new individuals raises questions of excessive cost of delivery of legal services to the marginally accessible. But the level of resources supporting ALSC does not suggest that this has become a significant factor in the outreach programs of Alaska Legal Services Corporation.

1.20.40 THE CASE OF THE SMALL CITY RESIDENT

The poor of the small cities are relatively better off. Most of Alaska's small towns are relatively stable (Valdez and perhaps Bethel being notable exceptions). Few of the poor are invisible. The located poor, those who have fallen on hard times at home, have relatively better access to the private bar through personal acquaintance and community custom, so long as attorneys are found in the vicinities. As further indicated in paragraph 2.10.30, the
geographic availability of lawyers depends upon creature comforts. In the predominantly non-Native communities enjoying a relatively temperate climate, lawyers are not hard to find.

1.20.50 THE MIDDLE INCOME

About 70 percent of Americans are in that category which is too poor to be able to afford legal fees and not poor enough to join that 20 percent nationally who qualify for government-assisted programs. While the needs of this population may not constitute a social problem of the dimensions perceived at the time of the OEO revolution in accessibility of legal services to the poor, by volume of unmet service it is the largest single public need facing the legal profession today.

An even greater degree of speculation is introduced when we extrapolate from the legal needs of the poor to estimate the needs of those above the line of eligibility but below the line of ability to pay without sacrificing essentials. While administering the rule somewhat more liberally, ALSC follows an eligibility standard similar to the Public Defender in considering the service eligibility of its clients: "whether the private counsel is willing to accept the ...[client's] ...case for whatever assets the defendant is worth." Except where the harm done is critical, most people in the middle income group will forego legal services and take their losses if accepting the services means foregoing the amenities of life for an extended period of time.

Sometimes the client's assets include the case itself. An additional standard of ALSC eligibility is whether the case will generate a fee for private counsel. Since the recovery in civil litigation is predicated on the proposition that that plaintiff
be made whole and since court-awarded attorney's fees do not usually cover as much as half of the real cost, the litigant is never really made whole, even in winning. But proportionate to net worth, the poor get a worse return from the arrangement for civil justice. Civil justice in damages is regressive in the same sense that sales taxes are regressive; the base cost is constant regardless of the means of the buyer and the value of the claim. Poor people have smaller claims. Accordingly, since the poor litigant must share his recovery with the lawyer, he loses, proportionate to his means, a larger share of his smaller claim.

ALSC statistics indicate that two-thirds of their clients are Alaskan Natives. Until the Alaska Native Claims Settlement Act is further implemented, except for perhaps 5 or 10 percent of their population, Alaska Natives are poor. If we properly assume that ALSC services are given without distinction as to race, then ALSC is directing its services to about 28 percent of the population. Following ABA estimates that 10 percent of Americans can afford legal fees, our Alaskan middle income group might be about 60 percent of the state's population, double the number now in the target group served by ALSC.

Though this middle income population is less susceptible, perhaps, than the poor to systematic victimization, and more knowledgeable concerning forms of redress, it is likely to have significantly more property interests in need of protection. Accordingly, there is no reason to suppose that the services needed by a person

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1/ Excepting workmen's compensation and some other special cases, in civil litigation attorneys are not limited to court-awarded fees.
in the middle income category are substantially less than those required by his poor cousin. On the other hand, were there services available, he would be more likely to use them.

Some early data is available from surveys undertaken in connection with this study into the frequency and manner in which Anchorage citizens face their legal problems. This information can be compared usefully with the data collected by the Special Committee to Survey Legal Needs of the American Bar Association in collaboration with the American Bar Foundation found in "The Legal Needs of the Public."¹ Fifty-nine percent of those polled in the national survey indicated that during the past year they had run into none of the wide range of legal problems offered by the pollster. Sixty-two percent responded "none" when traffic citations were excluded. Sixty-seven percent had consulted a lawyer once in their lifetime.

Nineteen percent of the respondents in the national survey reported they had sometime thought they needed to go to a lawyer, but had decided not to do so. Fully 26 percent nationally have never consulted a lawyer nor considered doing so. Only 44.5 percent of the national sample had any lawyers who were friends.

Sixty percent of Anchorageites had consulted an attorney sometime during their lifetime, somewhat less than the national average, though, considering the much younger average age of Alaskans and accordingly the lesser proportion of a lifetime to consult attorneys, the Anchorage figure is not inconsistent with the national.

¹ Curran and Spalding, ABF, 1974.
Thirty-five to forty percent of Anchorage residents had thought about consulting an attorney at some time but had decided against it, a substantially greater proportion than the nineteen percent answering this way in the nation sample. The age factor would require some adjustment here too, young people being less confident and less likely to seek legal help than their elders. About half of the Anchorage respondents indicated cost as their reason for not seeing a lawyer.

Certainly avoiding legal consultation has less to do with not knowing an attorney in Anchorage than on the national average, since of the Anchorage sample fully 72 percent knew at least one attorney personally, 56 percent more than one. In the national sample, less than half had any lawyer friends. This difference in part should reflect the greater density of lawyers in the Anchorage area.

There is too little comparability of data to come to firm conclusions regarding Alaska's service of legal needs compared with national norms except to say that for the Anchorage resident, at least, service is likely no worse.

If only 20 percent of the national sample had considered consulting an attorney but decided against it and 35 to 40 percent of the Alaskan sample had so declined, then possibly describing the 60 percent between the rich and the ALSC standard as a class deprived of access to legal services by reason of economic deprivation overstates the case. The number of persons in the middle income need bracket, then, is probably somewhat less than 60 percent. Some, maybe most, of those in the middle income range do see lawyers when they really need them even though they can't afford it.
If Alaska undertook to address the needs of this class of person in Alaska at the level of service provided by ALSC to the poor, (measured by legal manpower per person), somewhere between 70 and 150 additional attorneys would be needed in the practice. However, it is likely that a significant part of this manpower need is being met by lawyers in private practice now even if it is "too expensive." Accordingly, if the state moved to meet these needs, it should do so not through an ALSC system, but a social insurance "open panel" scheme or face the consequences of forcing some number of attorneys out of private practice, perhaps one lawyer for every three hired.

1.20.60 THE UPPER INCOME

The president of the American Bar Association estimated that 10 percent of Americans can afford legal fees. One questions how many of that 10 percent share these views, though the Alaskan statistical survey and the ABF would seem to support this or a larger percentage, assuming the fact you consult an attorney bears some relationship to whether you can reasonably afford his services. Complaints concerning the value of legal services in relation to cost emanate from this higher income group as much as any, and with perhaps greater insight and articulation. Still, for most purposes of analysis, the needs and complaints of this group follow the pattern of the commercial community generally and may be treated as an adjunct to it.

1.20.70 NEEDS OF THE COMMERCIAL COMMUNITY - OLD AND NEW FRAMEWORK OF EXISTING PRACTICE

The general requirements of the Alaskan commercial community for lawyers are, with geographically based exceptions, satisfactorily met through existing national and state attorney employment
market forces. The cost issue here is only increased efficiency of service. Specialization and the use of paralegal assistants are as relevant to this community as they are to other clienteles. Despite the tilt to the public sector in Alaska, the commercial community is still the basic employer of legal services excluding the criminal justice system sector. If law-related education programs of the University are to be relevant to a majority of those working in the field, they must be relevant to the commercial community.

The Alaskan economy is primarily a service economy providing services to those employed in "basic industries:" civil government, the military, the oil and gas industry, the timber industry and the fisheries. Most Alaskan attorneys earn their living through providing legal services to small, service-oriented business. An increasing number are also retained as local counsel to the larger corporations doing business in the state - the oil and gas business in particular. But it is a feature of the lawyer's past role in the Alaskan economy that the larger legal policy decisions, whether in the fisheries processing industry, timber, oil and gas, military or federal government are virtually all made by attorneys in some other place, usually a head office location in Seattle, San Francisco, Denver, Houston, Washington, New York or wherever. The Alaskan counsel to an interstate corporation is likely to be relegated to local real estate acquisitions, insurance claims, complaints of necessity handled in local courts, etc. Only in state government may the Alaskan attorney be a major decision maker.

The effect of this division of labor, while speculative, would
seem to encourage aggressiveness on the part of local counsel, a litigious inclination, simply because that is the part of the lawyer's task they perform. Dispute avoidance techniques, intercorporate transactions, corporate counseling and similar office practices are not in the Alaska lawyer's province and accordingly, he may well be less likely to favor such forms of practice.

As national commerce becomes more comfortable with the Alaska bar and as the Alaska bar organizes to conform to national models for the delivery of legal services - particularly the move away from the sole practitioner and 2-3-person firms to the larger firm of specialists, a greater degree of Alaskan participation in decision making can be expected.

1.30.00 THE CHARACTERISTICS OF THE SERVICES RENDERED

The needs of large and middle-sized commercial enterprises systematically absorb most of the professional legal labor force. Yet there is a major market for services which is not commercial so much as domestic or personal in nature.

Part of this is systematic also, though becoming less so. It is all but automatic that transfers of substantial property interests on death require a lawyer's intervention. It is all but automatic that a lawyer is required to obtain a divorce or for an adoption. The use of a lawyer otherwise than for domestic purposes contains a voluntary element. Disputes, whether over real property ownership, homebuilder costs, an eviction, debt, employment, an accident, can be resolved without the benefit of a lawyer and usually are. The cost of legal services is a substantial factor in maintaining this non-lawyer system. An aggrieved party will frequently swallow his grievance rather than
face the actuality or the risk of high legal costs. This tends to up the balance of justice in favor of the person with the greater assets, who proportionately has less to lose in retaining a lawyer and who can use the threat or reality of legal recourse more readily.

Even when one party to a dispute takes recourse in legal services, the other, then usually the defending party, is likely, on the average, to settle or allow judgment to be taken without recourse to a lawyer. Far too frequently, this situation results in substantial injustice, a problem which particularly troubles judicial managers of the small claims jurisdiction. (paragraph 4.40.10.)

The establishment of Alaska Legal Services Corporation went far to correct this situation for those in low income brackets who have the experience or inspiration to visit ALSC offices.

The lawyer is accustomed to categorizing legal service needs according to the historic cause of action recognized by courts of Anglo-Saxon origin - torts, etc. or pleas in equity. But from the perspective of time and labor devoted to the task, they could be better categorized as dispute resolution, dispute avoidance and preventive law, and assistance with technical transactions.

1.30.10 THE ROLE OF DISPUTE RESOLUTION AND LITIGATION IN ALASKAN PRACTICE

The lawyer's task is popularly viewed first in terms of dispute resolution - particularly litigation and its visible technique. But trial is only a small part of the lawyer's task and forensics an occasional tool of the lawyer's trade. Most trials of commercial disputes are dull. The judge can find his principal problem is keeping the jury awake. The length of trial in a civil case
and the amount of the legal resources committed to it tend to vary according to the amount of money at stake. Regardless of the complexity of the legal issues involved, most domestic disputes involve very little money and trials are correspondingly short. The time devoted to preparation for trial varies according to the same principle and in very small cases the lawyer will frequently proceed on only the briefest interview of his client.

Under the present cost arrangement of legal services, a dispute going to trial is not worth a private attorney's attention at less than a $500 fee, and most attorneys will ask for a retainer of $1,000 or more for disputes heading for court. This results in many valid complaints not receiving treatment simply because the amount is too small.

Alaska, like most states, has a small claims rule which allows persons to represent themselves, but by and large, persons not familiar with court proceedings are reluctant to use small claims procedures, and the small claims court tends to be overloaded with commercial credit collections by business rather than fulfilling a need for domestic dispute resolutions without attorney intervention. These problems with small claims jurisdiction are presently under review by the Supreme Court with a major rule revision in the offing. (Paragraph 4.40.10.)

The preferred and economic method of dispute resolution is out-of-court settlement. A simple small claim can be handled satisfactorily by a lawyer's letter. Most lawyers' letters are processed at a cost of anywhere from $50 to $150, depending on the extent of factual backup required. Machine run collection letters run as low as $10-$20 each in cost. As price may cost the plain-
tiff out of his relief, so the potential defendant will recognize the cost of defense as a strong incentive to settle.

The time of the Superior Court that is devoted to "domestic" cases is dominated by personal injury and death actions. The amounts involved are substantial, justifying large investments of time and fees. Usually insurance is involved. The Alaskan citizen, living in an outdoor state experiencing the most severe weather in the United States and surrounded by the most treacherous waters, is accident-prone. Automobile accidents alone account for 76 deaths each year, an effective rate of 22 per 100,000 compared with 28 nationally, (following well behind heart disease and cancer.) Alaska also ranks very high in airplane deaths, drownings, climbing and exposure deaths. Most of these accidents occur in an insurance context.

Aircraft litigation is a focus of much personal injury work because of the number of passengers per crash, the infrequency of an uninsured crash and relatively high income expectancies of air travelers. Automobile accidents do not dominate the Alaska personal injury practice to the extent that they do in other states. Court decisions creating state liability for improper road maintenance, however, have made the choice of defendants unusually broad.

Automobile accident litigation is a significant part of the attorney's work load, but the cases of economic significance to the legal profession are those of high value - serious injury or death. While no fault legislation is likely to be adopted in Alaska (see 3.30.20), the dollar limits most likely to be applied will leave the high value accident in the domain of the lawyer.
and the courts.

Alaskans are a litigious lot. There were over 90,000 cases filed in all courts of the Alaska Court System in 1974,¹ about one for every four people, up from 81,657 in 1973, and a rising rate is forecast. The courts have done well at keeping up. Dispositions numbered 73,216 and 83,145 for 1973 and 1974. Backlog is a phenomena of only the past two years.

The great majority of these cases were filed in the lower or District Court. Only 10,199 cases were filed in the Superior Court. Of these, 62 percent were general civil, 12 percent (over 1,200) were felonies, 12 percent probate and 14 percent children's court.

District Court filings were dominated by traffic offenses, well over half the total for the state at 53,942. Misdemeanors filed totalled 4,202 or 24 percent of the business of the District Court. Children's matters, which only of geographic necessity came to the District Court, numbered 1 percent of the District Court load, felonies 2 percent and civil litigation 11 percent.

The filing of Superior Court felonies fell slightly. District Court felony filings (involving preliminary hearings) and misdemeanor filings rose 19 percent during the year.

Among the civil cases, divorce and domestic relations deserve special mention. Divorce is "no fault" based on incompatability and is granted invariably. While data is not readily available, between 2,000 and 3,000 cases of the Superior Court docket are divorce actions. Substantial disputes in divorce cases arise only from custody and property division aspects. Non-support actions

¹/ Alaska Court System, Office of the Administrative Director, Annual Report, 1974.
take a significant portion of the court's time, but most of this arises through the Uniform Reciprocal Enforcement of Support Act. Alaska's geographic remoteness within the United States makes it a particularly attractive goal for errant fathers and husbands on the run.

Workmen's compensation and consumer disputes over housing, consumer sales, warranty and credit constitute other aspects of domestic demand for legal services. A total of 9,993 cases in probate were reported in Alaska for 1973; 10,199 for '74, an increase of 6 percent. No statistical breakdown is available on probate cases at this time. For our purposes, matters such as the division of cases between wills and intestacy, and estate size might be instructive, but are left for future exploration. A total of 1,491 deaths were reported in Alaska in 1974, according to data assembled by the State Division of Administrative Services, Statistics Section. Excluding those under one year of age, 451 deaths were under 40 years of age, 916 were 40 or over. Seventy-eight percent of Alaska's population is under 40, experiencing a death rate of .16 per 1000.

Real estate transactions become lawyer's matters usually only on foreclosure. Most of these are commercial, not residential. Residential foreclosures are ordinarily not disputed - the owner, if a short-time resident, usually abandoning his equity in departing the jurisdiction. Higher inflation rates have resulted in a quicker equity build-up and a greater inclination to dispute foreclosures. One real estate lawyer estimated 10 percent of foreclosure defendants now get legal assistance.

Among the criminal cases Operating a Motor Vehicle While
Intoxicated ranks first with 22 percent of cases filed; Disorderly Conduct, 12 percent; Assault and Battery, 9 percent; Intoxicated on Road (since eliminated as a crime), 8 percent; Possession of Marijuana, 7 percent, and Negligent or Reckless Driving, 5 percent. Since 1974, Alaska has adopted a rule which has made motor vehicle offenses administrative, but some increase in court traffic will occur as the Alaskans start building up points on the new point system towards license revocation levels.

1.30.20 DISPUTE AVOIDANCE IN THE ALASKA ATTORNEY'S ROLE

Preventive law includes the use of lawyers in the drawing of real estate transactions, the use of wills, the drawing up of agreements, including employment contracts and, of course, the regular consultation of an attorney before making a commitment with legal consequences.

This is an area where needs should be carefully examined and analyzed carefully on a cost-benefit basis.

The utilization of non-attorney, law-trained professionals is of particular relevance in this area on a carefully selective basis. There is no clear way to study how much of an attorney's time is spent on "preventive law." Our survey data shows that few Alaska lawyers can be said to specialize in office practice. Sixty-eight percent of the Anchorage bar is in court at least once a month. Ninety percent are in court on more than rare occasions.

1.30.30 ASSISTANCE WITH TECHNICAL TRANSACTIONS

In many ways assistance with technical transactions can be viewed as an aspect of dispute avoidance. There are many options providing different forms of legal services, again not necessarily
using attorneys if the limits of competence of the paralegal are carefully defined and clearly understood by the paralegal — wills, adoptions, consensual divorces, real estate transactions, personal licensing or certifications, private, individual taxation, statutory interpretations. This matter will be treated at greater length in Part IV.

1.30.40 THE CHARACTERISTICS OF THE ALASKA ATTORNEY'S WORKLOAD

Our survey of the Anchorage bar indicates all but a handful of Alaskan attorneys engage in wide ranging general practice.

In addition to the subject matter listed in the questionnaire:

- collections
- taxation
- ANCSA practice
- real estate
- oil and gas
- consumer law
- land and natural resources
- contracts
- labor law
- banking
- legislation
- admiralty
- municipal law
- criminal law
- administrative law
- corporations
- domestic relations
- probate and wills
- torts and personal injury

additional special interests were volunteered for:

- civil rights
- antitrust
- bankruptcy
- workmens compensation
- aviation
- transportation
- employment law
- planning and zoning
- personal property
- constitutional law

It can be safely said that if these fields of practice had been identified in the poll, many others would have given them a significant rating in their practice.

As noted in paragraph 1.30.20, a lopsided majority of the Anchorage bar engages in some litigation. Though different lawyers react to different subject matter, it is conspicuous that very few limit their practice. Only 2 out of a sample of 76 private practitioners showed any tendency to specialization, they in admiralty and personal injury work. The bar is almost solidly dedicated to general practice.
Almost all lawyers depend for their income on a core of subjects: contracts, corporations, real estate law and tort law. Eighty percent of the bar characterize between 8 and 15 subjects as being very important to their practice. Another 10 percent characterize up to 19 subjects as important to their practice. Of the 10 percent identifying less than 8 topics, about half could be characterized as specialists in tort law and admiralty (combined), the others (presumably single-client oriented), in corporations.

A demographic breakdown indicates that those who practice some labor law, banking law or oil and gas law are likely to be wealthier than most lawyers. Those with emphasis including criminal law are likely to be less prosperous.
2.00.00 CHARACTERISTICS OF EXISTING ALASKAN SUPPLY OF LEGAL, LAW-RELATED SERVICES AND FORMS OF DELIVERY

For the nation as a whole in 1970, there was 1 lawyer for every 572 people, up from 1 to 632 in 1960. This compares with 1/500 in Alaska in 1975. We are already well above national averages for lawyer density. Nationwide there was 1 lawyer in private practice for every 785 of population. New York has, by far, the greatest lawyer density (1/325) for a state; Colorado is next with 1/473. Oklahoma follows with 1/506.

The distribution is much affected by urban-rural influences. Cities over 250,000 population have a lawyer density of 1/230 persons. Towns under 25,000 have a lawyer population density of 1/1,700. As population grows above that, lawyer density climbs steeply to a plateau in the area of cities 25-100,000 at about 1/600, then climbing again as urban densities increase above that.

2.10.00 THE ALASKA BAR - A GENERAL PROFILE

The growth of the Alaskan bar in gross numbers has been a relatively recent phenomena. Percentage growth compounded has produced a growth rate for attorneys well in advance of the rate of population growth over the entire decade.

The active in-state membership of the Alaska bar consists of 694 attorneys, including judges - 1 for every 500 of population in 1975. Between 25 and 30 of these lawyers will be resident outside the state at any time. Most of the out of state members are only temporarily in residence elsewhere or still in the Alaska practice. At annual dues of $175, an Alaska bar active
membership is not something to be maintained for honorary purposes when inactive membership will keep reentry rights alive. The bar has approximately 100 inactive members in addition to the 694 active members.

Most of the 694 active members are practicing in the Anchorage area. Most newly admitted attorneys stay in or move to Anchorage. There are 446 attorneys (including judges) in the third judicial district, all but a dozen of whom live in Anchorage, giving that city a density of 1 lawyer for every 328 people.

Recent admissions to the Alaska bar, by year, were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965-1968 average</td>
<td>22</td>
</tr>
<tr>
<td>1969</td>
<td>55</td>
</tr>
<tr>
<td>1970</td>
<td>58</td>
</tr>
<tr>
<td>1971</td>
<td>47</td>
</tr>
<tr>
<td>1972</td>
<td>69</td>
</tr>
<tr>
<td>1973</td>
<td>55</td>
</tr>
<tr>
<td>1974</td>
<td>121</td>
</tr>
</tbody>
</table>

The bar expects to administer the admissions exam in 1975 to approximately 240 persons. The history of examination standards (about 70-80 percent pass each exam) suggests that close to 200 persons may be admitted in 1975.

There appear to be no serious problems in absorbing these new attorneys in the Alaskan market yet. However, the secretary of the bar association foresees no letup in the admission trend for 1976. No one cares to predict what employment prospects might be for another 200 plus attorneys launched into Alaska practice in 1976. Overwhelmingly, Alaska attorneys are of the view that the rate of increase cannot be maintained. Objective data gathered in this investigation supports this view. Alaska has been playing catch-up with its lawyer population, as the
attractions of the state lure more young lawyer visitors and as
the economy of the state has matured, more lawyers have been
safely absorbed including substantial numbers of female lawyers. The Alaska bar has the highest proportion of women of any state bar. The capacity of the state to absorb as many lawyers as immigrate to it is nearing an end. Lawyer employment and lawyer admissions can soon be expected to return to a level closer to the historic rate. (paragraph 3.40.00).

Attrition in the Alaska bar, for any reason, has been small, principally because of its youth. In 1970 there were only 28 lawyers 55 years of age or over in a census-measured population of 331 lawyers and judges. The median age of bar members, including judges, was 38.4 in 1970, down from 43.4 in 1960. Admissions since then have reduced the average age further. In 1974, three members died or left the active practice roster of the bar association; in 1973, four members; in 1972, 10 members; in 1971, five members; in 1970, none. Very likely an equal or larger number have gone into semi-retirement, managing personal real estate holdings or business interests, but still keeping a hand in the practice for an occasional case or even maintaining active membership to "feel" active. But no measurement of this phenomena is readily possible.

2.10.10 DIVISION BETWEEN PUBLIC AND PRIVATE EMPLOYMENT

The 1970 census report of division of employment among attorneys in Alaska in 1969 showed:

Private wage & salary Government Self-employed
116 98 117
(federal 26, state 67, local 5)
34% 29% 35%
Twenty-nine of one hundred six attorneys polled at random in connection with the preparation of this report from the Anchorage bar (including judges) were in public employment, suggesting a proportion of 27 percent public practitioners for Anchorage. Since in Juneau the public practitioners outnumber the private, we may assume that the one-third figure for public practice statewide accurately reflects the reality.

Census figures dividing lawyers among private wage and salaried and the self-employed are not too helpful in painting a picture of the organization of the practice since the former figure does not distinguish between house counsel and salaried employees of law firms or legal professional corporations; the latter figure does not distinguish between sole practitioners or partners.

Alaska far outdistances any other state in the ratio of attorneys employed in public jobs. (Predictably, the District of Columbia has a much higher density of both lawyers and public lawyers than any state.) In 1971, according to statistics compiled by the American Bar Foundation, 34 percent of Alaskan lawyers were in public employ. Hawaii ranks second among the states at 22.6 percent. In California, 14.6 percent of the bar is in public employment.

It is interesting to note that the ratio of public to private practice remained more or less constant during a period of rapid expansion - 1970-1975. Catch up on the deficit situation appears to have been more or less balanced.
2.10.20 THE JUDICIARY

The American Bar Foundation's 1972 statistical report lists Alaska as having 34 lawyer employees of the judiciary, (presumably Superior Court and Supreme Court active) out of a total attorney listing of 443. The figure for the judiciary includes county and city judiciary employees also. Though the Department of Labor figures (2.10.10) are misleading, Alaska still has the second highest ratio of judges to lawyers of any state with 7.7 percent of the lawyers in judicial roles. North Dakota surpasses Alaska with 8.2 percent of the bar on the bench. In South Dakota, 7.3 percent of the bar wear judiciary robes. Equivalent figures for the states with the next four highest ratios are New Hampshire, 7.1; Vermont, 6.2; Wyoming, 6.0; and Maine, 5.5.

2.10.30 GEOGRAPHIC DISTRIBUTION

The great majority of Alaskan lawyers are practicing in Anchorage. Just as Anchorage is expected to absorb an increasing proportion of the general population, so it will attract an increasing proportion of new lawyers.

But these proportions should not dispute the fact that there has also been a gradual increase in the number of attorneys practicing in the smaller communities of the state. The following table indicates the present geographic distribution of Alaskan attorneys:

<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage</td>
<td>432 (330 private, 92 public)</td>
</tr>
<tr>
<td>Juneau</td>
<td>81 (over 1/2 of whom are public)</td>
</tr>
<tr>
<td>Fairbanks</td>
<td>87</td>
</tr>
<tr>
<td>Ketchikan</td>
<td>28</td>
</tr>
<tr>
<td>Kenai Peninsula</td>
<td>11</td>
</tr>
</tbody>
</table>
Nome          10
Sitka          8
Kodiak         4
Valdez         3
Other          6

As further described in paragraph 3.20.20, the implementation of the Alaska Native Claims Settlement Act is likely to result in a major expansion of need for attorneys. Those attorneys serving the larger regional corporations are likely to concentrate in Anchorage, which will become the site of offices for a majority of these corporations even though titular head offices may be located elsewhere. Southeastern corporations will concentrate in Juneau. At least one major Native corporation will be located in Fairbanks.

On the other hand, the expansion of identifiable, locally held, property interests in smaller communities will generate the possibility of greater legal business in these communities. The pressure generated by lawyer immigration from outside Alaska will force some economically pressed attorneys to try out smaller communities. Many of them offer a mixed lifestyle including a partial dependence on hunting and fishing, and second job (seasonal) employment, which may well be found attractive by a small number of lawyers.

Still, there will always be many places where legal services needs, because of transportation problems, will be localized in communities too small to sustain any resident attorney. There are few equivalencies to the situation in most states where a
half hour drive to the county seat will put the person in search of legal services in the heart of a larger legal community. Delivery of legal services through the presence of an attorney in Alaska's hundreds of remote places would be very costly. Even in communities where a single attorney or even two or three practice, there are well-known disadvantages to the professional life of the practitioner - the absence of legal-intellectual stimulation, professional isolation, the invitation to sloppy practice, pervasive conflict of interest problems (which are also the problem of potential clients.) Considering some of the problems of isolation, the delivery of post-degree legal education to the practitioner in the small town is a facet of the University's obligation to legal education which should not be lost. Though their number is small, their need is great.

Despite the drawbacks of rural practice, most of Alaska's smaller cities, excepting the marginal one-lawyer towns and towns experiencing a sudden expansion, can attract an attorney or two. By and large, except for the far north, lawyers will settle given a fair market demand. When there isn't a lawyer there, it is usually because the economy will not support one. We would anticipate that some lawyers will settle in the far north when those indigenous to the area start to graduate from law schools. Enduring love of the tundra is seldom an acquired taste.

Sitka's 6,000 of population is served by six lawyers and two judges. Ketchikan's legal community boasts 28 lawyers, including judges, to serve its 10,000 population.

About three lawyers practice in Valdez. The city and several
leading business concerns look to an Anchorage firm. Many Anchorage lawyers represent small cities or clients in small cities, even in different judicial districts.

Juneau, with 13,500 population, has about 44 lawyers, in private or corporate practice. This is consistent with national figures showing very high private practitioner ratios in a capital city. Many Juneau lawyers also serve Sitka clients. In general, in the smallest towns, the major commercial clients will be served by counsel from larger cities. For instance, the pulp mill, which is Sitka's largest business, retains Juneau counsel.

2.10.40 THE ORGANIZATION OF PRACTICE

The regular pattern of organization of the Anchorage Bar should not disguise the pattern of change within it. Larger firms have a tendency to split up, calving smaller firms. Individuals leave the larger firms to become sole practitioners. Individual practitioners may join for a time or permanently to form one of the middle-sized (4-8 lawyer) firms.

The approximate distribution of Anchorage lawyers among firms, according to our survey sample, is as follows:

<table>
<thead>
<tr>
<th>Percentage of Bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sole practitioners</td>
</tr>
<tr>
<td>Partnerships:</td>
</tr>
<tr>
<td>Two men</td>
</tr>
<tr>
<td>Three to five men</td>
</tr>
<tr>
<td>Six to twelve men</td>
</tr>
<tr>
<td>Over twelve men</td>
</tr>
</tbody>
</table>

By actual count of the Anchorage private bar, 85, or 20 percent, are employed in firms of eight attorneys or more, 250 in firms with an attorney staff under eight.
The degree of integration of a firm will vary greatly. Some are barely more than convenient office sharing. Others are closely knit, bound by a history of personal association among key partners, blended with practical constraints against centrifugal forces, such as formal partnership articles, pension and profit-sharing plans and other benefits. While difficult to quantify, our interviewers found marked differences in the atmosphere of different firms reflecting, primarily, lower or higher rates of interchange among the firm's attorneys.

The rise of the larger firm in Anchorage is a relatively recent phenomena. As recently as 1963, no Anchorage firm had more than four lawyers. The firms of Ketchikan and Juneau have a more traditional pattern. In each city, a couple of long-established firms have dominated the practice for 30 years or more. Considerably greater internal stability is reflected in these situations. For purposes of comparison, nationally, in cities ranging in size from 100,000 - 250,000, the bar is split about 50-50 between sole practitioners and those in firm practice, as reflected in the American Bar Foundation statistical report for 1972. Alaskan attorneys, out of either greater congeniality or economic wisdom, (Statistically, lawyers in firms make far more on the average than sole practitioners.), are much more collectively minded.

2.10.50 FORMS OF PRACTICE - GROUP PRACTICE PLAN

A phenomena of the last year or two has been the arrival of group practice in Alaska. A group practice scheme has been established for the Alaska Teamsters employing a closed panel of half a dozen or more lawyers in two firms. The Alaska Laborers
Union also has a similar closed panel. Native corporations have been exploring the possibilities of establishing plans for their shareholders, contingent on getting the same tax treatment that would prevail if the shareholders were employees. Whether such programs would be open or closed panel is not known at this time. Though most Alaska lawyers do not see these plans as playing a large part in the future of Alaskan practice more of these arrangements can be expected (paragraph 4.20.00.)

2.10.60 ASSOCIATIONS AND OTHER ORGANIZATIONS

A number of associations exist for the transaction of business among lawyers, which promote educational programs and provide forums in which business people and lawyers can discuss mutual professional concerns. Community based local bar associations meeting weekly for lunch are the basic building blocks. The Anchorage Bar Association is by far the largest if most loosely organized. A number of committees of both the Alaska and the Anchorage Bar Association are quite active - notably in continuing legal education. It is sometimes difficult to tell where the Anchorage bar leaves off and the Alaska Bar Association picks up, which rankles with many non-Anchorage attorneys, due to the predominance of Anchorage members and the difficulty in producing any work from a committee with members from more than one city.

The bar associations of Ketchikan (South Tongass Bar Association) and Fairbanks (Tanana Valley Bar Association) and Juneau (Juneau [!] Bar Association) are more closely knit and attendance of members at the weekly luncheon will rise as high as 70-80 percent of the membership routinely. The Anchorage bar seldom
turns out more than a quarter of its members. This state suggests the tightly knit nature of small local bar associations. Local bar associations in major metropolitan areas, while capable of producing highly ambitious programs, depend upon the participation of a much smaller proportion of attorneys practicing in the community.

The Supreme Court has an advisory committee on rules and appoints other committees including members of the bar from time to time. The trial judges have their own association, the Conference of Trial Judges, which addresses questions of particular interest to them. Though they have their own associations, it is not uncommon for judges to attend casually meetings of local bar associations. The Judicial Council, a constitutional body, is composed of three lawyers, three non-lawyers and the chief justice. Its principal function is to nominate candidates for the judiciary, but it also sponsors limited research into improvements in the administration of justice. A statutory Commission on Judicial Qualifications, a majority of whose membership is judges, makes retirement and disciplinary recommendations to the Supreme Court.

The Alaska Trial Lawyers Association, though understandably less active an association than the State Bar, conducts an aggressive educational program in trial specializations, principally in conjunction with its annual convention.

The Alaska Bar Association is a statutory integrated bar confirmed by Rule of Court. No person may practice law in the state without being a member. The Association is directed by a 9-member Board of Governors and is served by a full-time executive
secretary, who is an attorney, and a staff of three non-lawyers. The principal duties of the board and the executive secretary are the administration of admissions and discipline. The admissions exam consists of three parts - the California general law section, administered and graded as a convenience in concert with the State Bar of California, an interstate bar exam section and an Alaskan section.

2.20.00 PRACTICE BY PERSONS NOT ADMITTED IN ALASKA

A number of lawyers or law students render legal services in the state besides the private bar of Alaska. In this section (2.20) we review non-governmental sources. In 2.50 government sponsored legal services are discussed.

2.20.10 PRACTICE BY LAWYERS NOT ADMITTED IN ALASKA

A substantial number of attorneys from other states are admitted in the company of local attorneys for particular litigation. Major litigation involving oil and gas, for instance, is seldom carried out without the collaboration of outside counsel. A number of construction companies active in Alaska have traditionally used Seattle counsel, a sore point with Alaska practitioners. Most of these Seattle firms now associate in more than a pro forma way with local counsel to avoid this problem and the suspicion that their presence might encourage inadvertent animosity from the bench.

Resident house counsel not admitted (or admitted) in Alaska is a relatively recent phenomena. Few Alaska enterprises are large enough to justify resident house counsel as well as local retainer firms working on litigation, etc. House counsel to
interstate firms prefer or may be required to live elsewhere. Five attorneys from our random sample of the Anchorage bar were house counsel, a number we suppose, from observation, to be a little high. But a dozen or more house counsel living in the state are indicated, no more than one or two outside Anchorage.

The use of house counsel is likely to expand at the same rate as the bar generally. The interstate character of larger enterprise mitigates against house counsel expansion. Extractive industry functions, typical of Alaska's larger enterprises, are concentrated and specialized as opposed to those in the south 49 states engaging in marketing activities. In a much larger community, marketing activity might involve enough transactions to necessitate localized house counsel - the buying, selling and leasing of outlets, etc.

It is difficult to tell whether the greater availability of lawyers is likely to affect this situation. Decisions on establishing local house counsel are not likely to be affected by small variations in the wages of attorneys operating in a saturation market. In any case, most of the expense of house counsel is in office overhead. The decision to establish house counsel is more sensitive to the internal policy needs of the corporation. On the other hand, house counsel roles for Alaskan attorneys have never seemed attractive in the past compared with the excitement, independence and financial opportunity of private practice. As the lawyer market reaches saturation, attitudes may change and with it some lawyers may use their persuasive powers to influence some corporations operating in Alaska to utilize house counsel.
for legal services that do not do so today. The Alaska Native Claims Settlement Act Corporations are noted as an exception to the rule against house counsel expansion by reason of the extraordinarily high legal component in their activities.

2.20.20  LAW CLERKS AND INTERNSHIPS

The law clerk population consists of those who have graduated from law school, who may be admitted to the bar of another state, but who are waiting the residency requirement, the taking of the exam, its results or the formality of admission. In recent years, roughly 80 percent of those taking the bar exam have taken prior employment in legal positions. Given an average waiting cycle from arrival in the state to admission of approximately six months, the average floating law clerk population is about 70 to 80. Additionally, in the summer months, a number of first and second year students enter the state for temporary summer employment. A relatively small number of these are successful in obtaining employment in law offices - perhaps 25 to 35 in the whole state. They are engaged in rendering legal services under the supervision of an attorney.

In contrast to most states, the Alaskan law clerk is likely to be rather loosely supervised and have a great deal of autonomy in his work.

This experience is reflected in the observation of law "interns" or "externs" too - students who are enrolled in a school (UCLA, Northeastern and the University of Denver Law School, in particular, have strong Alaska programs) but who are employed in a work-study program in Alaska under arrangement with
a public office or Alaska Native Claims Settlement Act Corporation. Further, more extensive comment on the extern programs can be found in paragraph 2.4.20. About 20 externs have been identified as functioning in Alaska in the spring of 1975.

2.20.30 NON-ATTORNEY EMPLOYEES AND SUBCONTRACTORS TO LAW FIRMS

The private legal community of Anchorage supports a number of legal secretaries, investigators, managers and bookkeepers in direct employment slightly larger in aggregate than the attorney population - about 10 percent. Larger firms have a tendency to double up secretarial assignments for junior attorneys, but this tendency is more than compensated for in those firms by additional services in full-time bookkeeping, investigating or management functions. Based on a proximate private bar population in Anchorage of 330 attorneys, there are about 363 law firm employees.

A relative handful of independent investigators are employed by attorneys. In Anchorage 23 people are employed in seven independent court reporting firms, indicating a statewide total of approximately 35.

Almost all of these people, whether directly employed or contractually employed, have some level of special skill. Legal secretaries possess special skills and enjoy salaries of a somewhat higher range than that of a conventional secretary. While Anchorage Community College does offer a legal secretarial course, very few legal secretaries are hired who have formal educational qualifications in legal subjects. While most newly hired legal secretaries have past legal experience, it is quite common to hire a particularly alert secretary and teach legal talents on
the job, a process consuming a year or more. Depending upon the enterprise of both employer and employee, this learning process is likely to be continuous and the legal secretary with several years of experience emerges more of a "paralegal."

2.30.00 THE CRIMINAL JUSTICE SYSTEM

Preoccupation with the mystique of the lawyers profession should not obscure the fact that many more non-lawyers than lawyers are engaged in some aspect of administration of the criminal law. Their number is many times that of those who make their way as lawyers in the civil and criminal law. We discuss the numbers and education of these legal professionals in the subsequent paragraphs of this section. Prosecution and defense are covered in conjunction with the discussion of other public lawyers in paragraphs 2.50.10 and 2.50.30. In the immediately following paragraphs the personnel needs of the judiciary, for both civil and criminal processes, are addressed, followed by a discussion of manpower needs in the police and corrections functions.

2.30.10 THE PERSONNEL AND ORGANIZATION OF THE JUDICIARY

The State Department of Labor has also kept statistics on lawyer employment and prospects. Because of the inclusion of magistrates in the court count, Department of Labor statistics show a judge for every four members of the bar. The Department has made some growth projections:

<table>
<thead>
<tr>
<th></th>
<th>Lawyers</th>
<th>Judges</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>438</td>
<td>121</td>
<td>559</td>
</tr>
<tr>
<td>1983</td>
<td>739</td>
<td>263</td>
<td>1,002</td>
</tr>
</tbody>
</table>

Since by 1976 Alaska will have surpassed 1983 State Department of Labor projections of need, its views must be taken with some
skepticism.

Alaska enjoys a unified court system with full administration and rule-making power vested in a state supreme court of five justices.

The court system's annual report for 1974 reveals that in addition to the supreme court justices, there are 16 superior court judges, 16 district court judges, 58 magistrates and 287 full-time, part-time and temporary employees. Budget figures for 1974 show that, including the judges, the court system has 288 full-time employees, 69 permanent part-time (mostly magistrates and their supporting personnel), and 33 full-time equivalent temporary personnel. The total is approximately equivalent to 350 full-time employees.

For FY 1975, the system received an appropriation of $10,210,900 which is approximately 2.7 percent of the state general fund budget.

Informal indications from court system administrators indicate that an average annual growth of five percent for employees and 10 percent for budget is reasonably indicated for the next several years. Employee turnover figures were harder to come by. Fifteen to twenty percent, including clerical, is estimated by court administrative officers. Thus, total new employee requirements of the system are no less than 70 employees per year. Only a portion of these are hired for positions in which the University might provide training. If a University responsibility applies to as many as half of the job positions, there is a major task in providing access to these jobs by educational qualification to
Alaskans apart from the larger task of providing continuing professional development to employees in service.

The Alaskan judicial function has shown considerable strength in competition for the state budget dollar. The judicial budget, as a percent of the state budget, ranks near the top of the scale of the states and would rank higher were it not for the dominant role of the state in financing public education which consumes the greatest part of the total state budget, leaving a proportionately smaller part of the state's dollar to be divided among other needs. Alaska's judicial salaries (albeit reflecting a high cost of living factor) also reflect a high level of legislative and community support.

Alaska appoints its judges and they serve according to a "Missouri" type plan. Under a "Missouri" plan, judges are appointed on a non-partisan basis and stand for election only on the question of whether they shall be retained, without an opposing candidate. In the history of the state, only one judge has ever been defeated in running for reelection under this device. The court system is housed in ample, modern space and uses the latest technology and equipment in its operations. Alaska state court proceedings were recorded electronically from the beginning.

As a result of the political independence and special funding support given to the judiciary in Alaska, the problems which plague courts elsewhere - political interference, crowded dockets, etc. - are relatively unknown here. Only in the past year or two has docketing emerged as a troublesome factor for the practitioners. To no one's surprise, there is no indication that the absence of
crowded dockets has had a significant impact in decreasing the incidence of crime. In crime frequency and type, Anchorage responds generally according to its demographic profile.

While judges have been known to complain about salaries and workloads, it is likely that the first two decades will be looked back upon as the golden age in workload of the Alaska judiciary. The political demand for judicial services on a small population base resulted in the creation of a judicial infrastructure with a capacity (relative to national standards) far in excess of that which the population would seem to warrant. This has occurred for much the same reason that state government generally in Alaska is disproportionately large in comparison with its total population, in contrast with state employment and general population figures for other states.

State government will continue to grow overall because of the state's ownership of and management interest in natural resources and the proportionately greater dependence of the people on the state for basic services - transportation, public utilities, etc., fed by the presence of an increasing supply of money eventually, if not in the immediate future. But, unlike education, judicial services have low visibility value once their initial presence is established and a narrow constituency. Accordingly, it seems likely that judge/population ratios will increase, and that the judicial process in general will become more hurried, or not hurried in the process and stagnated in the results.

The only exception to this will be in rural Alaska, where the basic level, by quantity and efficiency of judicial services,
like all other services, is very low. The creation of new judicial
districts in rural areas will increase the average cost of judicial
services statewide, it will create a demand for more judges and
judicial employees, willing to serve in the harsher physical
environment of rural Alaska. But this growth will not ease
rising urban pressures for judicial services. On the contrary,
by competing for judicial dollars, the growth of a high cost,
rural Alaska judicial system will tend to increase the pressure
on urban (particularly Anchorage) courts.

The implication of these trends for the University are:
first that the development of a judicial officers and judicial
employees (in a ratio of two or three employees for every judge)
will require special education programs on a continuing basis.
This will require either the education of indigenous people to
fill these roles, roles that few are equipped to fill today, or
the education of those professionally equipped in the special
knowledge of the customs and circumstances of rural people.
Probably both functions are involved.

Secondly, the resources available to the courts for continuing
education programs, for the system's own research and development
programs, will come under increasing pressure. Under duress, the
courts are likely to turn more to cooperative efforts with other
elements of the justice system, as indicated by strong judicial
interest in participation in the Alaska Criminal Justice Center
for instance.

Lastly, there is little need for the University to address
any educational issues involved in adding new judges to the bench
except those slated for service in rural courts. Their numbers are small. Since the judicial system draws its members from the ranks of the experienced bar, they are presumably already la crème de la crème from an educational perspective. Little need be added but education directed specifically at judicial functions. Alaskan judges regularly attend the national trial judges school at Reno, Nevada, which would appear to be easily the most economic way of addressing the needs of new judges for in-service education beyond that which could be gained from common programs with the bar or other elements of the justice system.

2.30.20 POLICE AND LAW ENFORCEMENT

The State Department of Public Safety includes fish and wildlife protection and fire prevention as well as exercising police functions outside of those municipalities with a substantial police department. The state department has over 500 positions, allocated roughly in the proportion of three peace officers for every two law enforcement support functions. The police academy operated by the department at Sitka is the principal institution providing training for state law enforcement, including municipal law enforcement and constables for smaller villages. Some individual officers from all organized police departments attend a variety of special schools outside Alaska.

The Anchorage Police Department, with over 230 employees, is also large enough to conduct its own training program. The Anchorage Police Department employs more than five peace officers for every two in support functions. The Fairbanks Police Department has 71 employee positions; Juneau, 30; Ketchikan, 26. In all,
counting a couple of dozen additional communities that maintain some level of full-time law enforcement, there are over 1,000 full-time police officers and supporting personnel serving the state and its political subdivisions.

Private law enforcement or security is a growing industry here as elsewhere in the United States. Security requirements of the Alyeksa pipeline system alone involve 160 employees. Precise figures for the number of employees in this industry are not known, but the presence of this activity on a substantial scale does indicate a substantial need for law-related vocational education and very likely the imposition of state standards. In the country generally, private security forces are notorious for the low level of education and training given those vested with the authority implicit in the right to carry firearms for law enforcement purposes.

2.30.30 CORRECTIONS

While all of Alaska's communities are anxious to keep control of local law enforcement, none are eager to process the consequences. Local police will file charges under state statutes in preference to local ordinances whenever possible. As a result, by far the greatest number of jail sentences are served in state institutions. Thus, unlike the police function, corrections is a highly centralized function under the Division of Corrections, a division of the State Department of Health and Social Services. The division has 433 authorized positions. About 38 local government personnel also work in corrections maintaining custody of offenders and
those charged with a crime which is unavoidably municipal. Numerous other local corrections personnel work in part-time or temporary positions. Villages seldom have a jail. The absence of such creates serious holding problems when transportation is delayed.

2.40.00 ALLIED EMPLOYMENTS AND PROFESSIONS

The Alaska bar, like most, prefers to proceed on the shaky assumptions that there is a clear demarcation between attorneys' work and non-attorneys' work. In fact, overlap and blurred distinctions are the rule.

While there are certain areas which the lawyer views as sacrosanct and which the law reserves to lawyers - the representation of clients in court - even there the lawyer may be accompanied by a shadow solicitor - a corporate manager, accountant, economist or other expert who is supporting the attorney with factual material and advice. At the present time the small claims rules allow a corporation to be represented by a non-attorney employee, with the result that several credit managers and similarly styled people practice regularly in the lower courts.

Their numbers would be few indeed if lawyers were constrained to earn their keep only in the presentation of matters to courts. In the general world of business, lawyers compete with accountants, bank officers, real estate men, stockbrokers and independent consultants in these allied fields as expert purveyors of advice. When a lawyer brings the magic of his own special analytical methods and fiduciary responsibility to the client's interest, he is likely to view his employment as the practice of law oblivious
to the ministrations of other experts, much as the medical physi-
cian might overlook the role of the chiropractor or osteopath in
the healing arts.

The lawyer is seldom operating on a pure "lawyering" basis. When
he dials his phone, runs the duplicating machine, performs
his own proofreading, drops by the post office and a myriad of
other functions, he is replacing clerical labor, if only to save
time. At other times he is engaged in insurance, real estate,
investment, business and economic calculations, exploring the
ramifications of his client's interests whatever they may be.
Inevitably, the lawyer does get involved in decisions which are
not purely legal. The mixed nature of the labor performed in an
attorney's practice is reflected in part in charging practices by
those firms which charge by the hour. Though attorneys work as
long or longer hours than most professionals, the average number
of "billable hours" which the attorney will put in in a day is
likely to be about six.

From the perspective of the educational institution, the
first notable fact about the allied professions, in the context
of their relationship to the practice of law, is the number of
their members in comparison to attorneys.

The functional overlap is overstated by numbers alone.
After all, the banker's advice and services to the bank client is
incidental to other services to the bank. The insurance sales
agent spends only a part of his time discussing estate plans.
The claims adjuster's or investigator's functions are frequently
those a lawyer would delegate. Accountants and bookkeepers have

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a special domain in numbers. Still, all are engaged in over-
seeing the legal health and functioning of the society to some
degree. To the extent that they are undereducated, inefficient
or unprofessional, the public collectively will suffer. The
allied professions can make a strong claim on the limited resources
of a University. In the area of overlap lies an educational
responsibility to both. Members of allied professions need to
know more and understand better how law works in their domain.
Lawyers need to know more about the economic world through which
they step so lightly.

According to 1970 census figures, the following figures
represent the experienced labor force in their respective occupa-
tional categories:

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>For every lawyer there are this many in each profession indicated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyers and judges</td>
<td>389</td>
<td>-</td>
</tr>
<tr>
<td>Accountants</td>
<td>1,005</td>
<td>2.6</td>
</tr>
<tr>
<td>Economists</td>
<td>49</td>
<td>.1</td>
</tr>
<tr>
<td>Assessors, controllers and treasurers, public administration</td>
<td>87</td>
<td>.2</td>
</tr>
<tr>
<td>Bank officers and financial managers</td>
<td>464</td>
<td>1.2</td>
</tr>
<tr>
<td>Officials and public administrators</td>
<td>1,171</td>
<td>3.0</td>
</tr>
<tr>
<td>School and college administrators</td>
<td>331</td>
<td>.8</td>
</tr>
<tr>
<td>Managers in finance, insurance and real estate</td>
<td>198</td>
<td>.5</td>
</tr>
<tr>
<td>Insurance agents, brokers and underwriters</td>
<td>279</td>
<td>.7</td>
</tr>
<tr>
<td>Real estate agents and brokers</td>
<td>301</td>
<td>.8</td>
</tr>
<tr>
<td>Stocks and bonks salesmen</td>
<td>63</td>
<td>.2</td>
</tr>
<tr>
<td>Estimators and investigators</td>
<td>357</td>
<td>.9</td>
</tr>
<tr>
<td>Insurance adjustors, examiners and investigators</td>
<td>59</td>
<td>.2</td>
</tr>
<tr>
<td>Legal secretaries, law firm employees or court reporters</td>
<td>467</td>
<td>1.2</td>
</tr>
</tbody>
</table>

1/ This estimate based on our survey.
The total numbers represented in these listed professions represent more than 12 times the weight of right to public educational services, in the absence of some overriding indication of benefit to the whole society in the education of lawyers.

2.50.00 LEGAL SERVICES RENDERED BY PUBLIC OFFICIALS AND EMPLOYEES

The area of legal practice which we have characterized as "assistance with technical transactions" floats on a sea of informal services which are described also in paragraphs 2.40.00 and 2.50.60. Members of the commercial community, particularly in the allied professions, are trained to handle most technical transactions on their own or with specially skilled staff. When a transaction reaches a certain level of complexity, a private lawyer may be called in to review it or assist with some aspect or all of it. But the less sophisticated citizen frequently finds himself baffled by transactions such as loans, banking and real estate transactions, licensing permits, building and zoning regulations, etc. There are few disinterested sources of assistance.

The first line of support may be a friend looked to for special knowledge or the first person seen at the agency of government, who may be the processor of the technical transaction, a licensing bureau receptionist, a secretary or personnel in the office of the clerk of court. Some level of public information and assistance, a level measurable in both extent and quality, is a companion of every public agency function and every private function in the allied professions.

Without extensive study, it would be difficult to devise quantitative measures of the extent, competence and value of
these services. For our purposes it may be enough just to note that they exist and that they constitute an important area of law-related service which legal education must address. To the extent that this service is of low quality or lacks availability, the void must be filled in other ways. At a somewhat higher level of conscious recognition are the more generalized legal services rendered by people not out of personal friendship, but because "they are there," particularly in rural situations. (paragraph 2.50.60.)

For a very few years now, the state has recognized its obligation to render general legal services directly to those citizens too poor to pay for legal services themselves - or at least the poorest of these. The two organizations engaged in delivering these services are the Alaska Public Defender's Agency and Alaska Legal Services Corporation. Together with the State Department of Law, these agencies "are" the Alaska Law School, "graduating" 20 to 40 experienced lawyers each year to private practice. Work in these agencies in some ways resembles a rigorous apprenticeship to the private practice of law in Alaska. The average length of stay in the public defender's agency is 20.9 months, the median 18 months. Alaska Legal Services Corporation has a similar turnover. The State Department of Law holds its attorneys about six months longer than the public defender. The public defender's office can be expected to hire 8-10 attorneys each year, the number rising no less than five percent annually. Given the pattern of turnover, Alaska Legal Services can be expected to hire between 10 and 20 lawyers each year. Apart from
the special increase noted in paragraph 3.20.30, the Department of Law can be expected to hire an average of 20-25 people each year, increasing at the rate of five percent per year. The tenure for public employees generally may stretch out a bit as saturation reduces opportunities in private practice, but public employees are likely to enjoy a preferred opportunity to enter practice as against fresh law graduates because of their superior experience and familiarity with the state.

The high turnover in public law practice means that although private practice represents two-thirds of lawyer employment, public practice represents two-thirds or more of the job openings for law school graduates, either in these agencies or the clerkships maintained by the Supreme Court and the Superior Court.

2.50.10  ALASKA PUBLIC DEFENDER

The Alaska Public Defender Agency was established in 1969. Prior to that time, for many years, Alaskan courts had appointed counsel in felony cases, in keeping with federal practice. But the burden on the bar of pro bono representation had become increasingly onerous and problems in administering a system depending in equal measure on attorneys with widely varying abilities and availabilities were raising serious questions of fairness ever more directly.

The Agency opened with a first year budget of $260,000, which had grown to $975,000 by 1973. In 1974 the staff of the Public Defender consisted of 17 attorneys, 11 secretaries and 2 investigators plus a half dozen or more student or volunteer lay workers.
In 1972 the Alaska Supreme Court, anticipating the federal constitutional ruling on misdemeanor representation, ruled that the right to counsel extended to "any offense a direct penalty for which may be incarceration...[or]...which may result in the loss of a valuable license, or which may result in a heavy enough fine to indicate criminality..." Alexander v. City of Anchorage, 490 P.2d 910, 915 (Alaska 1971). In 1971, the public defender's office closed 1,544 felony cases, 397 juvenile proceedings and no misdemeanors, (except reduced charges.) In 1972, felony case closings dropped to 1,175 though total filings processed increased as the agency absorbed 2,340 misdemeanor closings. The agency has since received slightly increased funding and now has 19 attorneys, 15 investigators, secretaries and others. In addition, under an LEAA funded grant the public defender's office has employed up to ten senior law students to support the attorney staff.

As these too modest increases indicate, a report of the Alaska Judicial Council focusing public attention on budgetary and staffing inadequacies of the agency has had only a marginal impact.

Of particular relevance to this study, the council recommended a substantial increase in paralegal, administrative and investigative staff and the development of a specific education and training program for new public defender staff as well as a continuing legal education program.

The public defender, of course, does not handle the full
criminal defense load. While accurate figures are not available,\(^1\) estimates put the public defender caseload at 80 percent or better of the total criminal case calendar. The statutory test of the agency's duty to defend is the practical "indigency" of the potential client. According to the judicial council report, this is determined "by the simple question of whether a private attorney is willing to accept the defendant's case for whatever assets the defendant is worth."

2.50.20 ALASKA LEGAL SERVICES CORPORATION (ALSC)

The Alaska Legal Services Corporation, like many of its kind in other states, originated with the Office of Economic Opportunity programs established during the administration of President Johnson and is primarily dependent on federal funds. Its mandate is civil representation, though in practice it handles many quasi-criminal proceedings. ALSC was counsel to the plaintiff in the Alexander case.

Alaska Legal Services has 68 employees, including 36 attorneys located in 10 cities, one of whom is a deputy director for training. The non-attorney complement of the agency is 19 secretaries and 14 others of whom 11 are specifically described as paralegals. ALSC supports a variety of projects including two programs for legal education in rural Alaska, one funded under the Johnson-O'Malley Act for Indian education and the other, a smaller grant from the Lilly Foundation. Additionally, it maintains a Senior

\(^1\) Due presumably to differing internal statistical approaches, the Public Defender accounts for more felony dispositions than the court system says were filed in the Superior Court.
Citizens Law Office in Fairbanks.

This staff carried a statewide caseload of 5,338 in 1974 of which 1,428 cases were in Anchorage.

The statistics are revealing for what they say about the distribution of need among poverty qualifying populations. Fairbanks and Bethel each have almost 1,000 accepted cases compared with only 1,428 in Anchorage. Ketchikan and Nome each had over 500 cases. The Fairbanks, Nome and Bethel caseloads reflect, in part, the much larger caseload originating in Native villages in the vicinity, but more conveniently filed in the city. Almost exactly two-thirds of the Alaska Legal Service cases involve the representation of the one-fifth of Alaskans who are Natives.

ALSC takes major credit for beneficial state legislation affecting poor people. It is heavily involved in test litigation involving land ownership issues arising under the Alaska Native Claims Settlement Act, in equal education issues, in community development, particularly in enhancing the Native economic position in fishing and fish processing, in housing and utility services. The corporation had at least six significant test cases in progress or determined in 1974 enhancing the rights of Native or rural people. It was involved in five major welfare cases, seven involving family law, two prisoners' rights cases and a variety of other cases involving the establishment of major principles of law. In addition, ALSC supported several public education projects.

The implication of these figures for general public legal needs are speculative but instructive. ALSC is not so confident of its outreach capability to assure us that it has served the
full eligible population. By reason of geography, the time available, priorities established by the Directors of ALSC and, above all, ignorance in the target population, a substantial portion of those needing legal services in this impoverished class are still not receiving them. Estimates on outreach effectiveness for other social programs would indicate, conservatively, that ALSC reaches less than one-half of those in need in the class eligible for its service. The major social and political litigation it undertakes does not depend upon identification of the specific client for its effectiveness. Accordingly, for this reason among several, class action are favored by ALSC staff. Further implication of client eligibility criteria are discussed in section 1.20.

2.50.30 STATE DEPARTMENT OF LAW

The State Department of Law is responsible for administering all the legal services needs of the state. Unlike counterparts in most jurisdictions, the Department of Law (the principal officer of which is the Attorney General) has responsibility for the prosecution of all state offenses. The department is divided into criminal and civil divisions. The criminal division consists of the District Attorney and his assistants and staff, a total of 30 attorneys and 24 legal secretaries, paralegals and administrative staff. The civil division consists of 45 attorneys and 37 secretaries, administrative or paralegal staff. Like the Public Defender Agency and ALSC, the Department of Law is characterized by a fairly heavy turnover. Because of its relative size and institutional longevity, its alumni makeup is an unusually high proportion of the bar as a whole.
The Attorney General's office (as the civil division plus the central management of the criminal division is known) is vested by law with responsibility for providing legal services to the state government. On the fringes of this jurisdiction, the Alaska State Housing Authority, an independent entity of state government, has sometimes maintained two house counsel. The quasi-judicial regulatory agencies have sometimes employed their own counsel but more commonly use Attorney General assigned counsel supplemented by special contract counsel provided by the Attorney General. The court system, when feeling the need for counsel, has usually opted for a member of the private bar. The Administrator of Courts has house counsel.

By issuing opinions requested by the Department of Community and Regional Affairs, the Department of Law has sometimes performed a useful function in matters of general interest to local government and those who have a stake in its administration. The Department of Law also publishes opinions directed to administrators but of incidental advisory utility to the public and the private bar. In these matters, the Department serves as a kind of administrative law court. The Department of Community and Regional Affairs is proposing for FY '76 a special appropriation to enable it to give supporting legal services to those local governments which, because they are too small and poor or new and poor, cannot afford counsel of their own.

Like other government agencies, the Department of Law provides direct public service on an informal basis by responding to citizen inquiries relating to transactions with the government or by referral to basic sources - statutory citations, published
opinions of the Attorney General, etc. Though sometimes referred to as "the people's counsel," the Attorney General is that only in the broad representational sense, and, by law, does not respond to particular members of the public with services. A state ombudsman was established by the 1975 legislature which may respond partly to this need.

2.50.40 LEGISLATIVE COUNCIL

The Legislative Council usually maintains two to five attorneys on the staff of the Legislative Affairs Agency (the Council's support agency) for assistance in research and the preparation of legislation. In comparison with the judiciary, the legislature has shown a much greater inclination to rely on legal services from the executive branch, which are provided for under the law establishing the Department of Law. Legislative Affairs Agency attorneys have usually been recent immigrants to Alaska and, in comparison with Department of Law personnel, fail to show the same ambition to obtain licensing under the Alaska integrated bar statute. There is no Agency policy requiring or encouraging staff to take the Alaska bar.

The Agency's legal professional staff experiences the turnover noted by other government agencies. The Legislative Affairs Agency can be expected to hire no less than one or two attorneys per year. In recent years, there has been a trend to expansion of legislative staff through provision for numerous standing committees of the legislature. If this trend persists, as is likely, the utility of using attorneys for staff support will become increasingly well illustrated and the number of employment
openings can be expected to increase to four to six attorneys per year by the late '70's.

With the staff director an apparent exception, (the Agency's staff leadership has been extraordinarily steady, there being only two directors since statehood) this kind of employment tends to be bound to the composition of the legislature itself. A pattern of extended tenure in such roles is unlikely so long as the agency staff work closely with individual members.

2.50.50 ATTORNEYS IN OTHER STATE ROLES

No Governor of Alaska since statehood has been an attorney. The principal incumbent of that office for those years shared the laymen's skepticism of the legal profession. Until 1971, there had been only one member of the cabinet who had been a lawyer by profession, beyond the obvious case of the Attorney General, and that cabinet member was not admitted to practice in Alaska at the time of his service. In 1971, lawyers were appointed to serve as the Commissioners of Revenue and Administration, and the role of lawyers in state government, as their utility has been proven, has enlarged. Many departments now have the advantage of some in-house counsel hidden away as Deputy Commissioner or under some other administrative title. If the legislature continues to hold the rein tight on direct legal services (see 3.20.30), the trend is likely to continue.

2.50.60 ALLIED GOVERNMENT PROFESSIONS RENDERING LEGAL SERVICES

Formally designated state attorneys are inhibited in their ability to give advice directly to the public by conflict with their representation of the state corporate. But a large if un-
measured quantity of unofficial legal service is rendered by hundreds of state employees who have either special knowledge or who are specially located with respect to the legal needs of the public (See 4.30.00).

In rural Alaska, accessibility and superior general educational qualifications have resulted in major law-related counseling services being rendered by school teachers, visiting nurses, Bureau of Indian Affairs officials, social workers, Vista volunteers, police officers, Community Action Program employees, visiting employees from state and federal agencies (particularly dealing in advice concerning their own agency), magistrates, court personnel and others.

Those who are concerned about the proliferation of "non-professional" legal services should be reminded that the most significant information frequently transferred through the informal process is the recognition of circumstances where a licensed member of the bar is needed, a judgment which the person needing the service may be ill-prepared to make himself. Some intermediary role of this type is common in many private referrals and, of course, ALSC cases as well.

2.60.00 PRESENT ROLE OF UNIVERSITY OF ALASKA IN MEETING TRAINING AND EDUCATIONAL REQUIREMENTS

The University's efforts to meet the demands of law-related education, while of modest proportions, are by no means insignificant. If a fault can be identified, it might be that until 1975, no effort was made to respond systematically to this need. The University has responded to the coincidence of student interest in a particular subject and the availability of a person to teach
the subject matter. At Anchorage and Fairbanks, courses have been taught for some time in business law and real estate law as a part of the degree in business administration, usually on a part-time basis by a member of the local bar.

Government Regulation has been taught on the Fairbanks campus. On occasion, special courses such as "School Law" have been taught when specific demand warranted. On the Fairbanks campus, a one-semester course in Constitutional Law and History is followed by a spring course in the Courts and Civil Liberties.

A range of courses is taught in Police Administration and one course in the Sociology Department in "Deviant Behavior," but there is only one full-time faculty member in Fairbanks covering the field of justice system administration. A one-semester course is taught in Mining and Mineral Leasing Law.

A similar range of courses may be found on the Anchorage campus. There is no baccalaureate degree in justice administration on either campus, though planning is underway to offer a baccalaureate in justice administration at both Anchorage and Fairbanks.

The Anchorage Community College offers a wide range of law courses under "Law Sciences," "Corrections" and "Police Administration." There are two full-time faculty teaching these courses and as many as eight part-time faculty. Anchorage Community College boasts the only Alaska bar member on the faculty of the University, the chairman of the Department of Law Sciences.

While many of these programs are well taught, there has been widespread concern, particularly among members of the bar, about the quality of some instruction and the career expectations created.
There is no systematic method of recruiting teachers of special competence in these fields, which results in patch quality of course offerings, or the suspicion of it, in the absence of professional evaluation.

As with most subject matter, the teacher's reputation among students is the recruiter. If high quality teaching is offered in law-related subjects, students are likely to flock to them. The absence of a force for quality law-related education beyond the community college level, a force supplied on most university campuses by a law school, leaves a gap in legal education. The Criminal Justice Center concept described in paragraph 2.60.30 and the Office of Legal Studies of the University is intended to fill that vacuum.

2.60.10 PROGRAMS OUTSIDE THE UNIVERSITY MEETING LAW-RELATED EDUCATION NEEDS

Basic training courses in police sciences are taught to prospective state troopers at the State Police Academy in Sitka. The Academy also offers courses for municipal officers and, as occasion warrants, rural constables. The State Division of Corrections has an in-house training program for its personnel as do the courts for judicial administrative personnel. All justice system components rely on outside training programs such as the judges' school at Reno, Nevada, the Northwestern school for prosecutors for law enforcement officers, the FBI school, etc. Support for these programs comes from LEAA funds administered through the Governor's Commission on the Administration of Justice.

The secondary schools have recently been promoting law-related education, with the support of the American Bar Association Special
Committee on Youth Education for Citizenship. A newly established Alliance for Law-Related Education, in cooperation with the University's Office of Legal Studies and school district personnel in Fairbanks, Anchorage and Juneau, hopes to enlist community support for a specific law-related school curriculum.

The Alaska Bar Association, through a committee established for this purpose, has been specially active in promoting Continuing Legal Education. A half dozen well-attended one or two day programs are offered each year.

2.60.20   WICHE (WESTERN INTERSTATE COMPACT ON HIGHER EDUCATION) FORGIVENESS AND LOAN PROGRAM

The state's principal effort in law school education has been to provide scholarship funds or other indirect support for students wishing to attend public or private universities in other states or private institutions within the state. A general state loan program is available which offers forgiveness of up to 40 percent of the loan to students with up to five year's residency in Alaska upon return to the state for two years after completing their education. The policy behind the forgiveness provision is that state funds can be expended generously to provide students with skills which may be used for the benefit of the resident population, but that the state has a lesser obligation to provide education outside the state university for the sake of the student alone.

An increase in funding for this scholarship program plus continued support for WICHE at the established level of individual support perhaps makes the most sense for an early interim program for state support of graduate education in law. The scholarship
program is economical since, unlike WICHE, it is geared to student need. WICHE is geared to the need of the receiving state. The scholarship program involves a payback. WICHE does not.

There is some argument for providing a special class of educational loans for educational opportunities which, like law, are not offered within the state. It can be argued that the subsidy of educational support outside the state has greater merit in such a case than where the state is bearing the initial start-up costs of an educational program anyway, and where the incremental costs of adding individual students to it may not be very large.

Eight-nineteen Alaskan students are now attending professional schools in other western states under the auspices of the Western Interstate Compact on Higher Education. The student exchange program of WICHE is but one of several programs sponsored by it, perhaps is its best known.

Under WICHE, the sending state, Alaska, pays an established fee to any participating school of a member state by way of support for the costs beyond resident tuition of supporting the student's education. In turn, the receiving state charges the student only the resident tuition rate and, other things being equal, (which they seldom are), gives a preference to WICHE candidates over other candidates for admission. Twenty-four western law schools participate in WICHE. Alaska sends a $2,500 support grant to each school for each law student from Alaska certified under the WICHE program for whom funding is available.

The WICHE program is now entering only its third year of support for law school students from Alaska. It has build up
rapidly from only 10 students supported in 1973-74. For FY '76, the program administrators are asking for support for 62 students. Of these, 30 are for undesignated, newly entering students, out of 40 with admissions applications now pending, assuming an attrition rate, based on experience, of 30 percent. The amount of the annual appropriation to sustain this support in FY '76 is $155,000. Only eight WICHE-supported candidates are completing their studies this year, so it can be seen that, even if demand levels off, the buildup is far from over. The administration attempts to provide balanced support considering the many other WICHE programs in medicine, dentistry and half a dozen other professions.

In any case, it should be noted that if the legislature is unwilling to meet a larger part of student costs, it is unlikely that the legislature will be ready to appropriate the more substantial investment necessary to bring three years of legal education home. The prospects of bringing the third year home at a very low cost are discussed later.

2.60.30 CRIMINAL JUSTICE CENTER

The Alaska Criminal Justice Center was established within the University in 1975 pursuant to a grant from the Governor's Commission on the Administration of Justice to provide a wide spectrum of criminal justice education services and research and to provide a source of leadership in meeting the University's responsibilities in legal studies relating to justice administration.

The staff of the Center will consist of six professionals qualified to teach and undertake research, including 1) the development of a baccalaureate program; 2) continuing professional
development within justice system agencies; 3) assistance to communities in developing interdisciplinary education and action programs to improve the administration of justice and combat crime; 4) the development of culturally relevant programs for the administration of justice in rural Alaska and 5) criminal justice research.

Additional programs likely to be added to the Center within a year include juvenile justice and a courts administration-prosecution-defense education and research function.

Professional competence within the staff will include legal scholarship, law enforcement and correction experience and other related fields.

It is likely that the scholars and administrative support assembled in the formation of the Criminal Justice Center will form a nucleus for the further development of law-related education and research activities generally, though from different funding sources.
Participants in a public seminar on growth policy in January 1975 held by the Institute of Social, Economic and Governmental Research of the University of Alaska reached the conclusion (albeit with some reluctance on the part of many) that rapid growth in Alaska is inevitable. National policies aimed at greater self-sufficiency in energy supplies and probably minerals, in due course, will kick off massive development trends in Alaska, starting with oil and gas exploration, production and transportation systems.

Ironically, direct resource development, in the view of those gathered at the symposium, would not be the largest contributing factor to growth. During the pipeline construction phase, a major "pipeline impact" dislocation can be expected but, considering the capital intensive nature of the new technology of resource development, the long-term impacts of oil and gas development per se would not be that great. A major state policy decision to require processing and manufacturing in the state as a condition of use of the production would be growth-inducing in a larger way. But such a policy raises serious constitutional questions absent federal support apart from its acceptability to the Alaska public.

Rather than resource development itself, the largest single force for growth arises from the fact that the largest part of these resources is in public hands or in the hands of Alaska Native corporations. The Alaska economy of service to the basic extraction industries will be much larger than the economy of extraction itself. The public sector, responding to demands for services with the wealth generated from resource ownership, will not only generate greater growth but will have compounded influence, as state dollars roll over, in stimulating the general service economy of the state.
Law is the principal instrument of public accountability. It can be anticipated that government-generated economic growth will have a high law-related component. Growth's companion, innovation, also calls for a high level of legal participation in system building. Established systems operate on a lesser degree of legal-oriented understanding.

Thus, the law-related component in Alaska's growth picture is likely to loom large. Measuring that legal need, particularly going beyond the conventionally understood need for lawyers, is a difficult task. We can only suggest some factors to be considered.

3.10.00 CHARACTERISTICS OF GROWTH OF LEGAL SERVICES GENERALLY

Legal skills are not tightly tied to the lawyer's institutional professional settings. Though essential to practice before the courts, they are both useful and prestigious in dozens of different roles throughout government, private enterprise, education and the smaller worlds between. Accordingly, the "market" for the law-trained professional is extraordinarily elastic. The more lawyers available, the more roles they will displace in the allied professions and related fields, moving out to more remote areas of business enterprise, entrepreneurship, etc.

The market is also elastic according to cost and convenience. The number of people that legal practice can absorb will depend upon the cost of legal services. The cheaper the service, the larger the number of people there will be who will rely on legal services rather than doing without. The more lawyers entering the market, the greater their influence in reducing prices, particularly in these marginal areas of the market, the poor and the middle class (see section 1.20).
By the same token, the market is geographically elastic in that the greater the lawyer pressure in Anchorage, the more attractive will be the prospects for practice in smaller towns and in suburban areas out of the mainstream. While this raises questions concerning the value to the student of pursuing a law degree, it can only be beneficial to the public, at least in the short run. Some lawyers have raised the argument in the past that departure from fee schedules for legal services and resulting price pressures might lead lawyers to unethical conduct, lower quality work (in an attempt to do a greater volume), etc. But most such arguments are justification for any monopoly and the arguments have been largely abandoned with the schedules.

However, the cost-benefit of a lawyer surplus to the public changes to the extent that legal education itself is publicly subsidized. If the effect of a tightening market for lawyer labor is merely to reduce cost of service, the benefit is there (assuming the market is worth serving), but if the effect is to induce lawyers to pursue other than law-related fields, it is not socially productive insofar as these legal skills, acquired at public cost, are not utilized. Likewise, there is no social gain if persons who can still adequately perform the task but who are trained at lower levels of skill, are displaced.

These forces defy measurement. While the development of a model of the hypothetically efficient lawyer might provide a basis for a minimum standard, the variables in social policy choice and working situations make the utility of the exercise doubtful. The test for lawyer overproduction might be: "I don't know how to define it but I know a saturated market when I see one." It may be close. It has not happened in Alaska yet.
3.10.10 RELATION TO OTHER INDICATORS

A number of papers have been written about the relationship of the number of lawyers in a community to other indicators, such as total employment, gross state product and attorney/population ratios. Undoubtedly some correlations do exist (see more on this in paragraphs 2.10.00 and 2.10.10). Lawyers, like most of us, do better in good times, too. But precise formulas based on wealth for predicting the number of lawyers are probably not much good except for aggregate influences. Lawyer densities generally increase with the size of the community, but with wide variations according to the community and the region of the county. Boston, with a population of 641,071, has one lawyer for every 121 persons; Jacksonville, Florida with 328,865, has only one for every 604 of population. Among cities of 100,000-250,000 population, even within one state there may be high variation. For instance, Berkeley, California has 1/266, Fremont, California has 1/978.

Some factors inducing ratio differentials are obvious. A major commercial center is likely to supply legal needs for a wide area around it and is likely to suck in the lawyer population of the region. Government has a major influence. Washington D.C. has a lawyer for every 47 of its resident, Albany, New York, 1/124; Baton Rouge 1/183; Hartford, Connecticut, 1/120.

3.10.20 SOME SPECIAL CHARACTERISTICS OF SUPPLY-DEMAND RELATIONSHIPS IN ALASKA

Based on some of the general indices above, Alaska should be expected to have a high ratio of lawyers to general population. Alaska is its own market center and gets the "benefit" of most of the legal problems it generates. While Seattle does enjoy some
"Alaska" business, much of it stays home. Alaska's proportionately big government should mean a higher proportion of lawyers. But none of these indicators is the touchstone.

Alaska is very much a part of the national market in lawyers. Both by virtue of its prosperity and its big outdoors, last-frontier image, it is particularly attractive to the young, lawyers not excluded. So whatever the factors indicating the number of lawyers Alaska can absorb, we can expect the market to be stretched to its limits by immigration.

3.20.00 PROSPECTS FOR GROWTH BY COMPONENT

As illustrated in the calculations made in the next paragraph, the maintenance of the existing (end of 1975) ratio of lawyers in the general population through the late '70s and into the '80s suggests the addition of about 56 lawyers per year to the population reflected in 70-80 bar admissions each year to account for additional attrition. We foresee a number of factors which will increase the density of the lawyer population, in particular, new lawyers generated by ANCSA (3.20.20) and growth in the proportion of state government attorneys (3.20.30).

3.20.10 COMMERCIAL MARKET

By the end of 1975 Alaska will have a population of about 382,000 and a lawyer population of 900 of whom two-thirds are in commercial practice. Assuming that growth in the commercial sector of the economy from the end of 1975 on is reflected in private practice growth at a constant ratio of lawyers to population (1/500), Alaska will experience a net increase of 139 commercial lawyers by 1980 and a cumulative increase of 560 lawyers by 1990, an average
of 37 new lawyers per year (56 lawyers if government attorneys are also included at constant lawyer to population ratios). The assumption of a constant ratio is conservative. As the state grows, the density of the lawyer population is likely to increase also. We have attempted to account for this by identifying special growth factors, the effect of which would be to change this ratio in the following paragraphs.

The additional lawyer admissions growth necessary to replace predicted attrition is also difficult to calculate. Past experience of negligible shrinkage is not a good indicator. As the market tightens from recent high inflow, more emigration may be anticipated. Additionally, whenever the present unsustainable growth rate levels off, the average age of the bar will begin to increase, but a greatly increased replacement factor due to retirement or death should not emerge until after 1990 when those admitted after 1969 may begin to leave the practice. Mere increase in the size of the bar alone will account for a proportional doubling of the present abnormally low attrition rate over the experience of three or four years ago.

It is interesting to note that the bar admissions up to 1974 are in keeping with "normal" growth projection for the eighties - 47 to 69 lawyers per year. It thus appears likely that the new admissions of 1974 and 1975 are "catchup" growth including growth associated with the establishment of ALSC and the Public Defender Agency, and that a return to an admissions pattern of 55-100 per year and most likely in the bottom of that range is likely within another year or two at the most. Admissions beyond that will be counterbalanced by lawyers (maybe the same ones) forced out of practice.
A quasi-governmental demand for attorney labor has been created through the adoption of the Alaska Native Claims Settlement Act. A dozen large regional corporations require the equivalent of full-time counsel; in most cases, eventually a legal staff. The establishment of regional rural counties or boroughs will cause a parallel demand, if not as extensive.

In addition to the regional corporate structure, the Settlement Act has created over 200 village corporations. A few have sufficient assets to consider the equivalent of full-time counsel. Others will retain counsel under cooperative agreement. Independent reservations and urban Native corporations form yet another class of Settlement Act-created institution that will definitely need legal services.

A much lesser but parallel demand is being generated through pressure created by the Act to establish a municipal corporation for each village to hold land and assets.

These corporations will need expert guidance in the legal aspects of land management, resource management and money management. A torrent of subsidiary enterprises may be expected, indeed, has started. The Act is rich in potential for disputes among Settlement Act individual and corporate beneficiaries.

Lastly, the creation of stock interests in the Native people, the definition of individual property interests in land and the "trickle down" of corporate assets to the individual Native have created a whole new generation of transactions involving the utilization of legal services.

Prior to adoption of ANCSA, most rural Natives lived on land, title to which was in the federal government. One of the effects of
the Settlement movement was the generation (largely by ALSC) of thousands of Native allotment applications, most of which are likely to lead to the creation of estates in land. The Settlement Act mandates that surface rights within the Settlement Act acreage be conveyed to "occupants." Again, thousands of new, formal, real property interests are in the process of creation. Both of these types of property interest are particularly subject to litigation as to boundaries and basic ownership rights. In addition, every man, woman and child eligible by racial heritage under the Settlement Act has been given stock, usually in two different corporations. This stock will be subject to problems of inheritance and ownership, guardianship, etc. Apart from direct corporate representation, ANCSA has generated a potential flood of new legal interests, the management of which will call for legal manpower in some form or other.

Some may view this as a healthy prospect for enhancing the growth of the legal profession. Yet from another perspective, the Settlement Act calls out for special solutions to meet newly established legal need with sharply increased economy to avoid having a significant fraction of the Settlement Act benefits diverted to meet huge legal costs inherent in the Act's design.

In the absence of any newly designed system for the delivery and performance of legal services (which may involve even larger numbers of people, but at a lesser wage), it is not unreasonable to expect the Settlement Act to generate several hundred lawyer jobs in the next few years.

3.20.30 STATE GOVERNMENT

There is every reason to suppose that state government, powered by the flow of oil and gas revenues, will grow apace with the need for law-trained managers.
Alaskan natural resource legal policy and management is still at an early stage of development. Considering the billions of dollars of revenue at stake, the state has injected remarkably little by way of legal resources into the development of systems for their extraction or management. At the present time there are only 45 attorneys in the civil division of the State Department of Law. The time of only seven of these is wholly dedicated to natural resource work.

The geography of the state and the need for subsidized services in so many areas of the economy plus (of great importance) the fact that impressively large revenues will be available under legislative control to fund it, seems to predestine that Alaskan state government will take an active role in many areas of the economy reserved to private enterprise in other states.

Both the development of resources and the delivery of services will require legal resources. It is remarkable that, to date, the number of state attorneys has stayed at such a low level. The concentration of legal services in the State Department of Law, as a matter of policy, has resulted in an artifically low number of lawyers in government service. At one time or another every department of state government has attempted to establish its own law department only to be rebuffed by the Governor and Attorney General.

There are a number of reasons why this policy developed. Since the Attorney General is the Governor's appointee and, invariably, one of his closest advisors, the Department of Law acts as a second line of control or information for the Governor in dealing with
state agencies. On a working level, there are legitimate concerns that, if every department had its own independent counsel, an unacceptable level of legal resources would be consumed in interdepartmental disputes termed "legal" which are now settled at the policy level.

But this policy has resulted in an artificial check on state legal services. Incremental budgeting - holding the department to a percentage of its previous year's growth - has resulted in holding the number of lawyers in state government to an artificially low level. If the departments of state government were allowed to budget internally for legal service, even though obliged to contract with the Department of Law for them, the number of lawyers in state government, (excepting the criminal division) would double in one budget year.

Despite expanding needs and administrative pressure for legal skills, neither the executive nor legislative branch has recognized the extent of the expanding need for legal services through appropriation recommendations.

The forces requiring more legal resources in support of state government are compelling. Already an increasing number of attorneys have been attracted to ostensibly administrative jobs in a number of positions in state government. It is anticipated that at some point fairly soon, as state government grows larger and more complex, probably through program budgeting allocation of the Department of Law budget, a quantum jump in the number of attorneys employed in the civil division or by other state departments will occur - an addition probably of the order of magnitude of 20-40 attorneys in lieu of expansion in non-legal management type positions in the several departments.
Local government, particularly at the borough (county) level, is still developing at a high rate and generating comparable demand for legal services. Out of the 443 Alaska attorneys listed in the American Bar Association's 1971-1972 statistical study of American lawyers, 16 were full-time city attorneys, 75 were employees of the borough or state and 27 were employees of the federal government. A 1975 review bears out the proportion of publicly employed attorneys. With 34.3 percent of its lawyers in public service, Alaska easily outpaces all other states in the extent of its commitment to public practice. North Dakota ranks second with 28.1 percent. Expansion can be anticipated as a result of ANCSA developments referred to in paragraph 3.20.20. Municipal service functions, impelled by state revenue sharing, can be expected to rise sharply, particularly in areas of severe social service deficit where local government exists in embryonic form or not at all in 1975.

As an employer of attorneys, the federal government role in Alaska is comparable to that of an interstate corporation. Despite the great role of the federal establishment in the state as a land and resource controller, it is a relatively low level employer of lawyers. Six lawyers in the U.S. Attorney's office divide their time about equally between criminal and civil cases. Another 16-20 attorneys are employed in leading federal agencies of the state: the Alaska Railroad, Corp of Engineers (4), Federal Aviation Agency, Solicitor's Office, Department of Interior (5) and Small Business Administration. Their role is similar to local counsel of a national firm. Important decisions are made by Washington counsel. Local
counsel are usually hired with scant regard for Alaskan recruitment. Federal recruited attorneys do drop into the Alaska market for private counsel but with considerably less frequency than state government counterparts - perhaps two to four per year. As the private market tightens, even this flow is likely to dry up. Federal employment in Alaska, supported by a 23-25 percent tax free cost-of-living allowance, prices federal services slightly above the general market.

The separate kingdom of federal employment is even more prevalent for allied professions. Federal government employment operates according to its own internal dynamics, exercising little interactive influence on the general Alaska market for legal and law-related services. The presence of a cadre of Judge Advocate General lawyers is scarcely noticeable off-base.

3.30.00 INFLUENCE OF STATE GROWTH AND LEGAL SERVICES POLICY

While the overall trends to natural resource development growth and state government growth are practically irreversible, there are a number of areas of policy decision where that growth could be modified, its timing or effects altered. For instance, the legislature is considering legislation which would commit the bonus bid receipts from oil and gas resource development to a trust fund. This would have the effect of depressing early state expenditures and expanding later state expenditures. Consideration has also been given to royalty bidding - the successful bidder being he who promises the highest percentage of the oil as a royalty to the state. At the present time, the successful bidder is he who offers the highest initial dollar bonus, the state's royalty share being fixed. Apart from possible effects on total revenues, royalty bidding, too, would have the effect of postponing state income. It should be noted that these postpone-
ments are not necessarily from good times to bad but maybe from good times to better. In the long run, Americans have become increasingly prosperous. The cumulative effect of economic growth and the upsurge in oil and gas production in Alaska expected over the next 20 years, both indicate that Alaskans at the turn of the century will be far better off than those now disposed to save for their benefit.

Apart from oil and gas, resources can be developed more or less gradual according to state interests and policies. National development policies and variegated field ownership patterns make oil and gas development less subject to state control. But mineral development through royalty and environmental policy, even primary processing requirements can be controlled determining, at least, whether growth is fast or superfast.

These policies will influence the need for legal services also. Legislative initiatives may generate legal business. Sewer, water and electric systems, parks and recreation, welfare, education - all government funded services require complex management systems. Where management relates to the adjustment of public and private interest, lawyers will be in demand.

3.30.10 LIMITED ENTRY

In some "basic" industry areas, legal services may be expected to expand: government service (principally state and local), oil and gas. Demand will stabilize or decline in military services and timber. Fisheries law practice may enjoy a mild boom as a result of the adoption of a program of limited entry in Alaska fisheries involving the introduction of a fixed number of marketable commercial licenses. The creation of this new class of property and property transaction may create additional work for lawyers.
A system of "no fault" automobile accident insurance has been under active consideration in the state for several years. The relative popularity of no fault with the public in other states augers well for passage of no fault legislation in some form within the next 1-5 years. The effect of adopting no fault on the need for lawyers will depend upon the dollar limits used in the legislation to define the parameters of administrative settlement. The relatively high cost of judicial processing of accident claims in Alaska means that smaller accident cases are not bread and butter to the Alaska practitioner. It is still hard for the average practitioner to turn down a case. The human desire to accommodate those in need and chronic underestimation of the time necessary to dispose of a case combine to induce the attorney to accept many cases the lawyer would be better off without. Conscientiousness and ethics usually require carrying a case to its conclusion even after its economic value is surpassed. The elimination of legal work offering a marginal rate of return may turn out to be of some benefit to the practitioner. It is not expected that an appreciable number of lawyers will be forced out of business by no fault though some adjustment will be required. It has been suggested that lawyers are likely to show a little more ingenuity in discovering personal liability in other accident situations.

No fault will have its own system of law relating to the measurement of compensation, etc., and will have its own manpower requirements almost exclusively in the paralegal realm. Professor Robert Keeton, the principal scholar of no fault, suggests that since there are already an army of insurance company
employees and agents engaged in support of a redundant adversary system, the need for new personnel under a no fault system will be nominal or even reduce the number of jobs dedicated to processing automobile accidents.

3.30.30 MILITARY POLICY

Any decline in the free legal services given military personnel, resulting from a change in national policy on legal services to servicemen or their dependents, would also result in the creation of new jobs in the Alaskan lawyer labor force.

The opposite policy change is, perhaps, more likely considering the expansion taking place in providing legal services on an occupational basis nationally. The private concerns of military personnel do provide a significant source of income to Alaskan lawyers. Their divorces, adoptions, domestic disputes, consumer complaints, housing problems, etc. all provide a significant proportion of the work of the Alaska bar. Almost all of this legal work is required by people who can ill afford to pay the price.

3.30.40 CHANGING DELIVERY SYSTEMS

Policies bearing directly on the availability of legal services are also within the state's purview. Public policy, in large part constitutional policy, dictated the establishment of the Public Defender Agency and the Alaska Legal Services Corporation and dictated expansion in other sectors of the criminal justice system to meet the labor intensive and increasingly complex job of processing criminal justice offenders.
Conscious state policy to increase the availability of legal services in rural Alaska or to middle-class Alaskans by subsidy would cause an increase in the need for law trained personnel.

There is some indication that the policy trend to expand services has reached a plateau. As a part of our inquiry into Alaskan public attitudes in law-related fields, we asked a scientifically selected sample of the Anchorage public to agree or disagree that "Free access to legal services for everyone on an equal basis should be provided by the state at the taxpayer's expense." Thirty-nine percent disagreed with this statement strongly, a total of 66 percent disagreed in some degree and only 28 percent agreed.

To the extent that the state does embark on some program to develop legal services for middle-income families, it is unlikely that a large increase in attorneys would result from the program's implementation. A state-controlled program would probably include change from conventional forms of delivery to significant reliance on paraprofessionals. Any program introducing expanded paraprofessionalism would influence their use in the delivery of legal services generally, decreasing the demand for lawyers and increasing the ratio of paraprofessionals. Accordingly, while under a policy of expanded services many more people would be employed in law-related jobs and more supervising attorneys would be required for the expanded service, the total number of lawyers would be likely to hold steady or increase only slightly, rather than involving the 75-150 attorneys suggested as necessary if public policy required an across-the-board expansion of existing programs for the poor.
3.40.00 SOME QUANTITATIVE ESTIMATES

A projection of growth in the public and private sectors based on existing lawyer populations indicates the addition of 840 lawyers to the state's population by 1990. But several growth factors cannot be adequately accounted for by assuming constant lawyer/population ratios. The exposition of the Alaska Native Claims Act could involve as many as 200 additional legal jobs by the end of the same period. The role of the lawyer in state government is likely to expand at a much faster rate than the growth of state government itself. The present civil staff of the Department of Law is about 45 lawyers. The addition of 45 lawyers on top of "normal" growth is likely by 1990 (see 3.20.30). With the establishment of half a dozen new borough (county) governments, the need for 25 additional lawyers will be generated over the same period. On the other hand, if conservative policies are adopted relative to minerals development, no increase in the number of lawyers is likely beyond that suggested by normal business and population expansion.

Aggregating the influences on lawyer population, an average increment of 70-80 lawyers per year plus replacement, is predicted through 1990. Without pushing lawyers out of state in search of greener pastures, no more than 90-100 lawyers on the average are likely to be admitted annually considering normal replacement. The average in the early years should be nearer to 70, in the later years, nearer 110. An admissions rate that runs over this will force lawyers out of the state or out of the profession to the extent of the excess.

Growth in the use of paraprofessionals will dampen growth in the number of lawyers. On the other hand, growth in the size of Anchorage will work to expand the number of lawyers over projections based on
a constant lawyer to population ratio. These two influences might be equal in their opposing impact on the lawyer population. For instance, if the density of lawyers in the state increased in the period 1975-1990 from 1/382 to 1/372 as a result of Anchorage becoming a larger city, the lawyer population would rise by 50. Influenced by a strong trend to paraprofessional use, this demand might instead generate 100 legal paraprofessionals.

The evolution of the legal profession, possibly supported by state policy, is likely to result in an increase in the number of paraprofessionals. How many is anybody's guess. But one could easily imagine 100 additional super-paraprofessionals in addition to the two dozen or so now operating. The anticipated expansion of the legal profession by 70-80 positions per year will require 80-90 legal secretaries and related skilled labor during the period 1975-1980. Some of these are likely to have substantially higher skill levels than are now prevalent in entry positions. Whether they do will depend as much upon whether the University determines to make this an objective as any other factor.

Increases can be expected in the number of paralegal professionals in the criminal justice system beyond projections based on proportion to the general population. Increased general population in Anchorage will call for a slightly higher density of police to population. The principal change in law enforcement impacting education will be the higher educational requirements for entry and promotion.
PART 4

4.00.00  THE PROSPECTS FOR CHANGE IN THE DELIVERY SYSTEM

There is no subject of this study that is more controversial than the exploration of ways to meet unmet needs for legal services. For these are the issues of controversy between the bar and the general public, hitting the pocketbook of both. Many solutions would require drastic change. Whether these changes constitute improvement in the long run is beyond the power of any to demonstrate to a certainty. But pressure from the public for change is palpable.

The Senate Subcommittee on Representation of Citizen Interests has provided a focus for national criticism of the delivery of legal services. Senator John V. Tunney reports on the weight of the evidence before the committee in expressing the conviction that three reforms are necessary:¹

1) a reduction in the need for lawyers in routine transaction
2) a lowering of the costs of and an increase in the availability of "essential lawyer services" and,
3) an assurance of the representation of unrepresented interests.

The extent of the challenge to the bar: "to respond with searching, unrelenting self-analysis," is measured by Senator Tunney's reminder that "...no other self-regulated profession has met the challenge to change without intervention. All have been dragged - kicking and screaming..."

¹/ Reported in the American Bar Association Journal, March 1975, 61:343
The evidence of national dissatisfaction with the profession's performance does not necessarily hold up in Alaska. The evidently high degree of utilization of the profession's services in Alaska and the absence of strong evidence of dissatisfaction is reflected in our survey. Sixty percent of Anchoragites take their problems to attorneys when they feel like it. Only one citizen out of five avoided attorneys out of fear of cost. Only a handful forebore a visit to an attorney's office out of animosity to the profession.

4.10.00 LAWYER SPECIALIZATION AND THE DEVELOPMENT OF NEW CAREERS IN LAW

Specialization by lawyers and the development of professions allied to the law are the two factors most likely to induce change in the nature of the practice of law in the next decade, with resulting implications for the design of legal education. Not only should education conform itself to the realities of the future, but it might also encourage an earlier realization of necessary reform by paving the way in the educational process and by bringing public resources to the point of need.

4.10.10 LAWYER SPECIALIZATION

Most professionals are familiar with the hollow ring of omnicompetence. Within the bar, lawyers commonly recognize specialties among themselves as, a plaintiffs' P.I. lawyer, a tax or probate specialist, a trial lawyer, an office practitioner, an administrative law specialist and so on. Yet few are those who refer matters regularly, though they privately acknowledge a greater master of the subject matter in the bar. The public pays
the bill, very seldom in malpractice, but too frequently in the inefficiency of lawyer self-education in the subject matter at hand.

Is the Alaska bar likely to move in the direction of public recognition of specialization? If so, then some certification process and special educational qualification will surely be necessary. Periodic certification also will be an issue. A special committee of the Alaska Bar Association has been appointed to consider the issue. The real issue before the committee is not whether specialization should be recognized but the form of recognition and the time schedule. While the University has a role in these matters, it should assist and wait upon bar association efforts. A bar committee report should address these issues, at least in a preliminary way, during the latter part of 1975.

In an atmosphere of cooperation, the University could assist with its resources and its teaching tradition in introducing and providing continuing support to a workable system of specialization. The regularization, institutionalization and measurement of learning functions is a well established function of the University. But progress is more likely if the University is in the position of assisting the bar, not forcing the issue.

At the present time, the University has no faculty capable of establishing the criteria for specialization, nor the education function for lawyers which accompany it. The typical law professor

1/ Alaska Bar President Keith Brown reports on this issue in the May 1975 issue of Alaska Bar Briefs, the newsletter of the Alaska Bar Association.
(should the legislature decide to establish a typical law school) may also be ill-suited to this task. But in the absence of a law school, the University might provide an institutional framework to meet the recommendations of the bar.

4.10.20 THE DEVELOPMENT OF NEW CAREERS IN LAW

A discussion of the potential for new careers in law requires some comment on the relationship between specialization and paralegal professionalism starting with the origins of education for law practice. At one time all lawyers started as paralegals through the apprenticeship or clerkship route to law practice. While, on the average, law schools do a better, uniform job of preparing students for the law, in particular circumstances reading law with a distinguished practitioner was undoubtedly the royal road. It still can be, as testified to by the prestige attaching to post-graduate clerkships with a distinguished jurist.

Though the apprentice left for law school, the potential for this system remained. Without formal licensing or acknowledgment apprenticeships survive in a related form today. When the law clerks left for the law schools, their places were divided between the post-graduate law clerk or junior associate and the legal secretary. The women who aspired to be legal secretaries were not dull. Since, at least until recently, direct access to the profession for women was difficult, a legal secretary's job was a reasonable, dignified terminal professional role for women interested in law.

Any person working well for and closely with an attorney is likely to learn a good deal about the law and with an appropriate

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understanding between the employer and employee and aptitude on the part of the latter, the legal secretary, now paralegal, may come close to that degree of competence shown by the employer.

If the attorney is a specialist, the individual working for that attorney will become a specialist, in all likelihood exercising most of the skills of the specialty in as competent a way or more competently than the general practitioner would if still falling short of outdistancing the employer's skills. Above all, the specialized paralegal can be quicker and cheaper than the general practitioner.

Entry into the general practice of law by clerkship has been foreclosed for a number of years for a variety of good reasons; for one reason, the bar was closed to assure more professional practice. Today the issue of who can practice what arises in new context: the need for economy in urban settings, the need for on-site services in remote rural location - the latter an American circumstance unique to Alaska.

The question before the bar and concerned public is threefold. Should this route be acknowledged as still valid though for something short of general practice - i.e. a specialty practice? If so, should educational qualifications be offered or imposed for such specialization? If the existence of paralegal professionals are formally acknowledged, to what extent should the paraprofessional be allowed to operate independently of the context of a lawyer's practice?

The answer to these questions may be quite different in an urban or rural setting. In the urban situation, there are no sub-
stantial geographic constraints which would inhibit paralegals from working within the context of a law firm practice. Legal paraprofessionalism exists de facto both within firm practice and in the small claims court and elsewhere, outside of it.

Attorneys who oppose the concept of paralegal professionals operating independently of a law office (any more than happens now) argue essentially that there are no practical constraints to limit the paralegal practice to a designated specialty. More significantly, they charge that considerable public and private harm will result from practices outside the reach of the discipline of the courts and the bar which lack sensitivity to ethical and fiduciary responsibilities.

Of course, education and licensing are at least partial answers to that criticism. It is unlikely that paralegal professions would be attractive to large numbers of qualified people if those choosing to follow the profession were invariably under the economic thumb of an attorney. The existence of the option, even if independent practice was not the general rule, would help to assure an atmosphere of mutual professional respect between the attorney and the paralegal working together on a long-term basis. Attorneys, surprisingly enough, might be more likely to reap the maximum benefit from association with "paralegal" professionals when general and genuine recognition of the allied profession is prevalent. The paralegal is in the best position to show how he or she can be useful, a difficult task when one is considered unremittingly servient to the other.

Regardless of how much independence is given to paralegal professionals, it is likely that the urban paralegal profession
will get its shape from careful definition of role, responsibility and relationship to the attorney.

One can speculate that with paralegal professionals coming under the discipline of the courts and bar, in the long run, the bar association's ethical stictures against laymen and lawyers practicing together, sharing profits, will come under pressure and could be modified. Alternatively, the paralegals and attorneys will go their own ways in the manner of solicitors and barristers.

4.10.30 THE RURAL PARALEGAL

The development of paralegal professionalism in rural Alaska is more urgent. Just as medical aides must do what they can regardless, in village Alaska, so the rural paralegal is not only vastly better than no lawyer at all, but he must, per force, operate in a considerably more independent setting.

Tens of thousands of rural people are effectively denied adequate representation and assistance in the processing of routine legal transactions because of the inefficiency and other problems associated with placing fully and expensively trained lawyers in the village-sized communities of the state.

Improved communications with village Alaska through satellite transmission will make close consultation with an attorney technically possible by the 1980s. But technical capability does not meet the question of cost. It is too expensive to serve the simple needs of village Alaska through circuit riding of city-located attorneys aided by satellite communication. It is also too expensive to permanently locate counsel in the remoter areas. Nor do the nature of dispute resolution and, particularly, assistance with complex transactions justify such an outlay. There are traditional
forms of dispute resolution which make more sense to the people using them.¹ The imposition of the complete Anglo-Saxon adversary system of justice upon village Alaska is unsupportable. What is needed is education and training to handle real property transactions involving low dollar values, probate management and elementary corporate organization. This need exists now. It is being addressed by the regional corporations established under ANCSA and by ALSC. The University could play an important part in providing specific education for those who will pay roles in this new delivery system.

These services could be delivered through a newly trained paralegal professional, a new job in rural Alaska, or by training an existing official representative or by some combination of these depending on geography and custom. When a very small potential clientele is involved, it would be too expensive to try to structure the paralegal's job on a full-time basis. On the other hand, questions of power and conflict of interest arise in combining this employment with some other (see 4.30.00 and 4.60.10).

4.10.40 LOW VALUE SERVICES AND LOW COST DELIVERY

In the end, improvements in the delivery of legal services in rural Alaska will depend upon a calculus of the value of the service and cost of delivering it. Alaska, with the rest of the country, must attempt to determine the parameters of the society's obligation to support access to legal services. Access to legal services is recognized as a right in criminal matters through the establishment of the Public Defender Agency and in civil matters

(though not on a constitutional basis) through the establishment of Alaska Legal Services. But the extent of the resources which might be committed is undefined and the income eligibility standards result in an arbitrary demarcation between the needy and the rest of the population. The ability to pay of those slightly above the poverty line is severely constrained by other economic needs. Access problems may make the rendering of services more expensive. Quantification of commitment to subsidized legal services goes hand in hand with scrutiny of the cost of service in relation to value.

As a matter of fact, many Alaskans, like most Americans, do not now receive legal services for routine matters because the cost is too high. Group legal services plans are not an answer to the high cost of routine service. Insurance programs do well at spreading the costs associated with a serious legal emergency; they do not help on low value services unless subsidized.

In routine transactions, the citizen either proceeds on his own or gets his legal services from non-attorney government officials or banking, real estate or insurance institutions, etc.

Assuming that such "informal" legal services and near legal services are likely to continue, would it not be wise to give some professional recognition to the practice with the objective of providing a greater degree of control, competency and accountability?

The University could play a role in this area by providing educational services in combined degree training and professionally oriented specialty training.
Many questions need to be answered. What kinds of professional work could benefit from special recognition? What kind of training and certification would be required of those rendering the services? What professional activities could be recognized only in association with an attorney? Under what circumstances could the right of a certified, allied professional to operate independently be recognized?

The possible value of the use of paralegal professionals in an independent setting must be balanced against risk. Where highly professionalized services are required, a poor quality of semi-professional services could actively be harmful. In the interest of providing economic services to the middle class we should be sure we have not opened the door to the charlatan.

4.10.50 IMPLICATIONS OF COST AND VALUE FOR JUSTICE SYSTEM DESIGN

Any extensive weighing of the economics of delivery of lawyers' services in relation to value in a subsidy setting backs up to questions of the efficiency in courts themselves. Few lawyers have not wondered whether the public costs of formal court proceedings can be justified without exception. The cost of well-appointed space, judicial salaries, court personnel and jury is never accounted for in reference to particular cases. In some civil litigation the values at issue are but a fraction of the processing costs. In many cases, more suitable for commercial arbitration, the public interest in the quality of justice is barely discernible. Contract disputes, for instance, between construction contractors and their subcontractors or government public works offices are normal aspects of doing business. Should the public subsidize this aspect of
commerce by providing free judicial services? The problem for public policy is one of drawing distinctions between those situations which involve intangible values of a high magnitude in keeping the peace and community involvement and those low value dispute resolution situations with marginal community interest.

4.20.00 GROUP SERVICE PLANS

This report touches on the growth of group service plans in paragraph 2.20.10. It is probable that Alaska will see a rapid expansion of these plans through union organizations and, if Internal Revenue Service approval is forthcoming, Native corporate organizations.

The development of group legal plans bears some interesting comparisons with the earlier growth of group health plans. Union-based group legal services are likely to follow closed panel lines, with significant questions raised concerning the further centralization of authority, potentials for abuse as well as benefit and member dependency in these institutions. From the union perspective, the question cuts both ways in that the greater the involvement of the union in the life of its members, the more likely are the courts and legislature to impose rules of process and allow external intervention in these relationships.

Alaska is a state of strong union presence. As the teamsters' legal-services plan, teachers' union plan, laborers' union plan catch on, the closed panel system is likely to spread to all the major unions. As union members' needs are met, the non-union worker loses a political ally in searching for general solutions to the problem of providing general, low cost legal services.
As with health care plans, serious questions arise as to the social efficiency and unequal application of such plans relative to universally defined need. What happens nationally with regard to health plans is writ large on the wall for the future of legal services also.

4.30.00 RECOGNITION OF LEGAL SPECIALIST ROLES IN GOVERNMENT SERVICE AGENCIES

Roles alternative and complementary to the attorney and their educational equivalencies are only barely on the horizon nationally. Alaska's history of commitment to a broad range of social services, particularly in rural areas, provides an indication that this state may be a pacesetter. Public employees of the state or federal government - the BIA officer, the school teacher, the postmaster, the magistrate, the VISTA worker, etc. have long been providing a range of paralegal support in rural Alaska, particularly assistance with technical transactions and minor dispute settlements. Representation has been no less real for its informality. The ad hoc translator, considering the difficulties of literal translation of Eskimo and Indian tongues, has been a paralegal representative of the individual lacking fluency in English.

A more formal recognition of these services in fact, could lead to a greater degree of responsibility, and to performance-based education for government employees in rural Alaska, preparing them for paralegal functions they are not now trained for though they are still performed.

This role, of course, also involves power. The training of a separate paralegal professional is likely to transfer some of that power from the official to the villager so trained or enhance
the authority of the official. These consequences must be carefully scrutinized. The paralegal as a public officer has a strong tradition in Alaska and avoids some of the abuses inherent in recognition of an independent commercial paralegal.

4.40.00 SPECIAL ADMISSIONS FOR ROUTINE TECHNICAL LITIGATION WITH LOW STAKES - THE SPECIAL CASE OF DIVORCE

In recent years the institution of divorce and the lawyer's role in it have been a battleground of changing public policy. As no fault divorce has become the rule, those who face divorce or have come through it have become increasingly vocal and resentful of the lawyer's role - above all, the attorney's cost. The use of minimum fee schedules, now abolished by court decision in favor of individual lawyer choice, has not resulted in disappearance of the set fee, nor resulted in a decrease in antagonism from those who viewed their routine, uncontested divorce as a lawyer's "ripoff." The client with a smoothly processed divorce does not see and is without sympathy for the many situations viewed by the attorney where the "uncontested" divorce turns into a drawn out struggle or a series of therapeutic sessions involving many hours of the attorney's time with little prospect of remuneration above the set price.

The legal services attorney, whose clients frequently have nothing to argue about but the division of burdens, also tend to view private practice treatment of divorce as inefficient. Purveyors of "instant divorce kits" have grown in numbers and boldness, stimulating the Alaska Bar Association to corrective action in at least one case.
The lawyer's education, style or temperament may ill-suit him for handling divorce or other domestic relations cases. F. Lee Bailey spoke for a few within and many outside the profession in saying, "First of all, I don't think lawyers belong anywhere near divorce cases. They don't do their client much good. In fact, they can do them a great deal of harm."

"Lawyers will get two parties together who could probably sit down together and settle their differences and instead get them to reach a separation. In their anxiety to appear to have done a good deal for their clients, they just cause a wider breach between them..."¹

Arguing against self-assisted divorce, lawyers point out the unfair overreaching of one party by another arising from psychological advantage in proceedings processed without legal intervention. Financial harm can come to either or both parties from a lack of knowledge of individual rights, tax consequences or property values.

Some kind of assistance is necessary in handling the technical aspects of the transaction. About 10 percent of the divorces filed in the Anchorage area are now "self-help." Court personnel report that defective pleadings and inability to cope with court proceedings mar the majority of these filings. In the absence of legal redefinition of his role, the master hearing these cases is at a loss to determine the extent of the assistance he should give to litigants. Pro per proceedings are no answer to high cost divorce unless public counsel is also provided.

¹/ Quoted in Family Week Magazine, March 20, 1975.
In practice, there is wide variation in the value of services performed by attorneys in the divorce situation. Most attorneys are untrained and relatively ignorant of the psychological nuances of marriage in trouble. Not all attorneys are that careful in examining the detailed consequences for property interests of the divorce. By and large, those who have money will get good value. They will have sought separate psychiatric counseling; they will pay for (well in excess of the lawyer's personal minimum fee schedule) but get good counseling on the details of more elaborate property settlements. But for the individuals to whom the "standard fee" is all he can afford, divorce proceedings are expensive and value obtained is not always commensurate with the fee. If the bankrupt does not have the price of his fee, the lawyer will frequently send the bankrupt to the stationers to buy the forms and make out his own cause. As in the case with other legal services, the family of modest resources "going out of business" is less well served by the legal community than the poor or the prosperous. Alternatives in paraprofessional services may not provide all the answers. But this and other aspects of redesigned delivery must be explored.

4.40.10 SMALL CLAIMS RULE

As has been the case with small claims nationally, the Alaska small claims court, invented for the poor, has become the preferred forum of those the poor view as oppressors, the bill collectors.

A supreme court-appointed rules revision committee examined the possibility of barring the small claims court to collectors of assigned claims, but yielded to argument from the business community. It is inefficient to the point of uselessness for the merchant,
too, with a small claim to process a case with the aid of attorneys.

The practice in the small claims court has been to let representatives of commercial establishments appear through non-attorneys agents. As a result, a cadre of paraprofessional practitioners have developed with skills to practice in this court. While this has undeniably been efficient, the public is not protected from breaches of professional responsibility, a protection afforded in some measure against the errant lawyer by the discipline of the court. The contempt power of the court is a mitigating factor and if a lay practitioner were caught in an indiscretion, the judge could "disbar" the person from his own court.

Faced with the reality of paraprofessional practice, the bar and the courts have begun moving towards controlling it. A rule of court has been proposed which would require that the paraprofessional in small claims court perform "under the supervision of an attorney" under rules to be prescribed by the bar association. Until those rules are effective, the status quo of paralegal practice is maintained.

Paralegal practice in small claims court is the principal circumstance forcing the bar to consider paralegal practice with some urgency. But it is unlikely that the small claims situation will be considered alone without reference to the more extensive issues in paraprofessional practice in rural Alaska and outside the courtroom.

4.50.00 LEGAL AND LAW-RELATED EDUCATION: ROLE IN MEETING SUPPLY

The traditional exclusive jurisdiction of the lawyer protected by a penumbra of power around judicial or legislative definitions
of "The practice of law" is softening on the edges. Paralegalism, pretrial diversion schemes, the proliferation of administrative process and dozens of other mechanisms has created a need for legal services that caught lawyers unprepared. The participation of non-lawyers in the newly defined process is creating more emphasis on the need for legally trained individuals with low-cost legal education (meaning shorter time), more diverse educational backgrounds and more efficiently delivered skills than lawyers have shown themselves capable of in the past.

Specialization is also reflected in regionalization. Certainly Alaskan systems are a specialty in themselves. Alaskan institutions are likely to do a better job in educating people for Alaskan roles, other things being equal.

Of course other things are not equal. Alaskan higher education must prove that it can compete effectively with long established national institutions of higher learning, including the other state universities, in providing a quality education in law-related fields.

For the most part, American higher education is moving slowly in developing programs for law-related professions. Resources are scarce in any case. Outside of traditional areas such as police and corrections training, the law-related professions are ill-defined and there is a natural reluctance to develop educational programs on such shifting sands.

4.60.00 THE ROLE OF ALASKAN HIGHER EDUCATION IN MEETING SUPPLY

Under such circumstances, Alaskan higher education has an unusual opportunity. While national trends have not emerged, the particulars of Alaskan needs are much more easy to identify and programs
aimed at Alaskan specifics have high promise for creating viable career opportunities.

4.60.10 EDUCATION IN ALASKAN NATIVE CONCERNS

First among the responsibilities of the University is surely the development of education for the special requirements of ancillary legal systems in rural Alaska, a subject developed in paragraph 4.10.30. The indigenous people in particular need education to play the roles in that system and in the larger framework of the law. Roles in the administration of the Alaska Native Claims Settlement Act and its corporate progeny must be identified. Not all these roles require a major legal component and care should be taken in designing an educational program to balance the legal component with other valuable skills and judgment capabilities.

Apart from the Settlement Act, there are other rural programs requiring some law-based skills - government management, the adjudication of administrative disputes and assistance with technical transactions.

Not to be neglected in this educational structure is the need to educate all individuals to perform some of their own "legal" services and exercise law-based judgments. All persons should do some of their own laundry. Particularly, general education in law-related subjects (and teacher-training for such education), a requisite to the effective exercise of the rights and obligations of citizenship, should be met through state-educational programs.

The production of Native lawyers is a part, but only one part, of meeting these obligations. The history of power exercised by
lawyers in the achievement of the settlement may have put undue emphasis on the role of lawyers in society as a whole in the minds of the Alaska Native leadership. For the continuing development of the Native-based civilization, greater emphasis is necessary on the nuts and bolts of skills that will make the system operate. As indicated in paragraph 5.50.60 and Part B of the Introduction, there are few Alaska Native people ready for traditional law school education. Native college graduates, still numbered in the dozens, should spread their talents over a wide range of professional concerns rather than concentrating in law. The development of a cadre of legal administrators concentrating at the baccalaureate level holds promise of much greater return both to Native society and the individual Alaskan Native.

Urban paralegal development is still speculative. It is here rather than in the urban setting that the creation of a responsible paraprofessional structure will be the effective response that the circumstances demand.

4.60.20 EDUCATION IN STATE LEGAL CONCERNS

A new emphasis on the obligation of the University to educate Alaskans in resources management has emerged in the past two years. Without the ability to shape resource management policy, Alaskans have little hope of controlling their own destiny. Alaskan legal education, particularly in natural resource, land and oil and gas law is an essential ingredient in natural resource management systems.
While the special education of lawyers in resource law is certainly a part of the University's responsibility, (see 7.10.60), those with administrative or technical professional relationships to these functions will need more than a rudimentary understanding of the legal framework of land and resource management if they are to perform effectively. Some of this education can be gained through CLE classes open to all interested professionals. Other course offering may be specially designed for the informed layman or non-lawyer administrator or student aspiring to such a role.

Experience in such a generalized legal education mechanism as the Southwestern Legal Foundation of the University of Texas in Dallas indicates that programs tailored for policemen and prosecutors, landmen and lawyers can be effectively planned and carried out in a single institution.
PART 5

5.00.00 STUDENT DEMAND

The relevance of the numbers game in student demand is only partly to explore whether there are sufficient students to "justify" the establishment of a graduate program in law. Given the numbers of applicants now pending for entry to law schools nationally, the issues really relate more to the number of Alaskans who might be expected to attend an Alaskan law school.

The proportion of lawyers in the society as a whole is rising as a result of increased law school enrollment nationally. The ratio of lawyers to population within the state of Alaska is skyrocketing. There is every expectation that this rapid rise will continue until a saturation crisis occurs. This is not likely to be quite as painful as it sounds. The high cost of living in Alaska requires that most students gain employment before the admissions exam is taken. In a saturation situation these jobs will simply dry up and the law graduate immigrant will review his prospects in the other states more seriously.

The opening of an Alaskan J.D. program will not substitute local people for the lawyers coming in, but will add to the flow. A saturation level maintained by out of state law graduate pressure means that a large proportion of those graduating from an Alaskan law school will be required either to look to the national job market or accept employment outside the traditional bounds of the profession and probably both.

Between 29,000 and 31,500 new admissions to the bar have been predicted nationally for each year between 1973 and 1980, but only 16,500 legal jobs are estimated by the U.S. Department of Labor to be available each year of the same period. (Ruud 1974.)
5.10.00 DISTINGUISHED FROM PUBLIC NEED - RELATIONSHIP

Student interest and market demand do not walk side by side and hand in hand, but move with the cadence of blind animals joined by a tether. Periods of rapid expansion in student interest and expansion in educational facilities tend to be followed by periods of oversupply, glut, retrenchment and shortage, which in turn lay the foundation for a new round of expansion. Student interest tends very much to be moved by fashions not necessarily related to market demand. The present high level of interest in lawyering arises in part from the belief that the lawyer is highly effective in changing and reforming institutions. At other times he has been seen as the tireless rearguard defender of the status quo, so it is far from certain that this new youth-appealing image of the lawyer is permanent. There are not a lot of institutions out there waiting to be reformed by the new law graduates, not even a great many jobs. As this news trickles back to undergraduate levels, interest in lawyering will decline.

Public need is discovered in times of lawyer surplus. Established need generates demand for lawyers. Expansion in the supply of lawyers should result in a decrease in market price for services. The price drop should stimulate demand in numbers of persons seeking legal services, though the average value of services rendered may drop considering that less significant grievances may be brought to the lawyer's attention. At any rate, more public needs will be met. The hungry lawyer dreams up new ways to put his skills to use, also meeting newly defined public needs. More representation for unre­presented interests is a useful byproduct of this pressure.
5.10.10 PRESSURE GENERATED BY LAW SCHOOL ADMISSIONS CRUNCH

America has experienced a 30 percent law school enrollment increase in three years, largely paced by increase in female total enrollment in approved schools. The year 1974 saw a 4.34 percent increase over 1973 (110,713 over 106,102). Enrollment has more than doubled over 10 years ago. As the increase levels off, a "population bubble" emerges in the lawyer population, echoing that in higher education generally.

James P. White, the American Bar Association's Consultant on Legal Education, reports that the total law school enrollment for the fall of 1974 showed the lowest annual increase since 1968. Male enrollment in law schools actually decreased by one half of one percent. The enrollment of women in law schools continued to rise in 1973, up to 21,788 from 16,760. In 1974 women accounted for 19.7 percent of total law school enrollment (110,713). LSAT administrators expect that the number of those taking the bar exam will be about equal in 1975 to 1974. Accordingly, there is some anticipation that with the enrollment of women finding its level and considering sharply reduced employment opportunities for lawyers, law school enrollment will at least stop growing at the rate of the recent past. In the future, competition for candidates among law schools may become more important again. A falling enrollment plays havoc with law school economics.

5.20.00 INFLUENCE OF POPULATION TRENDS ON EDUCATION GENERALLY

In 1975, University of Alaska enrollment dropped 21 percent. Undoubtedly the bulk of this was either pipeline related or an in-

flation phenomena - getting back into an attractive job market at a time of skyrocketing personal maintenance costs. This kind of motivation would be particularly relevant to a largely part-time student body, a leading characteristic of University of Alaska enrollment. In contrast, national college enrollment is up 5.5 percent (6.3 percent in public institutions.) Inflation without job prospects evidently makes college more attractive. But overall, a declining national college enrollment can be expected to continue in the next few years as the baby boom of the '50s passes through. From 1969 to 1974 the number of 18 and 19-year-olds attending college has dropped from 50 percent to 43 percent. Dropping birthrates suggest a continuing drop in the number of students likely to enter school in later years.

5.20.10 POPULATION GROWTH AND EXPANSION OF LEGAL EDUCATION

Law schools nationally are just winding up a period of expansion without recent precedent in both the number of schools and student enrollment. Though pressure on admission for 1975 continues high, some decline in that pressure is anticipated by most legal educators. Indeed, many new law schools are looking to their hole card in the event that student interest drops substantially. The newest law schools are the first to feel decreased student interest and bear the brunt of adverse economic impact associated with declining enrollment. Even if interest in law studies stays relatively high, the trends noted in 5.20.00 are bound to have their influence on law schools too. The long-term forecast is for a steady decline during the next two decades in the rate of enrollment increase as the country moves toward zero population growth.
5.30.00 STUDENT DEMAND FOR WHAT?

It is too easy to assume that what the new law student wants is vocational education. Since the J.D. is a terminal degree, he should be looking to job prospects. Law schools are particularly prone to a vocational outlook because of their traditional, professional school orientation. Law schools are for practical people moving on from the cotton candy of "learning for learning's sake" to the educational hardtack of pre-apprenticeship.

Most students are, no doubt, still motivated by specific images of a lawyer's vocational role, however real, and attend school aspiring to fulfill these roles. But a growing number of students are motivated by a much wider vision of a lawyer's career, of a personal future, dreaming more of lifestyles than careers. Some of the new demand for legal education comes from this kind of student. Those that have the qualifications (as do a proportion equivalent to their numbers in the student body) are not denied admission because of a less vocational attitude. The presence of the new law student on campus is changing the role of the law school and the description of student demand. This student is not captured by the traditional definitions of attainment of the law school. By questioning traditional goals and standards, the non-vocational student is sometimes changing the definition of legal knowledge.

5.30.10 LAW AS PRELUDE TO OTHER CAREERS

Many more students, accepting the travail of extended graduate education as normal, now look to education in law as a prelude to some other career, as in business. It is not lost on such students that some successful lawyers have a way of transferring to business
as one route to enhanced income potential. The student who enters law training as a method of equipping himself for political life may also have quite different ideas on how he will earn a livelihood to support his avocation. The law school must recognize and respond to those objectives the student sees as law school-related.

5.30.20 LAW AND GENERAL EDUCATION

In "Recent Trends in United States Legal Education," Journal of Legal Education, 1974, Vol. 26, No. 3, Brendan F. Brown says, "Most students are not attending law school to prepare themselves for careers in the practice of law or even in the performance of any kind of law work." Brown indicates the necessity for responding to this trend with a jurisprudential type of legal education. Though Professor Brown portends a new national wave, scarcely a ripple has reached Alaska. The Alaskan, clamoring now for the establishment of a state law school, like, in all probability, the first generation of students of an Alaskan law school, is vocationally oriented. Many, practically, are looking for a meal ticket. One of the tasks of a new law school would be to educate potential students in a broader range of expectations while putting the prospects for their narrow range objectives in more realistic light, considering market factors.

Nevertheless, even if Professor Brown overstates the case, and supposing a more vocational attitude on the part of Alaskans, his comments and those of others bespeak a trend which will have some influence in Alaska if (as so many other national trends) on a delayed basis.
Law school education has been emerging as a successor to undergraduate liberal arts education. A B.A. degree "doesn't amount to much anymore" as a greater number of students offer perspective employers the credential of graduate education. An A.B. degree in the humanities or social sciences is all but unmarketable, particularly relative to a B.A. with graduate degree. We are a credential-based society and the competitive accumulation of credentials for a higher employment potential has added one more pressure for stretched out education.

Where these influences are felt, the emphasis on narrow professionalism and specific career objectives will decline. The movement to joint studies, under whatever title, will expand to the point of being the norm rather than the exception. A new kind of law teacher will become more common, the teacher who may have even a primary interest in some other field, but who, in any case, arrived at law teaching through some other course than academic success in the core of the classic law school curriculum. The law school is likely to take on more of the look of the graduate school of arts and sciences with an increasing emphasis on research scholarship and writing. The smaller classes which mark the graduate schools will become more common in law schools.

5.40.00 IMPLICATIONS OF TRENDS TO BROADER EDUCATIONAL OBJECTIVES FOR AN ALASKAN LAW SCHOOL

For proponents of an Alaskan law school, these developments have a number of implications and pose a dilemma. If the law school proposes to respond to the vocational interest of the Alaskan student, not only will it find it difficult and expensive to give him the same quality of education which could be obtained at an established
law school, but it cannot offer much assurance of employment in the vocational specialty sought. On the other hand, if the school responds to the interests of a kind of student not yet common in Alaska, it will not be meeting the specifics of the demand of Alaskan students. The state could respond to present student demand badly or hope to anticipate future student demand well.

Since the standards upon which the law school is judged are likely to change, it would be a mistake to get too confined by rigid criteria of what constitutes a "good" law school. The commitment to excellence is the key to the establishment and maintenance of a first-class institution.

First, the number of students necessary to a law school, for instance, is really an open question. Under the right circumstances a much smaller student body would be acceptable than is usually the case. There is undoubtedly a minimum critical mass for a faculty for any institution below which the level of exchange is insufficient to generate the heat of scholarship. There is also a minimum ease of access to quantities of stored information. But the student enrollment in legal studies which the University sets as a goal should bear some relationship to the value of the educational product to Alaskan society. What does it matter if the per-student cost is higher than national averages for law? Per-student costs in most graduate fields are far greater than law. The number of teachers in an Alaska law school would be doubled and still come well within the average for all graduate schools. The premier planning standard for comparisons is only that the law school graduate is as socially useful as his counterpart in other fields.
Secondly, faculty recruitment policies should recognize not only the diversity of knowledge that may be useful to a contemporary law school but the particular fields of interest which will be of interest to Alaskans and attractive in recruiting faculty drawn initially by Alaska's unique characteristics. Particularly, recruitment should emphasize knowledge in the development and management of natural resources.

Thirdly, in the long run, it would be a mistake to allow market limitations in the traditional markets for attorneys in Alaska to make educational policy rigidly negative to law - so long as the student is not mislead concerning the realities of his career prospects.

Lastly, since most students will not be able to enter conventional private practice and since there are few social goals served by encouraging students to attempt it, the curriculum should not be designed solely around the educational needs of the recruit to the private practice of law.

While it would be error to anticipate the trend to a more general legal education too early, it would be a greater error to ignore it. Specific qualification and balance issues should be left to the planning process in the two years immediately preceding the opening of the institution.

5.40.10 SECOND CAREERS - RENEWED INTEREST BY PERSONS ALREADY IN JOBS

The decline in national birthrates will eventually result in an enrollment decline in higher education. Institutions looking for replacement students will show greater interest in expanding education to reach a larger proportion of the population. Second careers (including enrollment of those passed over in the tight admission period) will be a hot area of law school admission.
The stretchout of graduate education has enlarged the number of students who will want and need to hold jobs before and during law school enrollment. In this respect, the Alaskan experience anticipates the national shift to a stronger component of work in education. The University of Alaska is primarily a part-time institution. A majority of its 17,000 students are taking less than a full-time load. The lure of the Alaskan outdoors and relatively well-paid field labor lures thousands of young men and women capable of scholarly performance to enter the job market after high school or at various times during their college careers. A high proportion of older students and the middle-aged is commonplace on all Alaska campuses.

Whatever may be said favorably concerning the increased emotional maturity and enhanced real world orientation of the student, competing employment does create special hazards and pedagogical problems when mixed with law school education. The experience of American legal education with night school and part-time education is largely bad. In assessing that experience, it is easy to forget that the most obvious factors have not related to night time or part-time education per se. The quality of self-selecting students has been poor and admission standards low. Many schools operating on this basis have been touched or totally infected by commercialism. Most critically, the resources devoted to these educational forms have been meager. Still, there are directly related problems. Legal education does call for an intensity of concentration on the subject matter which is defeated by part-time attention. Student energies are diverted, the exchange among students and faculty away from the classroom is lost.
The Alaskan school must respond to these issues. An Alaskan institution will be subject to pressure for part-time education to an unusual extent. Firm standards and acceptable techniques of accommodation must be established in advance.

While it would be premature to set a strategy here, the possibility of expansion of extern type employment-education as a part of the law school experience should be explored for selected kinds of employment. A job is more acceptable if it is a part of the educational experience rather than a distraction from it.

5.50.00 QUANTIFICATION OF STUDENT DEMAND

There are several ways of quantifying student demand, none of which are conclusive, all of which could be charged off partly as numbers games. In the end, intuitive judgments must support the data. It is the opinion of the advisory committee that if the University started a good law school, there would be enough students - good students - to attend. The questions for the University would be: how much of an out-of-state mix is acceptable: Do we proceed only with "safe" students, enticing back those who otherwise are quite prepared to go outside to law school? How much of an effort is the University prepared to make with academically marginal students?

5.50.10 BACKLOG PHENOMENA

The experience of the new Hawaii law school with the backlog phenomena is of prime significance. The geographic isolation of Alaska and Hawaii creates in each state a backlog of potential students who, for various reasons, basically economic, are unable to leave the state to attend law school. The average age of the Hawaiian law school student is 28 compared with 24 nationally. Those who make up the "backlog" will not all decide to go to law school in its first year,
but will spread out over the first several years of the law school's existence, particularly if admissions policies are designed to assure an evenly maintained age composition to the student body. The high average age has maintained itself at the University of Hawaii Law School. Though no law school has been established which would test this proposition in Alaska, there is every reason to suppose the same phenomena exists here. The heavy enrollment of older part-time students in the University of Alaska is one indication of it.

5.50.20 THE ALASKA LAW SCHOOL APTITUDE TEST (LSAT) AND ITS IMPLICATIONS FOR STUDENT DEMAND

For purposes of rough estimation of student availability for an Alaskan law school, some idea of the general dimensions of the backlog can be estimated from figures for Alaska Law School Aptitude Testing (LSAT).

About 110 persons took the LSAT in Alaska in 1974. On a national basis, .556 of each 1,000 of population took the exam. If .556 of 1,000 of Alaskans had taken the exam, 193 would have taken it. Accordingly, on this calculus, Alaska has a deficit of 83 persons who might have taken the exam but didn't. We assume, given the rough nature of the calculation in any case, that factors such as the work force composition, low Native scholastic achievement and high percent of young people in the population tend to balance out in relation to national average comparisons.

The Hawaiian law school average age, taken as a typical reflection of the backlog phenomena in an isolated state, could be used to get at the Alaska backlog. If the average Hawaii Law School age is 28, the national age 24, the average backlog student has waited up to eight years. If 83 Alaskans didn't take the exam in 1974, a similar but declining number didn't take the exam in earlier years, reflecting
population growth in each of eight years between 1965 and 1974 at a rate of six percent per year, a potential backlog of about 540 LSAT non-takers emerges. About one-third of LSAT candidates actually apply and gain admittance to law school (those in the bottom range of scores presumably drop out discouraged.) Accordingly, as many as 180 potentially successful students are in the Alaska backlog who might be expected to enroll over a five-year declining period. The following might be a reasonable estimate of their enrollment:

<table>
<thead>
<tr>
<th>Year</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>'76</td>
<td>65</td>
</tr>
<tr>
<td>'77</td>
<td>45</td>
</tr>
<tr>
<td>'78</td>
<td>30</td>
</tr>
<tr>
<td>'79</td>
<td>25</td>
</tr>
<tr>
<td>'80</td>
<td>15</td>
</tr>
</tbody>
</table>

In addition, those students who are eligible to attend law school and who, in the absence of a law school, would become a part of the backlog, will be coming of age. Their number increases with the general population increase. On the reasonable assumption that one-third of 83 LSAT takers, or 28 persons, could be admitted and would attend the first year, and assuming a five percent growth, we get the following additional prospects for attendance with a success potential sufficient to meet general American law school admission requirements.

<table>
<thead>
<tr>
<th>Year</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>'76</td>
<td>28</td>
</tr>
<tr>
<td>'77</td>
<td>29</td>
</tr>
<tr>
<td>'78</td>
<td>30</td>
</tr>
<tr>
<td>'79</td>
<td>32</td>
</tr>
<tr>
<td>'80</td>
<td>34</td>
</tr>
</tbody>
</table>

5.50.30 THE RELUCTANT TRAVELER

In addition, while they must be treated on a different basis from a cost-benefit perspective, approximately one-half of those who now attend law school outside of Alaska at considerable cost can be estimated as preferring to attend law school within the state if a

1/ Law schools have not always been so choosy nor so heavily reliant on LSAT for admission. As recently as 1964 there were 37,598 LSAT candidates and 24,167 first-year admissions in the following year.
law school is started. We have no hard data to support this figure, but it corresponds roughly with the Hawaiian experience. A number of Alaskans attending law school outside Alaska have been interviewed. More than half of these stated they would have attended school in Alaska if Alaska had a law school. Our projections of students from this category of source: one-half of one-third of 110 also growing at five percent per year.

<table>
<thead>
<tr>
<th>Year</th>
<th>'76</th>
<th>'77</th>
<th>'78</th>
<th>'79</th>
<th>'80</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>22</td>
</tr>
</tbody>
</table>

5.50.40 **FIRST YEAR ATTENDANCE POTENTIAL FOR THE FIRST YEAR OF AN ALASKAN LAW SCHOOL**

Adding these three populations, we have a first-year eligible student population pool of:

<table>
<thead>
<tr>
<th></th>
<th>'76</th>
<th>'77</th>
<th>'78</th>
<th>'79</th>
<th>'80</th>
<th>'81</th>
<th>'82</th>
<th>'83</th>
<th>'84</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Backlog</td>
<td>65</td>
<td>45</td>
<td>30</td>
<td>25</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>B. Deprived</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>32</td>
<td>34</td>
<td>36</td>
<td>38</td>
<td>40</td>
<td>42</td>
</tr>
<tr>
<td>C. Out-of-state</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>26</td>
</tr>
</tbody>
</table>

111 93 80 78 71 59 62 65 68

We emphasize that these figures do not represent applicants (the figure would be much greater), but the proportion of applicants who would be admitted and who would agree to attend, assuming the law school wished to start with a student body size at the level indicated.

These estimates, concededly rough, still do not take into account two other factors which would tend to build first-year resident population. These factors are described in 5.50.50 and 5.50.60. The influence of adding a normal, non-resident law school student admission quota is reflected in 5.50.70.

5.50.50 **LEGAL EMPHASIS**

As the first professional school in Alaska, the Alaska law school will tend to build disproportionate interest among students blocked in access to other graduate professions in the state. An excitement
or stimulation factor will encourage where lack of opportunity dis­
courages. This carrot and stick would likely result in a quite sub­
stantial increase in numbers attending law school in Alaska over
national averages. About five percent of young Alaskans now choose
law school. If this figure went to six or seven percent, the figures
in lines B and C in the table in 5.50.40 would go up 20 to 40 percent.
If it went up only 20 percent, the projection for the lowest popu­
ation of a first-year class would be 71 persons in 1981, the "bottoming
out" year.

5.50.60 THE MINORITY STUDENT

These calculations take no account of efforts to enhance oppor­
tunities for minority students to attend law school (see 7.10.40).
The mean score of Alaskans on LSAT is 537 (national mean is 534).
While one should hesitate to make any estimate that might be construed
as setting a target at this early date, the conclusion in the count
of one out of ten students as additional high risk students would not
seem unreasonable, bringing the estimate for the lowest student pop­
ulation year, considering the factors discussed in this and the pre­
ceding paragraph, to 78 first-year students in 1981.

5.50.70 OUT-OF-STATE STUDENTS

Almost all law schools recognize the educational advantages of
regional diversity in student population by admitting (at an adequate
tuition level) selected students from the other states. Private,
northwestern schools such as Gonzaga and Puget Sound Law School are
admitting one-half to two-thirds of their students from out of state.
We need not go to such lengths unless a determination is made that
the University of Alaska should aspire to a very substantial student
enrollment size in its early years. Assuming Alaska makes the financial commitment to a first-class law school, we are not concerned regarding the sufficiency of out-of-state student interest. The strong interest of out-of-state law graduates in Alaska is not a third-year student phenomena. Many of the same factors which encourage young people to live in Alaska would also encourage them to attend school there.

In point of practice, new law schools do not normally start up at 100 plus per class, but during the organization period run at much lower admission rates for the first three years or more - between 55-75, reaching optimum size in 5-7 years. One might surmise that part of the reason for this approach is that so few proposed law schools are given adequate preparatory lead time. However, for purposes of our student demand calculations, a lower class size in the early years will result in a "toothpaste tube" effect, pushing a bubble of eligible students of changing composition before the admissions gate, continuing the backlog effect for a number of years.

5.50.80 ALTERNATIVE CALCULATIONS

Of course these figures are subject to criticism. Still, they are supported by such alternative calculations as Professor Ball's thesis that roughly one out of every 100 22-year-olds is in law school. As reported in the 1972 Report of the Task Force on Professional Utilization of the American Bar Association:

"In 1964, Prof. Vaughn Ball of the University of Southern California Law School was commissioned by the ETS and LSAT Council to make projections of the future LSAT volume. In 1962, the LSAT was administered approximately 30,000 times. Prof. Ball's projections
in 1964 indicated the dramatic increase which has, in fact, taken place. Prof. Ball's methodology involves applying a constant factor to the total number of 22-year-olds in the general population..." Census figures for 1970 indicate 7,592 out of 300,382 Alaskans (or 2.5 percent) were 22 years of age. Assuming a proportionate increase, by the end of 1975, 9,550 Alaskans would be 22, resulting in a potential first-year class of 96 (assuming a balance of student emigration and immigration) and a total state law school population of 288.

Other indicators of student interest include a signup of 108 for a B.A. curriculum in law-related legal sciences and the formulation of a pre-law student association in Anchorage. Pre-law students are discouraged from entering the law sciences curriculum. It is impossible to get an accurate reading on the number of students now attending law schools outside of Alaska. The WICHE count covers only WICHE participating schools. Loan program figures understate attendance by an unknown factor since not everyone participates in the loan program. The LSAT figures are probably as reliable an indicator as we have. However, the figures on WICHE and the loan program do no injury to our conclusions. Sixty-three students are certified as WICHE eligible in law (2.60.20).

The state loan office conducted a mail poll, for which the total return was 40 percent, asking enrollees in the state's out-of-state scholarship program to identify their field of concentration. For each of the years 1971-72, 72-3, and 73-4, students replying in law were 23, 30 and 24, respectively. Assuming this represents the same
40 percent return, a calculation on the peak response would indicate approximately 75 students in law under the state loan program. Some WICHE overlap can be expected and some students will be enrolled exclusively in federal, G.I. or other loan-scholarship programs or none at all. Under terms of the state program, the national loan program "backs out" state loan dollars.
PART 6

6.00.00 SURVEY RESULTS: EXPERIENCE AND ATTITUDE OF LAWYERS AND THE GENERAL PUBLIC

This report includes some preliminary results of a public opinion survey commissioned in connection with this investigation. Characteristically, returns from more remote jurisdictions are long in coming in. A full report of state public opinion on the questions polled, with demographic analysis, will be available in the summer of 1975 for those interested. Our preliminary report has no demographic analysis and pertains only to the Anchorage population.

6.10.00 SUMMARY RESULTS OF THE PUBLIC POLL

The public survey questionnaire was developed with the cooperation of Rowan Group Inc., an experienced Alaskan survey firm, which conducted the survey. The sample is randomly drawn and proportionately divided based on census block study statistics. In the past, this sampling technique has demonstrated a liability of $\pm 3$ percent. The preliminary report is based on 143 interviews with Anchorage area residents, 18 years of age or older, and represents 45 percent of the state's population in that age group.

Depending upon the question polled, the Anchorage sample may be representative or unrepresentative of the state as a whole. Rural and small town Alaska have some clear biases based on interest. The possibility of significant changes in results will be noted on each question.

6.10.10 ACQUAINTANCES WITH ATTORNEYS

The Question: How many attorneys do you know personnaly?

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.0%</td>
<td>Zero</td>
</tr>
<tr>
<td>16.1%</td>
<td>One</td>
</tr>
<tr>
<td>23.8%</td>
<td>2 - 4</td>
</tr>
<tr>
<td>32.1%</td>
<td>+ 4</td>
</tr>
</tbody>
</table>
Comment: This may be compared with the results published by the Special Committee to Survey Legal Needs of the American Bar Association indicating 44.5 percent of Americans have a friend who is a lawyer. While the different phrasing of the ABA question poses some difficulties, Anchorage would seem to be well ahead of Americans generally in their acquaintance with lawyers, particularly considering the lower age here. It will be interesting to see the extent to which ALSC operations may have influenced rural returns which otherwise should substantially reduce this proportion when collated for state totals.

6.10.20 FREQUENCY OF CONSULTATION WITH A LAWYER

The Question: Have you ever brought a problem to an attorney for help? (and if so) When was the most recent example?

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.5%</td>
<td>Never</td>
</tr>
<tr>
<td>35.0%</td>
<td>In last year</td>
</tr>
<tr>
<td>10.5%</td>
<td>A year or two ago</td>
</tr>
<tr>
<td>32.1%</td>
<td>Before that</td>
</tr>
</tbody>
</table>

Comment: This is comparable with the ABA survey showing that approximately two-thirds of respondents nationally report taking a problem to a lawyer. Alaska's lower average age should account for a lower incidence of lawyer consultation. (The age sample used in the ABA study was the same.) Rural results should show a sharp decline in numbers seeing an attorney.

6.10.30 FREQUENCY OF LEGAL PROBLEMS AND REASONS FOR AVOIDING A LAWYER

The Question: Have you ever felt you wanted to talk to an attorney about a claim, some complaint, a family problem, a will -- things like that -- but you didn't for some reason? Try to recall. Why did you fail to talk to an attorney?

To this question the respondents replied as follows:

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Situation never occurred</td>
<td>60.8%</td>
</tr>
<tr>
<td>Didn't know attorney well</td>
<td>4.9</td>
</tr>
<tr>
<td>Cost too much</td>
<td>16.1</td>
</tr>
<tr>
<td>No attorney available</td>
<td>2.8</td>
</tr>
<tr>
<td>Other: Put it off (4); Have talked; Problem solved; Lethargic; Lack of knowledge in how to handle matter; Fear they were bunch of shysters; Funds not available (6); Didn't want to get into the fight; Lack of time; Attorney negative attitude to public; One call from jail at your convenience but not theirs; Just business; Decided against.</td>
<td>15.4</td>
</tr>
</tbody>
</table>

Comment: About one-fifth (19%) of respondents on the ABA survey reported experience involving recognition of the desirability of going to an attorney but deciding not to do so. The results of the ABA inquiry into why the respondent declined to respond had not been tabulated for the 1974 Preliminary Report and were not available when this account was compiled. The rural returns should raise the totals of those balking at visiting counsel.

6.10.40 LEVEL OF SATISFACTION WITH ATTORNEY SERVICES

The Question: In the last contact you had with an attorney who was helping you, how would you rate that attorney's services to you? Would you call them...

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>31.5%</td>
</tr>
<tr>
<td>Pretty good</td>
<td>17.5</td>
</tr>
<tr>
<td>Just fair</td>
<td>8.4</td>
</tr>
<tr>
<td>Don't know</td>
<td>2.1</td>
</tr>
<tr>
<td>No answer</td>
<td>37.7</td>
</tr>
<tr>
<td>Other: Horrible; Lousy; Poor</td>
<td>2.8</td>
</tr>
</tbody>
</table>

Comment: Generally, that part of the public which has used legal services seems to be well satisfied with the quality of representation.

6.10.50 ATTITUDE TOWARDS PARALEGAL DEVELOPMENT GENERALLY

The Statement: It would not be a good idea to let people perform any of the tasks of an attorney without graduating from law school.

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>35.0%</td>
</tr>
<tr>
<td>Agree</td>
<td>12.6</td>
</tr>
<tr>
<td>Disagree</td>
<td>28.6</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>18.2</td>
</tr>
<tr>
<td>Don't know</td>
<td>5.6</td>
</tr>
</tbody>
</table>
Comment: The public seems about evenly split between those who agree or disagree on expanding paraprofessional performance into areas traditionally reserved to lawyers. It should be noted, however, that twice as many feel strongly against this trend as strongly support it.

6.10.60 PERSONAL INTEREST IN PARALEGAL CAREERS

The Statement: If there were employment opportunities in the legal field that did not require a graduate law degree, I would be interested in such a career even if I couldn't do all the things lawyers do.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.3%</td>
<td></td>
<td>25.9</td>
<td>26.5</td>
<td>19.6</td>
<td>14.7</td>
</tr>
</tbody>
</table>

Comment: Fully 43 percent of these polled express some personal interest in employment in the legal field. This certainly establishes the existence of a large pool from which to draw for law-related professions. Rural survey results would be likely to enhance this proportion because of the high unemployment in rural Alaska among other reasons.

6.10.70 ATTITUDE TO LAW SCHOOL GENERALLY

The Statement: For Alaskans who want to attend law school it would be better to help pay the cost of going to schools outside the state, even though some still could not go, than to undergo the expense of starting a law school in Alaska.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.3%</td>
<td></td>
<td>13.3</td>
<td>29.4</td>
<td>26.5</td>
<td>17.5</td>
</tr>
</tbody>
</table>

Comment: As noted earlier, this constitutes decisive evidence that Alaskans more than 2-1 want their legal education at home even if it costs more, attorney opinion to the contrary notwithstanding. The views of rural Alaskans are likely to express this sentiment at least as strongly, probably more so.
6.10.80 PERSONAL INTEREST IN LAW SCHOOL

The Statement: If a law school is established in Alaska at some point, I would seriously consider applying for admission to it.

11.2% Strongly agree
5.6 Agree
28.7 Disagree
33.5 Strongly disagree

Comment: This also confirms the existence of a substantial interest in enrollment in an Alaska law school. While most of those expressing interest are unlikely to have sufficient qualifications, the number of those strongly interested is surprisingly large. Sixty percent of Alaska's population is 18 or over. The survey indicates the presence of approximately 11,000 persons in the Anchorage area alone expressing a strong interest in attending law school. Realistically, there are very few people living in rural Alaska who are in a position to attend law school or who are ever likely to reach a level of minimum qualification. Whether this is likely to affect survey results is hard to gauge.

6.10.90 COMPARATIVE LEVEL OF SUPPORT FOR LEGAL EDUCATION

The Question: Of the following university-level fields of study, which three would you pick as deserving more public support and funds in Alaska today?

67.8% Engineering
14.0 History
77.6 Medicine
10.5 English
40.6 Law
61.5 Business Administration
8.4 Mathematics
1.4 Other: Religion; Fish/wildlife
2.1 Don't know
0.7 None

Comment: Medicine, Engineering and Business Administration emerge as the favorite priorities of the Anchorage public. Law, next, appeared after the top three choices at 40.6 percent. It should be noted that the question is posed with reference to increases in public funding
and support. It should not be concluded from this that Alaskans put a low priority on the basics - mathematics and English - which underlie all advanced studies. The question tends to encourage visualizations of "new starts." Apparently most Alaskans think the resource commitment to basics is at an appropriate level. The vocational orientation of the Alaskan public is reflected strongly in these answers. Possibly basics will get an enhanced score from rural returns.

6.10.100 ATTITUDE TO SUBSIDIZED LEGAL SERVICES

The Statement: Free access to legal services for everyone on an equal basis should be provided by the state at the taxpayer's expense.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.2%</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
<td>Don't know</td>
</tr>
<tr>
<td>9.8</td>
<td>Agree</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.6</td>
<td>Disagree</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39.1</td>
<td>Strongly disagree</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3</td>
<td>Don't know</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comment: Urban Alaskans oppose this proposition more than 2-1. There is little in this result to encourage those who advocate further extension of free or subsidized legal services to middle income families or lower income families not reached by the existing ALSC program. It is likely that rural families, where publicly provided services are a much higher proportion of all services, will find this proposition more agreeable.

6.20.00 SUMMARY RESULTS OF THE ANCHORAGE ATTORNEY SURVEY

The Anchorage attorney survey is much more likely to be representative of the whole bar of the state, lawyer interests being much more uniform and stronger than the pull of geographic distinctions on the questions polled. It is possible that further polling, reaching a sample of all lawyers in the state, will be commissioned later depending upon interest in followup to this study. The Anchorage lawyer
survey was also taken by random interview, and included 108 lawyers and judges representing approximately one-quarter of the lawyers practicing in Anchorage. Based on correlation of answers to these questions with facts concerning lawyers ascertainable from objective sources, the reliability of the sample is good.

The most noticeable consequence of comparison of the public and lawyer surveys is the sharp contrast between the two groupings in their attitude to Alaska-based legal education.

Sixteen percent of the lawyers favor the establishment of a law school now. Twenty-five percent prefer the establishment of a law school in periods averaging and clustered on 7-8 years. Fifty-six percent are opposed to establishing a law school at any time in the foreseeable future. Three percent expressed no opinion. The 81 percent opposed to a law school now, overwhelmingly based their view on three propositions: 1. law schools outside are sufficient for Alaskans wishing to go; 2. the quality of an Alaska state law school would not be high enough and would lower the quality of the Alaska bar and, 3. the public expense is too great.

On the other hand, 40.6 percent of the Anchorage public picked law as deserving more public support and funds in Alaska today. Fifty-six to thirty-nine, the public disagreed with the proposition that it would be better to pay the expenses of those wishing to attend law school outside Alaska than undergo the expense of starting a law school in Alaska. One reason for the difference (but not enough to reflect the full difference) emerges in the fact that fully 17 percent of adult Alaskans would seriously consider applying for admission to an Alaska law school if one were established.
6.20.10 EDUCATIONAL CHARACTERISTICS OF ALASKA LAWYERS

As might be expected, the prior formal education of lawyers is predominantly in the social sciences and very little in the natural sciences:

Undergraduate major (Question 1)

<table>
<thead>
<tr>
<th>Social Sciences</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Courses</td>
<td>17</td>
</tr>
<tr>
<td>Political Science</td>
<td>29</td>
</tr>
<tr>
<td>Economics</td>
<td>12</td>
</tr>
<tr>
<td>Other Social Sciences</td>
<td>21</td>
</tr>
<tr>
<td>Humanities</td>
<td>16</td>
</tr>
<tr>
<td>Natural Sciences</td>
<td>5</td>
</tr>
</tbody>
</table>

There appeared to be no great difference between those over thirty years of age and those under in the division between social sciences, humanities and natural sciences. For reasons that may reflect no more than normal statistical variation, none of the younger group (admitted since 1971) seem to care for economics.

Alaska lawyers do come from highly diverse educational backgrounds. (Question 2.) A sample of 100 lawyers reflects 50 different law schools. The best represented law schools in Alaska are:

- University of Washington 36
- University of California, Berkeley 27
- Harvard 27
- Willamette 25
- Michigan 23
- Hastings 22
- Colorado 21
- Texas 21
- Georgetown 21
- Oregon 19
- Stanford 18
The division of origins of attorneys of the bar generally is
as follows (according to National Reporter System Divisions):

<table>
<thead>
<tr>
<th>Region</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>PACIFIC</td>
<td>321</td>
<td>50</td>
</tr>
<tr>
<td>NORTHEASTERN</td>
<td>65</td>
<td>10</td>
</tr>
<tr>
<td>SOUTHWESTERN</td>
<td>51</td>
<td>8</td>
</tr>
<tr>
<td>Texas, Mo., Ark., Ky., Tenn.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NORTHEASTERN</td>
<td>112</td>
<td>18</td>
</tr>
<tr>
<td>Ill, Ind., Ohio, N.Y., Mass.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATLANTIC</td>
<td>57</td>
<td>9</td>
</tr>
<tr>
<td>Pa., Md., Del., N.J., Conn., R.I., Vt., N.H., Me.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOUTHEASTERN</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td>W.Va., Va., N.C., S.C., Ga.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOUTHERN</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>La., Miss., Ala., Fla.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Twenty-eight percent of attorneys polled have professional
training in a field outside of law. (Question 4.) Five percent have
engineering degrees; five in accounting. Some eighteen other pro-
fessions were represented in a sample of 106 answering. Attorneys
who have experienced no other full-time employment except law out-
number those who have 60-40. (Question 5.) Of course since almost
all have spent years of part-time employment to support themselves
in school, a complete range of occupational experience is represented.
6.20.20 THE ATTRACTIONS OF ALASKA FOR LAWYERS

Those who had never lived in Alaska prior to attending law school outnumber those who have more than two to one. (Question 6.) Twenty-eight percent practiced law in some other jurisdiction before coming to Alaska. About half of these practiced law for three years or less in the jurisdiction from which they came. Others practiced elsewhere for periods averaging 7-1/2 years. Slightly more than half of those who had practiced elsewhere had practiced west of the Mississippi.

For about forty percent of Alaskan attorneys, the fact of a job offer in private or public practice was a very important factor in bringing them to the state. (Question 8.) Of these job offers, those in public practice heavily outweighed those in private practice. But job offers are not the only inducement to come to Alaska. Outdoor recreation, hunting and fishing, liking for the Alaskan way of life and concern with the deteriorating quality of the environment elsewhere each ranked equally in the minds of the lawyer immigrant to job opportunity.

6.20.30 OTHER SOCIO-ECONOMIC CHARACTERISTICS OF ALASKA LAWYERS BY BACKGROUND

About sixty percent of Alaska's lawyers were between 24 and 27 years of age inclusive when they entered the practice of law, another 20 percent were 28-30, 10 percent between 30-35, and 10 percent 35-45. One out of a hundred entered the practice past 44 years of age. Six percent were under 24.

Family backgrounds, represented by parental occupation, indicated about a third from relatively prosperous managerial-professional backgrounds, a slightly larger proportion from white collar or business
employment background, about 15 percent from blue collar background and about 10 percent from a farm background. (Question 9.) These proportions do not indicate that Alaska's lawyers are drawn exclusively from a narrow class background. The proportion of farm backgrounds is higher than the proportion in the population generally. It is not surprising that few blue collar families send their sons and daughters on to law school. From the point of view of the desirability of the bar representing a cross section of the American public, it is encouraging to note that many more lawyers come from families of modest means than from the homes of the well-to-do. The law, it would seem, at least for the Alaskan lawyer, was the path to upward mobility.

About one lawyer in five declined to respond to the question concerning current income. We would estimate that most of these had income higher than the Alaskan average since the silent respondent was usually a private practitioner from a well-to-do background.

Of those answering, half of the private practitioners had incomes under $35,000, half $35,000 or over. Since these figures include new employees and the adventurous few just starting out in practice, it is safe to assume that the median income for private practitioners, five years out, is between $40-50,000 yearly.

Though entry to the profession is democratic, how well you do subsequently probably has quite a bit to do with what kind of means you come from. Lawyers from a professional-managerial background were much more likely to make over $50,000 per year than those from a blue collar, white collar or farm background, demonstrating the well known legal maxim, "them that has, gets." The large proportion of no responses to a question as volatile as income makes
the reliability of predictions concerning the tail ends of the spectrum uncertain. We might hazard that one lawyer out of six enjoys an income over $50,000 per year, one out of thirty makes over $80,000 per year and one out of ten makes less than $20,000 per year. Most public practitioners make between $20-35,000 per year with the top twenty-five percent (including judges) making more than that.

These figures should be digested having in mind that some wives work and that many lawyers, probably most of those who have been in the state for more than 5-10 years, also enjoy income from investments. To no one's surprise, the financially hardpressed lawyer is he who has recently struck out on his own. While a great many lawyers found it very difficult to guess what the average practitioner made, (Question 16.) since the survey classification split on the probable real mean ($20-35,000; $35-50,000) no one had a hard time estimating that average lawyer income was within those brackets. More than two to one, lawyers picked the lower bracket indicating possibly that lawyers are a little more prosperous than they think they are.

6.20.40 LAWYER ATTITUDES TO THE ESTABLISHMENT OF AN ALASKAN LAW SCHOOL

As indicated in paragraph 6.20.00, only 16 percent of the sample (Question 18.) supported establishment of a law school in the immediate future. There was no particular division on this attitude between those who came from financially more favored backgrounds and those from less favored family backgrounds. Lawyers in the public practice of law were noticeably more willing to accept the proposition that a law school should be established in the foreseeable future - 7 or 8 years. Half of the public practitioners favored a law school now or within such a period of time.
In rating the reasons why a law school should not be established in the foreseeable future, three factors were rated twice as strong as any other: 1. law schools outside are sufficient for Alaskans wishing to go; 2. the public expense is too great and, 3. the quality of a state law school would not be high enough and would lower the quality of the Alaska bar. It can be assumed that in making these selections bar members are aware of the admissions crunch on law schools which has received widespread notice in the Alaska bar as elsewhere. The selection of "adequacy of other law schools" as the prime reason for not establishing an Alaska law school reflects some insensitivity to student demand. Most of those answering were admitted to law school before the serious pressures on law schools began. While Alaska law school aspirants may get some "geographic distribution" bonus points on admission, the fact remains that many are turned down or don't attempt the struggle because of the heavy odds against them. It is a good deal easier to assay the public interest as requiring a tightening of admission standards after you have entered the bar than before. On the other hand, more charitably, many of these lawyers are doubtless taking the longer view. The decision to establish a law school is a commitment of decades. A law school admissions squeeze is a phenomena of a few years.

The opposing, or student view would more likely favor the proposition that every young person should have a right to pursue the profession of his choice and has an equal right to state support of that right. Market forces, not doubly difficult admissions screens,
should be the mechanism for limiting the number of lawyers to the optimum level.

Those who supported the establishment of an Alaska law school now cited: 1. the "spin-offs" from the existence of the institution for the state, the profession and the University; 2. the lack of economic opportunity for Alaskans in general and Alaska Natives in particular to attend law school except locally; 3. the need for lawyers specially versed in Alaskan subjects and, 4. the elitist tendencies of the existing educational pattern - a complaint not supported by our survey of lawyer backgrounds.

Those who responded suggesting a term of years before establishing a law school were asked to respond to a full range of factors positive and negative which entered their thinking. The sufficiency of outside law schools ranked first, followed by cost considerations. The third-ranked factor was the positive: the spin-off effects anticipated from the establishment of a law school. These lawyers were little concerned that an Alaska law school would be likely to lower standards and lead to overcrowding. Nor were they concerned that Alaskan applicants for outside law schools were being rejected or that the existing pattern of legal education was elitist.

Asked what they believed to be the most important elements in establishing a law school, lawyers were nearly unanimous in ranking a well-paid and carefully recruited faculty as very important. A close second in importance was library and research facilities. Well behind these two factors, a high standard of admission was rated very important by 40 percent and important or of some importance by most others. Almost everyone thought physical plant was of some
importance, but few thought it of great importance. The establishment of a school with a student body of over 250 students was rated of no importance by approximately 60 percent of the lawyers answering. Many volunteering a personal vision of an Alaska law school: student-teacher ratio of 7-1, clinical legal education program, student body less than 200, student body over 150, strong scholarship program, good working relationships with bar.

It is possible but unlikely that an effort to establish a law school effort could succeed without the support of the organized bar. It is particularly unlikely that such an effort could succeed under public financing. Two observations should be made against the day when the University does establish a law school: The bar will clearly oppose it with near unanimity unless there is a clear commitment to: first, the recruitment of a first-class faculty at top salary levels and, secondly, a capital commitment to the purchase of a first-rate library.

If these criteria are met, the employment prospects for the graduates of such a school are still ambiguous, at least today. Ninety percent would consider the graduates of a law school meeting these criteria to be competitive in Alaskan practice (Question 23.). On the other hand, a preferential welcome is not automatic. Approximately 60 percent of Anchorage lawyers would give a preference to graduates of the Alaska law school, 40 percent would not, (Question 24.). Even with those criteria met, the school will have to prove itself. For many senior lawyers making hiring decisions, the graduates of an untried school represent a higher risk than the graduates of schools of established academic reputation.
Geography and convenience of access will undoubtedly be of greater significance than the average practitioner realizes. Outside recruitment is expensive and few lawyers, if any, are prepared to hire sight-unseen regardless of the paper qualifications of the candidate. Hiring policies of Alaska firms vary considerably. (Question 14.) Between a quarter and a third of the small firms (under eight) express no desire to grow. Those that do, look for a recent graduate in the state. Only a handful will attempt out-of-state recruitment. About half of those hiring will look for a lawyer with a year or two of experience.

Larger firms may be less likely to look for experience but about a third of them do recruit outside the state, undertaking a very careful campaign and screening process in the search for new associates.

6.20.50 LAWYER VIEWS ON SPECIALIZATION

Alaska lawyers are nearly unanimous (92%) on the importance that specialization will play in the future of the practice of law in Alaska. But it is an idea whose time has yet to come. All but a handful of Alaska lawyers are general practitioners practicing in a wide range of fields - ten or more are commonly considered important to every lawyer's practice. Under five percent limit their practice to tort and admiralty (combined). This near but not here approach is reflected in variations in the response to the statement (Question 26.): "Specialization will become increasingly important in the organization of the Alaskan profession." Thirty-seven percent agree strongly, 55 percent only agree while nine percent are neutral on the issue.
More than two to one, lawyers think that specialization will include the right to advertise in a dignified way (Question 27.). By the same proportion, they think that specialization will include certification by some recognized authority upon examination and that meeting continuing legal education requirements could become obligatory on attorneys maintaining the specialty. Reflecting confidence in the examination system, lawyers answering were disposed against grandfather rights 5-3, promising a hotly contested issue when the time comes. Lawyers are evenly split on whether some kinds of practice will be limited to certified practitioners only, suggesting that if this ever occurs, it will only be after some years of experience with certification alone.

There do not seem to be appreciable differences of opinion between recent graduates and more senior members of the bar on questions of specialization.

Lawyers' views on the extent to which needs are adequately met certainly reflect little complacency.

Question: "The legal needs of the following groups are adequately met by the organized bar or existing public service agencies at present funding levels."

Views expressed reflect approximately the following percentages:

<table>
<thead>
<tr>
<th>Groups</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Don't Know/Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Urban poor</td>
<td>10</td>
<td>25</td>
<td>20</td>
<td>21</td>
<td>25</td>
</tr>
<tr>
<td>b. Rural poor</td>
<td>5</td>
<td>14</td>
<td>26</td>
<td>21</td>
<td>35</td>
</tr>
<tr>
<td>c. Rural generally</td>
<td>5</td>
<td>18</td>
<td>20</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>d. Juveniles</td>
<td>9</td>
<td>27</td>
<td>30</td>
<td>21</td>
<td>15</td>
</tr>
</tbody>
</table>
Most lawyers agree that the legal needs of the poor are not adequately met. This is conceded more than 2-1 as to the rural poor, reflecting the inability to deliver legal services to rural people generally. As to juveniles, lawyers split about evenly, still a very high level of dissatisfaction. Interestingly enough, there does not appear to be appreciable differences of opinion on these issues whether the respondent is in public practice or private practice.

Respondents almost 10-1 believe that the commercial community and government agencies receive adequate service. On the other hand, when the legal profession is asked to respond to the statement that the legal needs of the public, by income group, are met adequately, they answer as follows:

<table>
<thead>
<tr>
<th>Income Group (Hd of Household earnings)</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Don't Know/ Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>$12-17,000</td>
<td>6</td>
<td>13</td>
<td>37</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>17-22,000</td>
<td>9</td>
<td>26</td>
<td>30</td>
<td>32</td>
<td>0</td>
</tr>
<tr>
<td>22-30,000</td>
<td>17</td>
<td>43</td>
<td>29</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>30-50,000</td>
<td>39</td>
<td>43</td>
<td>13</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Over $50,000</td>
<td>60</td>
<td>28</td>
<td>8</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

While about a third of the bar is uncertain concerning the adequacy of service to middle or lower income groups, this uncertainty evaporates in favor of opinion that the service is good for persons above $30,000 income.

Lawyers are uncertain and evenly divided on whether they do a good job on free community service, including constructive criticism of the courts and law-related agencies:

"Lawyers do a good job?" (Question 28.)

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Don't Know/ Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>20</td>
<td>33</td>
<td>24</td>
<td>14</td>
</tr>
</tbody>
</table>
Again, if half of those able to respond do so in the negative, it can hardly be said that service is totally satisfactory.

6.20.70 LAWYER VISIONS OF THE FUTURE ORGANIZATION OF THE PRACTICE

Despite the rapid growth of large firms in Anchorage over the past decade, Anchorage lawyers tend to be skeptical of the persistence of this trend. Maybe Anchorage has reached a plateau in firm growth. Organizational problems, compounded overhead, schisms, perceptions of limitations on personal freedom, etc. have taken their toll on the reputations of the larger firms as a desirable setting for practice. While a third of the lawyers polled would not venture an opinion on the future of the large firm, of those that had an opinion, 60 percent did not think that an increased proportion of legal services needs of the public would be delivered through large firms.

Surprisingly, despite the formation and rapid growth of group service plans in the Anchorage area in the past two years, lawyers, overwhelmingly, do not see these plans as a new wave. Less than one lawyer out of five had no opinion on the viability of these plans as a method of meeting the needs of the public. Those responding replied 8-1 in disagreement with the proposition that the share of these systems in the public's legal business would increase.

Nor has the growth of the Public Defender's Office or the ALSC presaged a new surge in direct government response to the legal needs of the public, at least in the views of Anchorage attorneys. While again, a third of the lawyers polled had no opinion, of those that did, two out of three saw no larger share for publicly sponsored services on the horizon.
Lawyers have mixed views on whether a trend exists to the rendering of legal services by persons other than lawyers. (Question 32.) Independent paralegals were seen as no more likely to enjoy a growing share of the lawyer's business than accountants, bookkeepers or tax services, banks, real estate and title companies, government employees or others. The bar split on thirds between those believing such a trend existed, those that didn't and those with no opinion. Those who saw the trend, however, were more likely to feel strongly that it existed, suggesting that you may see a trend if your ox is gored. Accountants, bookkeepers and tax services were seen as slightly less threatening than other occupations.

6.20.80 LAWYER VIEWS AND ATTITUDES TOWARDS PARALEGAL PRACTICE

Attorneys agree 53-33 (others, no opinion) that many functions now performed by attorneys could be performed satisfactorily and more cheaply by a person specially trained to the purpose within the A.B. degree. (Question 29.) A slightly higher proportion agree that this is true if the training is postgraduate (though they give a low rating to such education—see paragraph 6.20.90). Whether this work is done only under the supervision of an attorney or whether it is done without direct supervision but under some kind of authorized certification procedure doesn't seem to make too much difference to lawyer agreement, though if paralegal practice is in an independent setting the support for it slips to a bare majority.

Though many feel they have trained secretarial help to a paralegal level, most private practitioners have no experience with paralegal hire. Only a third have been approached by someone offering paralegal qualifications (Question 36.) such as: a "professed" paralegal University course, investigative experience, experience as a
paralegal legal secretary, military police, police or other law enforcement, some kind of college education suggested to have paralegal application, bilingual capabilities (for a practice involving clients speaking a tongue other than English) or administrative experience. It is unlikely that it has occurred to many with the skills mentioned or other relevant skills to mold those skills around a specific proposal to a lawyer for paralegal services.

By more than two to one, attorneys were dissatisfied with the paralegal training programs conducted in their own firms. (Question 38.) Ten to one, attorneys supported provision for paralegal education. About one-quarter of the bar has significant experience in using paralegal assistance, self-trained or otherwise. (Question 39.) Another quarter has made some use of paralegals and would like to see their use increased. Another 30 percent are interested in paralegals and will use them if the opportunity develops. Only 15 percent do not see paraprofessionals being used in their firm.

Lawyers leaned heavily to the belief that paralegal training should be an undergraduate concentration. (Question 37.) A majority were also able to see it as a postgraduate course. Significantly, only one out of four viewed paralegal training as a vocational type of program for high school graduates, the approach that has so far been taken by the University of Alaska utilizing an A.A. program.

At the top of the educational spectrum, a sizable 35 percent thought that a full master's degree program would be appropriate against 65 percent that didn't. One should be careful in interpreting the 35-65 split as representing a general negative view among lawyers to advance degree work in law-related subjects. The result in this case
simply suggests that a third of the bar can visualize hiring someone in this capacity. Since a bachelor's degree would be the terminal degree for most persons pursuing this career, the smaller market for an advanced degree matches the smaller number of those taking the extra degree. There is wide acceptance for a formal University role in paralegal education.

Despite the enthusiasm for advanced paralegal training, only a third would consider paying a paralegal more than a legal secretary, (Question 42.) estimated at $1,100-1,300 month. Of course, a few paralegals now earn up to $18-20,000 per year. What is earned will depend very much on skill and work production levels. The expression of what lawyers would be willing to pay reflect what lawyers think they would get in productivity. There may be some kind of socio-economic barrier above which paralegals cannot climb, in the minds of attorneys. Though accounts of New York practice indicate experienced paralegals earn more than starting attorney salaries, the ultimate distinction between professions, one conceived of as superior to the other, may well be the barrier. The ability of paralegals to prove their worth outside the context of a lawyer's office may be what it takes to assure pay equivalent to productive capability.

6.20.90 LAWYER VIEWS ON POSSIBLE ROLES FOR LAW-RELATED EDUCATION

Concerning lawyer responses to the 15 options suggested on the survey as possible avenues for legal educational programs, perhaps the most significant conclusion is that, resoundingly, lawyers prefer all of them to the establishment of a J.D. program through a three-year law school.
Surprisingly, they also looked with a jaundiced eye on the development of a law-related master's program in professions such as police and corrections, public administration, banking, insurance and real estate, though they tended to support undergraduate law-related education for these efforts. Perhaps, in the context of the questionnaire, they do not see enhanced understanding of law by such professions as particularly pertinent to the lawyer's concerns in legal education.

The most popular initiatives among lawyers were:

A. a program of specialized courses in Alaska subjects - land, the Settlement Act, natural resources - whether sponsored by the bar alone as continuing legal education or by the University with bar support;

B. undergraduate education in understanding of the legal process; and,

C. paraprofessional training whether: 1. in conjunction with a special rural legal services delivery system, 2. for urban service or, 3. for established professions in law-related fields.

D. In lieu of a law school, financial support enhancing the opportunity of potential law students to attend law schools outside Alaska, the top rating.

Significant numbers also mentioned enhancing academic support for externs now operating within the state in connection with third-year programs and teacher training for law-related education at the secondary and elementary level.
The scores on the questions cited were as follows:

<table>
<thead>
<tr>
<th>Question Description</th>
<th>Cumulative Total</th>
<th>Very important Or important</th>
<th>Of some importance Or not important</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enhanced financial support (Q. e)</td>
<td>187</td>
<td>63</td>
<td>27</td>
</tr>
<tr>
<td>2. A limited curriculum of graduate legal education (Q. 1)</td>
<td>187</td>
<td>66</td>
<td>27</td>
</tr>
<tr>
<td>3. Paraprofessional training (rural) (Q. g)</td>
<td>179</td>
<td>60</td>
<td>31</td>
</tr>
<tr>
<td>4. Undergraduate education in understanding of the legal process (Q. a)</td>
<td>183</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>5. Extern support (Q. i)</td>
<td>156</td>
<td>52</td>
<td>36</td>
</tr>
<tr>
<td>6. Teacher training in law-related education (Q. d)</td>
<td>157</td>
<td>51</td>
<td>40</td>
</tr>
</tbody>
</table>

A number of lawyers were not satisfied that they understood the various options open to the University, necessarily capsulized in a sentence for survey purposes, and were hesitant to make any commitment implying endorsement in the absence of a fully fleshed out proposal.

The scores in many ways can be interpreted as reflecting the split in the bar between those predominantly adventurous and positive in attitude towards education for law and those more conservative. Two to one, the former predominate in the makeup of the bar, a division that does not appear to be based on age, financial condition or employment. Apart from a law school, one could expect these proportions - or better - to hold for any well-conceived program embarked on by the University.
PART 7

THE OPTIONS FOR A UNIVERSITY RESPONSE

Early parts of this study have attempted to quantify present and future needs and market demand for legal services. We have hypothesized educational, research or other support programs which might be generated by those needs or by student interest. These assessments have been founded on the identification of new directions in the Alaskan economy and political and social organization, particularly forces for change in the organization of the delivery system for legal and other services.

Revised concepts about the structure and purpose of legal education have their own potential for change. While a future oriented approach to legal education provides a more realistic setting for planning, it lacks the comfortable feel of non-speculative data. Planning against the pattern of the past produces results mathematically justifiable but almost certainly wrong, particularly in a setting as subject to rapid change as Alaska. Fighting the last war is not a planning error limited to generals.

The lesson to be drawn from these observations on the hazards of prediction is that continuing flexibility is the policy of wisdom. In the last analysis, the unpredictability of the Alaskan situation suggests the adoption of an incremental, polyform approach, building on what we have, responding to specific needs. Alaska needs an institutional setting of high elasticity, capable of handling the unexpected, the major program and the minor in the same vehicle, without injury.
We can be confident that "demand," in whatever shape, will rise. Alaska's rapid growth and the legal foundation of our social order guarantees that. The question is only, how fast? We can also safely predict that the traditional institutions of legal education, the nation's law schools, will continue to produce large numbers of traditionally educated lawyers and that Alaska will continue to be an attractive enough place to assure that these young law graduates will come to Alaska in sufficient numbers to keep the market for conventional commercial legal services competitive, even to the point of saturation.

If Alaskans are going to build high quality legal education for their state, the effort should not be made in competition with well-established, traditional institutions of legal scholarship on their home ground. Alaskan legal education must pick its own course, using the geography and demography of the Great Land as its chart. Any structure of legal education must also recognize the public law orientation of Alaskan society - the state's public lands and resources, its high proportion of publicly sponsored legal services, of public legal needs.

The University must respond to the broad spectrum of legal educational needs of Alaskans. Where University resources assembled for legal education are particularly relevant to other community needs, there is also a duty to consider a response.

The audience addressed by the educational process must be considered in each case, the public policy objectives defined, and specific subject matter kept in balance.
7.10.00 BUILDING ON EXISTING ARRANGEMENTS AND MODELS

The University has already, recently, pulled together its undergraduate criminal justice programs into a Center (see paragraph 2.60.30) for more precise articulation of goals and objectives, providing better organization and more even elaboration. Center implementation, tying together criminal justice programs, is now underway. Better coordination of undergraduate programs in law generally is at hand with the appointment of a University Director of Legal Studies. The existing WICHE program described in paragraph 2.90.30 involves an important response of the University to the requirements of graduate education in law. WICHE is already smoothly operating after only two years and, with the state scholarship loan program, meets many of the requirements of support for Alaska legal education. Before opting for a different program, the state should consider whether this approach already meets the need or would do so with more resources, an enhanced scale of benefits or a formula for distribution reaching a wider audience of law students. The WAMI program described in paragraph 7.10.20 suggests one approach to incremental expansion in the development of Alaskan-based graduate legal education. Possibly coupled with the existing extern programs described in 7.10.30, it may well suggest the structure of an interim program well suited to Alaskan needs, at least through the state's current fiscal squeeze.

7.10.10 WICHE

Whatever might be said about the cost of establishing an Alaskan law school, there is no question but that Alaska and the Alaskan student are getting a great bargain from WICHE support for
legal education. The per-unit costs of legal education in Alaska would have to be two or three times the $2,500 WICHE fee at minimum, even after initial high build-up costs of an Alaska law school were overcome. However, the drawbacks of WICHE from the point of view of the student in comparison to in-state education should be noted:

1. While WICHE certification is supposed to give WICHE applicants preferred consideration over applicants not certified, this preference will not disturb the quota maintained by most schools on out-of-state residents and it will not give a WICHE applicant a preference against a non-WICHE applicant who offers superior qualifications. Superiority of qualifications is really the determining factor in admission of out-of-state candidates.
2. It does not compensate for the cost to the student of being required to attend law school outside Alaska.
3. It does not meet the needs of the student who has personal or extended family or business obligations in Alaska.
4. It does limit the student to attending WICHE member law schools.
5. While for many purposes, legal education from a WICHE school may be superior, there are compensating inherent advantages in attending an Alaskan school with an Alaskan curriculum.

Of course there are other benefits, which have been commented on at length, from the establishment of a law school or a similar institution. But if the legislature is unwilling first to make a
full commitment to WICHE funding in law at this "bargain" rate, it bodes ill for the level of continuing financial support which an Alaska law school could expect.

As a fringe benefit to full funding of WICHE, those responsible for legal education in the state will get a more accurate reading of student interest in law so that the timing of recommendations regarding the establishment of a J.D. program can be more accurately assessed.

7.10.20 WAMI MEDICAL EDUCATION PROGRAM

In 1971, the Washington/Alaska/Montana/Idaho (WAMI) Medical Education Program was initiated on the Fairbanks campus. This program has significant implications, by analogy, to the development of Alaskan educational programs in law, particularly a third-year law school, without necessary reference to the same universities as cooperating institutes.

As described in the Academic Development Plan of the University of Alaska:

"Initially, the WAMI Program accommodated students for one semester who had been admitted to the University of Washington School of Medicine, but the program was extended to a full year of study beginning with the 1974-75 academic year. Students admitted to the WAMI program are usually Alaskans who would otherwise have had to receive all of their medical education 'outside' or students from elsewhere who indicated interest in Alaska ... The program has had at least three additional 'spinoff' benefits: The availability of WAMI courses for upper division and graduate students . . . ,"
because the program is a medical school program, several
Alaskan students have been able to test their abilities
and motivations for medical school work prior to attemp-
ing formal admission to medical school. And also, the
WAMI faculty has served as a focal point for expanded
health science education, including continuing education
... The WAMI program has been successful in improving
the overall health care picture in Alaska. . . ."

The analogies to law are direct and obvious. After reviewing these
prospects with a number of law school deans and others involved
in American legal education, there seems little doubt that a simi-
lar arrangement could be concluded with a number of established
law schools to mutual benefit. It awaits only the authorization
by proper authorities, the promise of funding at levels suggested
in paragraph 7.40.20, and presentation and negotiation of a for-
mal proposal. The arrangement could be made either within or
without the kind of extended consortium agreement described in
paragraph 7.10.30, though the advantage of guaranteed student slots
is noted in the Kasonic, Chappellee and Associates, Inc. (KCA)
Report, "An Analysis of Medical Education Costs in the WAMI

The KCA Report extolls the WAMI program as: "An alternative
to the construction of a medical school which could cost from $50
million to over $100 million depending upon student capacity; com-
mitment to research, health service delivery and education of
other health professionals; and ... clinic services. Another
attractive financial feature is that over one-third of all program
dollars spent for the education of Alaska students would be spent
in state, thus providing jobs for Alaskan residents."

The KCA Report noted net costs for the addition of a WAMI-type program at approximately $20,000 for 30 to 40 students over the cost of delivering the same medical educational program at the University of Washington - costs they describe as roughly equivalent to additional costs borne by students in housing and travel during the same time if they were attending school outside. Of course, the basic costs of medical education far exceed those in law. The net (less tuition receipts) educational expenditure per student for the WAMI program predicted for the first year was $35,100 per student with 10 students and $19,500 with 20 student slots. Real costs are much higher but are borne by the medical school or the student or sustained through other sources of support.

A study of the American Association of Medical Colleges Undergraduate Medical Education Elements - Costs - Objectives, October, 1973, estimated annual costs of undergraduate medical education at twelve medical schools on a range of $16,000 to $26,000 per medical student in 1972 dollars. Using a different methodology involving different cost and benefit allocations, such as deducting benefit to patients, research and joint activities, the Institute of Medicine (IOM) of the National Academy of Science came up with an average net medical educational expenditure of $9,700 for 1972-73. Using the IOM approach, the KCA study developed a figure of $12,900 average annual net educational expenditure per Alaskan student after subtracting the value of research and health care receipts attributable to the program. These costs are still higher than the per student education
costs of law by a magnitude of two or three times or more.

The staggering costs of medical education should be considered carefully in weighing the value of public enthusiasm for medical education. It is not surprising that the public strongly supports medical education above all other kinds. But somewhat dampened enthusiasms would emerge if the public being surveyed was reminded that only a very small number of students can benefit at a very high cost compared with other forms of education.

Great care should be taken in approaching a consortium agreement outside of the context of a WAMI-type program for delivery of legal educational services within Alaska. The straight consortium has the advantage of providing guaranteed spaces, but the extent to which guaranteed spaces will be needed in the next decade is uncertain. A state which enters into bilateral consortium arrangements undermines the western states clearing house theory upon which WICHE is based. If the WICHE principle deteriorates, the state is then in a position of having to enter bilateral agreements with every state where Alaskan students would like to go to school in some numbers. Receiving states, under pressure from resident preference policies, could bid up the value of their service well beyond WICHE levels. WICHE rates are predicated on mutual advantage in keeping exchange costs reasonable.

7.10.30 CONSORTIUM AGREEMENTS

The possibility of concluding a special consortium agreement with an established accredited law school is a real one. A specific invitation has been extended by Dean Joseph A. Sinclitico of the University of Puget Sound School of Law, which might serve as a standard in exploring possibilities with a number of schools
if the University wished to take up the possibility of entering into this kind of an agreement.

The University of Puget Sound School of Law proposal is as follows:

PURPOSE:

1. The Law School seeks to be of assistance to residents of the State of Alaska who wish to pursue the study of law, by assuring them a number of guaranteed places in our Law School, provided that they meet our minimum entrance requirements.

2. The Law School hopes to provide an opportunity for residents of the State of Alaska to pursue a legal education who, because of cultural disadvantages or other reasons, are unable to meet our minimum requirements for admissions.

UNDERTAKING BY THE UNIVERSITY OF PUGET SOUND SCHOOL OF LAW:

1. The Law School will guarantee admission to at least 25 students, if they each meet our minimum standards for admission.

2. The contract fee per regular student will provide tuition, round trip from Alaska to Sea Tac, one set of books required for each year of study, and some monthly counselling at the University of Alaska campus during the academic year from September through January.

3. The Law School will offer two courses, designated as Alaska Law I and Alaska Law II of three semester hours each, as electives for those students who wish to investigate or study special problems of Alaskan law.

4. The Law School will provide a summer semester program* for those residents of Alaska who wish to study law, but who do not meet our minimum admission standards. This is known at our Law School as the "Booster" Program. Those students who meet the conditions for this "Booster" Program will pursue a pre-law, one-semester program in the summer preceding entrance into Law School.

After completing this one-semester program, if the faculty deems that a candidate is capable of doing law school work, he or she will be admitted to our regular part-time program, beginning with the following Fall semester for one year; and, thereafter, in the full-time program in the second and third year.

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<td>Torts</td>
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LAW SCHOOL COMPENSATION:

1. Regularly admitted students, $3,000 for two semesters - regular summer semester, one-half thereof, $1,500.

   This fee is arrived at as follows:

   Tuition for two semesters $2,400
   Round trip, Alaska to Sea Tac 250
   Books 150
   Administrative costs per year 200
   Total $3,000

   (It should be noted that if there are any general increases in tuition and other costs, this fee would be adjusted each year to reflect the increased costs.)

2. "Booster" Program:

   Because of the special nature of this course and the fact that it will require special handling, the tuition would be $1,500 for one semester; $200 for round trip ticket from Alaska to Sea Tac and $150 for books and other expenses, totaling $1,850.

   There would be no additional administrative cost inasmuch as the Law School undertakes this program generally as a public service.

   The foregoing is deemed a basic proposal. Details of implementation would be negotiated.

   It is our judgment that such a contractual arrangement would be advantageous to residents of the State of Alaska who wish to pursue the study of law, in that it would facilitate and assure admission to law school for those who meet the minim standards. It should be pointed out that our standards are not extremely high and at the same time are based on reasonable prediction of success in law school.

   We believe that our "Booster" Program would provide a means, for those students who do not meet minimum standards, to demonstrate that they have a reasonable chance of success in law school. The program entails a three to four month period of exposure to some regular law school instruction, some pre-law school work and remedial tutorial assistance.

   The Law School feels this program would be a public service to the State of Alaska, but at the same time will establish for our Law School an advantageous relation for the future, both in terms of continued student population and also an Alaskan Alumni group.
CLEO is a federally funded program to provide support for disadvantaged minorities. Under this support program a number of institutions have established a special pre-law and first year track for minority students to compensate for lack of adequate preparation, usually associated with cross-cultural disadvantage.

Whether as a federally funded program or otherwise, Alaska should give serious consideration to this kind of a program.

It is of prime importance to the future social health of Alaska that an appropriate proportion of the Native people enter the legal profession, not only to assure effective participation of the Native people in the exposition of the Alaska Native Claims Settlement Act, but to assure balanced representation in an integrated Alaskan society overall. Affirmative action is an absolute necessity if this process is not to take a century or more. It will be slow enough anyway.

Positive action could be started in several ways. But it must be started at the right level. It would severely distort both the education processes and acculturation if law schools absorbed the largest part of Alaskan Natives graduating from college. Some relevance to normal educational tracks should be observed: some entering the employment market after completing the baccalaureate, others going on to a variety of graduate schools. The basic problem is raising the number of Alaska Native students graduating from college, not getting them into law school.

Law school entry constitutes a second screening process, not as restrictive, proportionately, as the college degree. But affirmative programs here too can help.
First, the WICHE program could be stretched and candidates recruited to attend booster programs already established. The University of New Mexico Law School in particular has a well established program which is particularly relevant to the American Indian. While no records are available at this time, a number of Alaskan Natives have utilized this program. Other university law schools have similar programs. The program may either support the student with special assistance or a specially designed curriculum in his first year or it may be a pre-law school booster program or a combination. In the case of a booster program, the University could consider the establishment of such a program within Alaska.

The purpose of such a one- or two-semester pre-law program would be to improve basic aptitudes in legal studies and facility in the English language which supports these studies and decrease the shock effect that so many students feel when they first enter the rigors of law school education. To be eligible, a student should be graduating or graduated from college and show, by an LSAT score or similar aptitude test, that the possibility of attaining a satisfactory law school achievement level is at least a good possibility. The curriculum would include one test legal subject and courses in logical analysis, writing and research techniques. One of the advantages of such a program, or of offering some legal course generally, is that it would give the student in doubt an opportunity to test his motivation and skills as a preliminary to a three-year commitment.

While every effort should be made to get the student admitted to a law school, including relaxation of conventional admissions criteria, every effort should be made to assure that there is no
relaxation of exit standards. Neither the student nor the school nor the public to be served, nor the minority benefits from a practice that would result in the release of lawyers with third-class skills whose credentials were indistinguishable from those of lawyers of established ability.

7.10.50 THE EXTERNS AND A THIRD YEAR PROGRAM

Over the past two or three years a number of enterprising law schools with a special interest in Alaskan legal education have developed arrangements with Alaskan public institutions or, through the Alaska Native Foundation, with private firms working as counsel to regional corporations established under the Alaska Native Claims Settlement Act for an Alaskan "externship." The schools most prominent in this endeavor are UCLA, Northeastern and the University of Denver Law School. The externship usually involves a semester of the third year and allows full academic credit for the semester spent in Alaska. Ideally, an externship is an exercise in clinical education.

On ideal standards, clinical education is considerably more expensive than conventional law school education. Clinical education is seminar-style education demanding, in theory, a teacher-student ratio of 1:5, compared with 1:20 or so in conventional law classroom education. When it works well, clinical education is widely praised by students and faculty. The practicing bar, which too often complains that students graduate from law school totally unequipped to face the realities of practice, seldom voice such complaints regarding graduates of a strong clinical program, - at least regarding skill levels. Whether law schools can really justify the third year of education now uniformly
required is a source of pervasive doubt, discussion and contro¬
versy in legal education. The clinical program provides a super¬
ior justification for the third year as a bridge between the
mastery of the lawyer's analytical and professional skills and
the application of them to real situations.

In the absence of clinical education, in most cases, the
first employer bears the brunt of this education in the real world.
While a minority of law school graduates are capable of doing
highly useful work independently the day after their graduation,
most law graduates need considerable seasoning before they can be
let loose on the public with complete confidence. As a result of
these disabilities, the new lawyer, as law clerk, in the worst
cases may find his first year of employment stifling as he is put
to work in writing research memoranda (many of which are never
used) and establishing his rank among the law employees in the
pecking order of the office, dodging errands, going out for coffee,
running messages and collating the important memoranda of others.
The best law students from good schools working in well-organized
offices seldom suffer such a fate. Most clerkships are rewarding
to the student. But, the third year of law school as an extern¬
ship would seem to be an ideal solution to any problems in this
area, academic supervision guaranteeing better work for the stu¬
dent and a better start in the realities of law practice.

The typical Alaskan clerkship is a substantial improvement
over the typical clerkship in major metropolitan areas of the
country, at least from the perspective of the new lawyer. Working
in smaller offices, for younger employers, means a greater degree
of earlier responsibility. The Alaska extern also enjoys an un¬
usual degree of individual responsibility.
7.10.60 RESEARCH IN ALASKAN TOPICS AND A THIRD YEAR CURRICULUM IN NATURAL RESOURCE LAW

We have noted in paragraphs 1.10.20, 1.10.30 and 3.20.30 the enormous value of locally developed and maintained legal scholarship in the areas of Alaska's natural concerns. Already Alaska spends hundreds of thousands of dollars in tapping outside experts to plumb the systematic legal issues of a great natural resource state. The effect of pulling these efforts together and maintaining them on a year round basis in an interdisciplinary university setting could only be beneficial. Legal scholars are accustomed to working with advanced students in support of their research and vice versa. A valuable learning experience is involved. Alaska's legal subjects are both unique and intrinsically of high interest. The state could attract visiting scholars of the highest calibre for a visiting professorship or permanent staff to explore:

1. Public land law issues and the evolving pattern of management and regulation. Coastal zone management, OCS issues and land use planning are areas of great concern to the state and of high interest to legal scholars nationally.

2. Oil and gas law, pipeline regulation and taxation provide the underlying structural principles upon which the state's financial security rests. Two of the great questions for Alaska public policy are "how much can the traffic bear?" and "how is it best borne?" The area of pipeline taxation and control in particular is of great interest to scholars because of its topicality and the relatively modest amount of work
done in this area.

3. The Alaskan Native Claims Settlement Act has raised a myriad of questions deserving scholarly analysis from the perspective of the members of the Alaska bar who must learn to move in this new field and law students; a legal scholar in residence would be of great value.

4. Of even greater importance: if a rural paralegal program is to be developed providing a whole new system for the delivery of legal services in rural Alaska, as further suggested in paragraph 7.20.10, then a first rate law teacher, innovator and scholar will be necessary to assist in designing and establishing the system.

5. Looming in the near future are a series of major questions involving natural resource development. The legal-economic structure of fisheries development and marketing could use substantial resources. The development of a better system of control on nonrenewable resources on public lands is of prime importance to the long term future of the state.

Specific issues in these and other areas could be explored by an institute or school of legal studies on commission from the state executive branch or the legislature. Support for this effort would provide a first-class learning experience for Alaskan law students returning home.

There is no doubt that, if a small group of scholars of acknowledged competence in these fields was gathered at the University,
a great many law schools would be eager participants in an Alaska extended extern or WAMI program. At some point, this might develop into a full third year of law school in Alaska without subjecting the state to a massive investment in library (though a small specialized library would be required), plant or faculty and none of the growing pains and quality control problems inherent in the initiation of a full three year law school in a single step. The student would carry credit toward a degree from the school in which the student was registered.

This approach is not an alternative to the extern program now operating but an extension from it. Clinical experience in a variety of public and quasi-public Alaska institutions could be expanded and enriched by a more intensive effort with a greater degree of scholarly supervision and teaching.

7.10.70 CONTINUING LEGAL EDUCATION

More intensive post graduate education in Alaskan subject specialties for Alaska lawyers would be well received by the bar, beneficial to the public and highly cost-compatible with the programs described in 7.10.60. A faculty acquired on the central justification of support for Alaska public policy would serve a wide variety of educational spin-off objectives of great value - all without need to justify the basic expenses involved on the educational benefit alone. If the Alaska Bar Association embarks on a program of specialization certification, which at some time is likely, then the same professional staff would be available to provide the specialization entry programs.
CERTIFICATION FOR PRACTICE AND LEGAL EDUCATION
THROUGH OTHER THAN A J.D. PROGRAM

Too quick a move to imitate hundreds of law schools to prepare
Alaskans for careers in law through a J.D. program would all but
guarantee that the job would be done badly. On the other hand,
if the University proceeds on a careful analysis of the needs in
Alaska, needs not being addressed at all elsewhere or being
addressed only occasionally, success is considerably more likely.

We have discussed the needs of the allied professions for
law-related education. Alaska has a special urgent need for para-
legal training for rural Alaskans, and to a lesser degree, urban
Alaskans. Here is another unique Alaskan opportunity to provide
education, training and research on the foundation of a single
program. Research on Alaska Native Claims Settlement Act issues
and general problems in the delivery of legal services in rural
Alaska can be combined with education of rural legal administrators.

RURAL PARALEGAL TRAINING

The University, the legislature and the courts should recog-nize
the need to establish paralegal professionalism in rural
Alaska.

The courts have led the way within the range of their imme-
diate jurisdiction. Some 58 magistrates practice law now in rural
communities, in a context similar to justice of the peace systems,
under court and legislative authorization. The court system pro-
vides for continuing magistrate training and has a full-time staff
dedicated to this job. A University role is suggested in "The
Revival of the Justice of the Peace in Montana," "Judicature,"
Vol. 58, No. 8, March, 1975, in which an account is given of the
first training session for justices of the peace at the University of Montana with a staff consisting of law school professors, court officers and attorneys. The Alaska court system is well ahead of Montana on its own with an in-house training program. But there is certainly room for University-sponsored participation. Greater economy and uniform minimum quality might be dividends from a program providing introductory level courses to rural justice systems for all personnel expecting to practice in the bush.

If the court can certify non-lawyer judges, why not also para-lawyers upon the advice of a judicial, legislative or bar association or other special certifying body? There is every reason to allow individuals to practice law within specifically defined guidelines and subject to the disciplinary jurisdiction of the courts at an early date. An educational qualification and examination for entry to a rural paralegal profession are also suitably borrowed from the practice of law.

Some question has been raised regarding the wisdom of a policy which educates people for a profession which is uniquely Alaskan and which lacks direct transferability to other states. If a unique relationship between education and vocation inhibits an Alaskan "brain drain," perhaps from the perspective of the Alaskan public to be served, it is not so bad. From the point of view of the student, the problem of transferability is not as great as might be imagined. The knowledge gained is real knowledge, transferable to a variety of paralegal employments in the other states with or without certification.

Five fields of law which might be considered initially for rural paraprofessionalism: wills, probate and decedents' estates;
real property transactions or conveyancing; domestic relations - divorce, adoptions, support guardianship; local government and small claims advocacy.

The bringing of legal services, on location, to rural Alaska is newly necessitated by the proliferation of small (but not negligible) real and personal property holdings, particularly in land and stock in the Alaska Native Claims Settlement corporations or other corporations spawned by them. The creation of dozens of new municipal corporations and, in each, an array of municipal values and interest, calls for the availability of certified talent in the management of municipal legal affairs. If the state doesn't provide for it through education and certification, the public will get paraprofessionalism in fact without it.

A committee of the Alaska Bar Association is already working towards the formulation of a specific plan to be ready in the fall of 1975. A legislative committee, in consultation with the organized bar, may produce a plan of greater scope, paving the way for public acceptance. Court rules may provide a satisfactory framework for paralegal practice. No program is likely to be fully satisfactory without the active participation of representatives of leading Alaska Native organizations. Final proposals should be before the 1976 session of the Alaska Legislature for any statutory implementation necessary. If the outline of a program emerges earlier from the bar committee's work, enjoying concensus support, the University can anticipate court or legislative action by organizing an educational program to meet the needs of this emerging class of new professionals.
The formalization of paralegal professionalism in the urban setting, rather than the rural, poses quite different issues for the public and the legal profession. In this situation, there is no physical obstacle to the paralegal professional working quite closely with the attorney. De facto legal professionalism has been with us for some time in the form of legal super secretarial services, title company escrow closings, credit personnel prosecuting small claims, etc.

The object of public policy in the urban setting is to maximize the use of paralegal professionalism to the end of reducing the cost of service. The principal focus of education should be on the processing of complex but repetitive transactions. Urban concentration of need allows for a greater degree of specialization in the practice of paralegal law. While the rural paralegal will respond to a fairly wide range of transactions at a simple level, the urban paralegal can, with efficiency, go deeper into a more limited range of transactions of higher complexity. Thus a more intensive education might make sense limited, for example, to real estate transactions, or probate or domestic relations, or small claims, even taking two semesters in the same subject. The rural paralegal might take the same time to cover several fields anticipating much simpler forms of transaction. For the urban paralegal, there is also wider opportunity to develop sophisticated capabilities in support of the more direct lawyer functions - investigations, interrogatories, personal injury case development.

As with rural paralegals, those responsible for the design
of specific course material for the University should work closely with committees of the bar and others who are working to develop formally described areas of competency for paralegal personnel so that an educational track will be readied in anticipation of the occupational opportunity.

7.20.30 VOCATIONAL ORIENTED EDUCATION FOR LAW FOR THE JUSTICE SYSTEM

There are now about 287 non-attorney employee positions in the Alaska court system, 1000 positions in police work, 471 in corrections and 38 in public defender and prosecutor offices, a total of about 1800 jobs in the entire justice system apart from lawyer roles. These jobs involve a variety of skills and educational prerequisites. Many of those skills are common to several agencies. Perhaps a quarter of these jobs require only basic skills which a University should leave to other institutions, even though persons holding these jobs might follow a University curriculum for purposes of advancement to a higher position. If 15 percent of the remaining jobs become vacant each year, a conservative estimate, the University has a potential audience for education in these fields of 270 annually.

This audience has been barely tapped by the University. At the present time over 100 students are enrolled in Anchorage Community College courses in the legal studies area. Over one-third of this number are already in or aspiring to employment in police agencies. On the Fairbanks campus 50 students are enrolled in a police sciences curriculum. Virtually all of these are interested in going on with their education at least to the B.A. level. It can be safely estimated that if incentives are present,
a third or more achieving the B.A. degree will want to pursue a Masters degree.

If employment opportunities are accurately identified and the educational program is developed which responds to the skills and educational background of these vocations, an enormous reserve of interest exists in the population at large positively inclined to such employment, as indicated by the public survey polling results set out in Part 6.

7.20.40 ALLIED PROFESSIONAL TRAINING IN LAW

At the present time, the University offers a course in business law on most of its campuses. On the Anchorage campus, business law cover two semesters. Separate courses are offered in real estate law, banking, home mortgage lending and installment credit. More study is needed to determine whether these courses offered by professional associations meet the needs of the allied professions. That inquiry should include exploration of the need for more specialized legal education for each field and the numbers of students that might benefit from such offerings.

7.20.50 JOINT DEGREE PROGRAMS - PUBLIC ADMINISTRATION, NATURAL RESOURCES

Possibly the most fruitful aspect of undergraduate and graduate education in law would involve a strengthening of the legal background of those choosing to follow some other profession. Such a joint degree specialization might be of particular benefit, for example, in the fields of public administration and the natural resource management field. Literally hundreds of public administrators interpret the law every day to the public's benefit or harm. It is not always practical to consult an attorney for every inter-
pretation of law. Training in the fundamentals of how regulatory systems work, regulatory drafting, statutory interpretations, etc., would result in considerable benefit.

7.30.00 GENERAL EDUCATION IN LAW

More than at any time in recent years, the law schools, their students and the educational community generally are exploring the basic purposes of legal education. For the student, a revolution in attitudes has not waited upon a reorganization of law school purposes.

"In the last several years, a new breed of students has entered law schools. Many who formerly might have dreamed of academic careers in sociology or psychology are now applying to law school . . . More than ever lawyers want to be of human service. . . ."


The new student, thus described, is not well served by the standard three-year curriculum in law, and law schools all over the country are starting to experiment with third-year curriculum.

Perhaps a general education in law of shorter duration, blended with a joint degree in another subject might serve the students' purposes better. Even education at the undergraduate level might better address the needs of those pursuing the law from intellectual curiosity rather than from dedication to a career in practice. A further examination of specific interests
of Alaskan students might preface the establishment of a law-related curriculum for the general liberal arts student.

7.40.00 COSTS OF AN ALASKAN PACKAGE

There is no free lunch. Both existing and proposed programs have costs associated with them. The WICHE and loan programs constitute a substantial existing state outlay. For the future, two basic options are available. The state can move as rapidly as possible towards a J.D. program or it can start to build a program based on meeting a number of specifically defined, law-related educational needs. This second approach lays the foundation for establishing a J.D. program at a date to be selected in the future. Unfortunately, it is not realistically possible to do both simultaneously. The cost and effort associated with establishing a law school leaves little room for "fringe" programs if the J.D. is the priority. Almost all of the alternative programs described in this report would have to be postponed several years until the law school was on its feet. At that time, these programs would involve additional costs. While starting a program now devoted to other than J.D. objectives would be very helpful in laying a foundation for the more costly enterprise of starting a law school, there is no way to avoid the cost, when that becomes a priority, of adding library and classroom space and additional faculty for the basic curriculum.

Some of the preliminary costs and some faculty costs would have been met by the preceding institute. But the basic advantage to the law school from joining and enlarging upon existing faculty would be in recruitment and ease in getting off the ground. The new professors would be invited to join an institution of existing reputation, accomplishment and point of view.
7.40.10 WICHE AND LOAN PROGRAM COSTS

The 62 students enrolled in the WICHE program represent an investment of $155,000 for FY '76. The overlap between WICHE and the student aid program has not been measured. WICHE students need not be eligible for the aid program and vice versa. Of course, the fact that the student applying for grant in aid is obliged to pay only resident or reduced tuition is a factor considered in determining his eligibility for the scholarship program. Need is the principal criteria in considering the level of scholarship support given each student. (AS 14.40.67)

Accurate records dividing students benefiting under the aid program according to field of concentration are not available. Still, some rough estimates of state costs per student enrolled in law can be made. In paragraph 5.50.80 we reported an estimate of 70 beneficiaries out of about 110 Alaskans enrolled in law school today. In 1973-74, the scholarship program cost $2,925,585 for 1,665 awards. (By far the largest number of these awards [80 percent] goes to students attending schools within the state and the bulk of that went to tuition support for private education.) Assuming the average law student took an average size loan, the per student program cost of the scholarship program would be $1,757. While the absence of congruity between the loan program and the WICHE program makes their aggregation misleading for some purposes, it does tell us that the average annual maximum exposure of the state per student was $4,257. Since the maximum loan under the loan program is $2,500, the maximum allowance by the state on behalf of any student is $5,000, subject, of course, to the repayment provision. The loan aspect of the aid program provides for
a state recoupment anywhere from 0 - 60 percent of the outlay. However, considering the forgiveness factor, the fact that the interest rate is 5 percent with repayment scheduled from 6 to 11 years plus the term of the educational program, and the probability of some bad loans, a modest figure should be used to reduce the face value of the loans in finding the true costs to the state.

The cost of enrichment of the combined WICHE and loan program depends upon what the legislature determines to be a fair maximum level of support, which in turn should bear some relationship to the cost-effectiveness of the increase from the point of view of the state. How many more students would be able to go to law school who are now prohibited from doing so because of costs? There is, of course, no advantage to increasing the per capita outlay for WICHE, which is fixed periodically under the provisions of the interstate compact. Any enrichment would be provided through the loan program. Questions of equity between law students and student beneficiaries studying other subjects suggests that all may have to be treated equally. Administrative determination of need should be continued. Actual students costs for students with dependents attending school outside far exceed existing statutory limits. A raise on the loan limit would seem to be an effective and fair way to enrich the program. If students are prevented from going to school by financial difficulties despite loan eligibility, then loan limits prevent the state from funding at the level of need. Few students leaving the state for school will have annual costs as low as $2,500. Students who travel to a distant school, who have a number of dependents, or
who are burdened with other special costs will frequently have costs including tuition in excess of $10,000 per year. Some consideration might be given to a program which allowed loans beyond the present limit but which did not have a forgiveness provision. Considering that law education is likely to be rewarded with higher income, possibly a higher interest rate would be in order for the extended loan, but with a longer stretchout.

7.40.20 COSTS FOR A RESEARCH AND TEACHING CENTER SUPPORTING A THIRD YEAR PROGRAM IN LAW AND RELATED FUNCTIONS

The direct annual costs of a WAMI program for lawyers would be approximately as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A faculty of three with benefits</td>
<td>$131,000</td>
</tr>
<tr>
<td>Library and film purchases and rentals</td>
<td>25,000</td>
</tr>
<tr>
<td>Travel, telephones, secretarial and administrative support</td>
<td>25,000</td>
</tr>
<tr>
<td>Office space rental</td>
<td>7,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$188,000</strong></td>
</tr>
</tbody>
</table>

We include no capital costs on the assumption that the facilities of the existing court building, court libraries and the consortium library, University classrooms, etc. would be sufficient to absorb the need for such outlays beyond specific office space—and possibly might include that. Sections of either or both of the two principal existing libraries would be able to absorb the new acquisitions, at least in the early years.

A minimum student beneficiary population of 40 (same as the WAMI medical program predictions) could be predicted safely. If all benefits were attributed to students, the annual per student benefit of such a program would cost $4,700. From this, the per student reduction of the WICHE payment should be subtracted. Assuming some payment would still be made to the cooperating law
school, perhaps the net saving on WICHE would be $1,500. The scholarship supported cost of living outside should also be subtracted from the state expense. This cost would certainly exceed the $1,757 average scholarship grant, but for purposes of these calculations, it could be cut off at that level. Thus a more realistic per student cost of the program would be $4,700 less $1,500, less $1,757 for a net program cost per student of $1,443 or a full program with 40 students, $57,720. This result suggests that a high quality program could be established at very low cost, even without any calculation of the very substantial benefits to be obtained through savings on contractual legal research on Alaska public policy for the legislature, the availability of special assistance for paralegal training programs and support for other educational programs for the University.

7.40.30 COST OF A BOOSTER PROGRAM

Assuming the University opted for the program described in paragraph 7.10.40, the cost of a booster program would be based on one or two counselor-tutors at $10,000 each. This aspect of the program could be blended with a third-year or extern program to mutual benefit.

If the booster program were considered alone, cost items for one faculty member and a proportional share of other costs should be added for a total of $82,667.

7.40.40 PARALEGAL PROGRAM COSTS

The costs of an extensive paralegal expansion would bear a rough approximation to those recited in 7.40.20 except, since the student population would consist largely of Alaskans entering the field without participating in an outside educational program of
the state, the savings on WICHE and scholarship funds would not be so evident. Accordingly, a program of this nature would cost about $178,000, faculty salaries being somewhat lower. It would serve a substantially larger audience than the legal program with a consequent reduction in per student costs. The number of students would likely double. As many as 50 to 100 new students could easily be recruited from within Alaska for rural and urban paralegal programs.

7.40.50  COSTS OF VOCATIONAL EDUCATION FOR THE POLICE SYSTEM, ALLIED PROFESSIONS, JOINT DEGREES AND GENERAL EDUCATION

Most of these costs would be subsumed within a larger grant for the third year center or a paraprofessional program. Most of the cost of vocational education for justice system positions is already covered by the Criminal Justice Center (paragraph 2.60.30). No additional funds should be dedicated to this purpose until a year's evaluation could be completed. In fiscal '77, some funds might be needed to supplement the federal portion; in FY '78, a slightly larger amount will be necessary. Expenses of legal education in the allied professions, joint degrees, etc. would be enhanced by the addition to the faculty of one or two visiting professors of law, steps suggesting cost of the order of magnitude of $50,000 for one or $95,000 for two, if done without relation to funding for any other aspect of law-related education.

7.50.00  THE LAW SCHOOL QUESTION REVIEWED

As was said in introducing this study to the reader, to ask whether a law school should be established in Alaska both mis-states the issue and confuses the priorities in legal education for this state. Most people who have spent much time analyzing
the facts would agree that "sometime" an Alaska law school will be established. But the fiscal problems and priorities of the state for the next two years and good educational planning practices both suggest that those who are eager to establish a law school in the next 14 months have the burden of persuasion. If Alaska booms to over a million population in the late '90's, those who oppose the establishment of a law school for that time have an equal or heavier burden. The question is not "whether?" but "when?"

To leap directly to feasibility avoids the problems of priorities. Before deciding to establish a full-scale, three-year law school we should ask: What do we expect to get out of such an institution? What kind of a law school do we want? What special Alaska purposes would it serve? What trends in the organization of the legal profession and the organization of legal education should be reflected in its design. First and last, we should ask ourselves, what should we do now?

In the preceding paragraphs we have addressed the question of "what to do until the baby arrives." In the concluding paragraphs we will address the question: "Supposing we start an Alaska law school as soon as physically possible, what might it look like and what will it cost?"

7.50.10 SHORT CUTS TO LEGAL EDUCATION AND THEIR PROBLEMS

Alaskans are nearly unanimous that if a law school is to be established, it should be a first-class institution, one all the state's citizens will view with pride. A well conceived institute of justice and legal studies, concentrating on the specialized
topics could meet this criteria against any national standard. If a three-year J.D. program is offered, the state will have to meet the comprehensive standards of the American Bar Association and the Association of American Law Schools reviewed in the following paragraphs. Before pricing a law school, we might first at least mention the alternatives which history suggests we should reject.

At a time when educational standards were more primitive and when the resources which our society could afford to invest in education were less generous, clerkships, correspondence schools, night schools and part-time schools flourished in the mainstream of legal education. A few night schools still survive with accreditation and a proportionate, small, part-time student allowance is permitted to some law schools. Few law schools without night divisions run any part-time program. Though a number of problems abide, the basic problem with these educational formulae lies in the difficulty in imposing adequate subject matter discipline on students exposed to distractions by such conditions.

The making of a lawyer is an intensive experience in learning how to think. If the experience is thinly spread out, it is not likely to be absorbed at all. In competition for a student's attention and energies between a full-time job and full-time education, both are likely to suffer. Education, depending on a voluntary and unsupervised commitment of energies, is likely to come off worst. With the best of intentions, students are less likely to take their course work with the necessary seriousness.
Faculty have difficulty in holding the students to a standard. It is all very well to say the law school in these circumstances should simply establish its graduating qualifications and let the heads roll. As a practical matter, it is very difficult to hold to a standard exacting such heavy penalties. It is also extremely wasteful of human resources and the human spirit to exact such a toll. A faculty of good quality would be difficult, perhaps impossible, to recruit for an institution which seemed committed on its face to something less than a first-class institution. Night school faculty would not relate to daytime faculty. The loss of intellectual stimulation hurts both. An Alaska law school, under present circumstances, would be under special pressure to experiment with short cut forms of legal education (5.40.10).

Part-time and night-time legal education both grew in the spirit of unabashed shortcutting. While dismissing that premise, there are positive lessons to be learned from each form of education. A good clinical education program offers some relief from the financial hardships of the conventional three-year program. When a work experience can be blended with a learning experience under expert supervision, the best of both worlds is achieved. A classroom schedule which moves all classes to a different schedule against the sun may merely accommodate a different life style.

7.60.00 STANDARDS OF FEASIBILITY FOR AN ABA AND AALS APPROVED SCHOOL

The Association of American Law Schools has adopted a number of criteria upon which the feasibility of an Alaska law school is
to be judged. They are reviewed in this section in their application to Alaska. As will be seen, the hardest question for Alaska comes down to whether the state is willing to make the resource commitments involved. Alaskans must ask themselves whether such a commitment constitutes the best investment of state funds under the circumstances of the times.

7.60.10 DISTANCE FROM THE UNITED STATES

    Measured on this AALS established criteria, Alaska's case for a law school is strong. In no place in the United States could a law school be established which is further from any already established law school. No location poses such severe hurdles for the resident law school aspirant. Further elaboration of elementary geography is unnecessary.

7.60.20 CHARACTERISTICS AND INTERESTS OF STUDENTS

    The review of LSAT criteria in paragraph 5.50.20 would lead readily to the conclusion that students of sufficient academic quality are available to attend an Alaska law school. The interest and enthusiasm of a wide audience for legal education is reflected in the public survey conducted under the study. The special needs of the underprivileged are unchallengable. All that remains is a commitment, in whatever instructions are given on establishing a law school, that admission standards and instructional standards will reflect the commitment to excellence.

    If the institution proposes to authorize an extensive night time or part-time educational program or fails to use rigorous admissions standards including an acceptable LSAT score, then the commitment of the state would be in doubt and the feasibility of
an approvable school in question.

A law school accrediting committee, looking for the weak point in the Alaska student body would ask: How many of the better qualified Alaskan students chose to go to other law schools? Is this only the bottom half of the barrel? How many of these students are rejects from other states? Has this law school given adequate recognition to minority students? Conversely, has Alaska lowered admissions standards too far to widen its minority student participation base?

7.60.30 RESOURCES AND TUITION

Alaska, with only $160-per-semester resident undergraduate tuition and $460 non-resident ($240 and $490 for graduate education) is a relatively low tuition state. A major question before the University in establishing a law school will be whether this standard will be maintained or whether tuition should be raised in the case of graduate education in law. From the perspective of feasibility, the question of tuition is only one of resources. If the policy of the University was to preserve low tuition, feasibility would still lie so long as the commitments reflected in first and subsequent years' budgeting showed that the University was dedicated to first-class legal education.

7.60.40 DEMAND IN AREAS IN WHICH STUDENTS MIGHT BE EXPECTED TO PURSUE CAREERS

Given a proper commitment of state resources, the marginal nature of demand for the services of its graduates is the single largest obstacle to the feasibility of an Alaskan law school. It is also the strongest argument for the establishment of a specialty institution. Even under the predicted conditions of continuing
boom, the need for the kind of law school graduate turned out by
the conventional law school is limited and the market for his
services is crowded with sellers. The best prospect for Alaskans
interested in pursuing legal careers in Alaska lie in specializa-
tion in natural resource law and management and public service
careers. Conventional practice situations in and out of government
are not likely to offer more than 60-90 positions a year at the
most. Competition for these jobs will be keen with many positions
inevitably filled by graduates of law schools outside the state.
The graduates of a highly specialized Alaska institution, focusing
on special Alaskan needs, could perhaps capture a majority of
these positions. Another quarter or more of the graduates of an
Alaskan institution might be expected, voluntarily and profitably,
to enter fields other than the strict practice of law. Some will
find careers outside the state, particularly if prepared in a high
specialization common in Alaska but rare elsewhere, a job position
for which new lawyers are not normally well-equipped. But in sum,
market demand feasibility is right on the line and would continue
to be until the late '80s at the earliest.

The issue for the University in considering the establishment
of a law school in a marginal market demand situation is not so
much the existence or size of the market but the great care that
must be taken in assuring that students are not mislead by the
existence of a program into thinking that a great number of con-
ventional opportunities exist. The opposite is the case.

The University's responsibility goes beyond the prospective
law school student to the thousands who will wish to pursue careers
in law-related subjects and to the public who would benefit from their services. Their needs are serious. Priorities must be faced. This obligation is at least as great as that to the fewer number prepared to pursue conventional legal careers.

**7.60.50 NUMBER OF STUDENTS**

The Association of American Law Schools believes a new law school should plan towards a student body of 300-500 students. This standard finds its origin substantially in underlying economic criteria. A small student body means low receipts in traditionally self-financed legal education. Experience has shown that faculties have been cut back when student population drops much below this mark and at ratios of over 20-1 and 30-1, a law school faculty can soon find itself no longer a faculty but a group of teachers just hanging on, trying to cover all the bases with too few people.

So long as the financial commitment of Alaska to legal education is clear, so long as student-faculty ratios comparable to other graduate studies are accepted as a norm, rather than law school ratios, and so long as support for legal education is not tied to tuition, the University can afford to accept a student body of significantly smaller dimensions. In fact, one of the factors which could make an Alaska law school and its forerunner an outstanding institution is a knowing departure from the traditional high student-faculty ratios of earlier established law schools. A school where those ratios were 10-1 or lower, would offer special attractions to faculty and students, both in the state and out.

**7.60.60 NUMBER OF FACULTY**

Association of American Law School Guidelines indicate a
planned faculty of 18-20. In fact, few newly established law schools come very close to this goal. Still Alaska should look to 15-18 or better after the early build-up. Again, Alaska should meet criteria of this kind through establishing a unique institution. American law schools are notoriously weak in research. A law school with a unique dedication to research would gather an immediate national reputation. The great Stanford Law School last year spent a paltry $30,000 on research. An Alaskan institution should be founded with much needed Alaskan research as its cornerstone. Much of this research can be self-supporting. Strong research emphasis will mean some faculty with compensatingly low teaching loads, another factor leading to lower student-teacher ratios, and a high degree of integration between research and teaching functions. Meeting this criteria too is but a question of the extent to which the state is prepared to make a resource commitment.

7.60.70 SALARY STRUCTURE

Though you can't buy quality with cash alone, you can't go very far without it. Compared with factors of student population, market demand, even library and physical facilities, the quality of the faculty will be the premium qualification that accrediting bodies will look to. The recruitment of a first-class faculty will depend upon the quality of the recruiter, but he is powerless unless he can offer competitive salaries. To be competitive, those salaries will have to meet equivalencies of average practitioner income, if not top income. Law teachers accept the fact that their avocation assures that they will not enjoy the high incomes which private
practitioners enjoy. Nevertheless, with undeniable opportunities at their doorstep, law teachers are loath to tolerate situations where they find themselves the bottom division of lawyer income. They are even less likely to knowingly move into new situations where the pay is low. This would be particularly true for a new, untried law school. The average Anchorage attorney with a half dozen years practice will make over $40,000 per year in 1975. The income survey of the Anchorage bar shows that, even including newly admitted attorneys, over half the bar enjoys incomes over $35,000 per year. In order to provide quality legal education, the University must be prepared to meet annual salary requirements of $35,000 - $45,000 in 1975 dollars. This will also involve acceptance of the fact by the rest of the University that law professors are paid substantially more than faculty members in other fields. This is the situation which prevails throughout the country. Though many hard-working faculty in other fields find it difficult to accommodate to at first, it is a hard fact of the labor market. Professional law teaching is too easily transferable to lucrative practice.

The use of part-time teachers borrowed from the local bar is no substitute. With a newly established law school, the academic qualifications and commitment of the new faculty will be carefully assessed by the certifying authority. A faculty whose composition depends significantly on local talent with neither past law school teaching experience nor reputation beyond Alaska will not pass muster. Certainly there are some Alaskan attorneys who would make distinguished additions to the faculty. But these services should supplement those of a core faculty with appropriate credentials.
The size and quality of the library is a very sensitive factor in law school accreditation. The new law school should have a librarian two years prior to opening its doors. The return in savings on book purchases makes up several-fold for the advance salary costs. While a joint facility is possible for the earliest years, a separate library is a necessity. A law library is a different kind of place than the usual university library, the law librarian follows a distinctive profession. Since he is usually a lawyer himself, he also will be subject to a similar salary range differential, on a par with law school junior faculty.

Accreditation standards require a library of no less than 60,000 volumes including standard legal reference works and case collections. That library will have a shelved cost (including the cataloging and processing into the local library) in Alaska of approximately $900,000, assuming a careful purchasing schedule. This investment need not be made in one year, but can be spread out over 3-5 years with the largest investment in the earlier years.

The size of physical facilities for an Alaska law school can be small, reflecting the fact that a small, high quality school is the objective of Alaska legal education. With the cooperation of the Alaska Court System and the University in space sharing, an Alaska law school could get by on 40-60,000 square feet. At an Alaska public construction cost index of approximately $100 per foot for 1975, the facility would cost, conservatively $4-6 million. This is concededly small. A law school planned for a student body
of 300 students would need 75-100,000 square feet. The estimate relies heavily on strong support from the rest of the University and other public institutions. If a law school were built in conjunction with a new capital, as some have suggested, entirely new estimates would have to be made. If contiguous space originally designed for classroom teaching and related office space were made available in a similar floor footage, conversion costs would undoubtedly be a fraction of this sum depending upon the quality of construction, adaptability to law school classroom purposes, etc.

7.70.00 OPERATING COSTS - THIRD YEAR OF OPERATION, 1975 DOLLARS

Personnel Services

<table>
<thead>
<tr>
<th>Role</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean</td>
<td>$45,000</td>
</tr>
<tr>
<td>1 Adm. Assist.</td>
<td>25,000</td>
</tr>
<tr>
<td>9 Faculty</td>
<td>360,000</td>
</tr>
<tr>
<td>1 Librarian</td>
<td>35,000</td>
</tr>
<tr>
<td>5 Clerical</td>
<td>55,000</td>
</tr>
<tr>
<td>15% Admin. Cost</td>
<td>78,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$598,000</strong></td>
</tr>
</tbody>
</table>

Library Maintenance | $25,000

Uncapitalized equipment, telephones, supplies and depreciation | $30,000

Travel, including recruitment costs | $20,000

Total law school costs for third year of operation | $693,000

It should be noted that this figure does not take account of any building maintenance costs and assumes that furnishings - desks, classroom fixtures, etc., as well as library acquisitions are included in the capitalized costs. It should be noted secondly that this figure constitutes a budget for the third year after opening.
A pre-opening operating budget for the school to cover the costs of a dean and librarian for an average of 18 months planning term and faculty recruitment costs and contingencies would be on the order of $175,000. A first-year operating budget would be in the range of $400-500,000. The first $150,000-300,000 of the capital budget should also be made available in the planning years to assure library acquisition savings. Subsequent increments over the next 3 years should include the addition of another 5-8 faculty at a cost of $50,000 per professor.

7.80.00 COMPARISONS WITH OTHER RECENTLY ESTABLISHED LAW SCHOOLS

The first thing that should be said about comparisons is that although studies of other states' experience are enlightening as to concerns expressed, it is hard to find close analogies to Alaska. Alaska is truly an exception case study for legal education.

The movement which brought law schools now attaining accreditation into being anticipated the great surge in student demand for legal education and operated in the context of strong demand for legal services. Both these trends show signs of peaking in 1975. Hawaii actually had experienced a shortage of lawyers. All states establishing law schools experienced demand from student populations substantially greater than those knocking on the door in Alaska. All were established in states or regions showing a considerable lawyer deficit. Yet in none of these states with the exception of Hawaii, was the hardship on students aspiring to attend law school so great.

All recently established law schools showed at least the prospects of drawing from a much broader population base than Alaska.
Hawaii's population more than doubled Alaska's. In Delaware, where despite a favorable recommendation from Pedrick and Soles the state university did not go ahead, over 1,137 applicants took the LSAT between 1971 and 1974 compared with 336 in Alaska. Out of 302 Delawarians who took the LSAT in 1971-2, only 41 were enrolled as first-year law students in 1972-3, despite a mean average LSAT score of 544. The proportion of those facing frustration at the very gates of law school in Delaware was enormous, yet still Delaware decided against a state law school.

The lesson to be drawn from Delaware is that some response must be forthcoming to expressions of immediate unmet need. An unaccredited proprietary law school developed in Delaware subsequent to the university's rejection of the state law school proposal, a development which poses some severe problems for legal education and public protection in Delaware.

Nevada also has halted on the brink of authorizing a law school despite a favorable recommendation. Nevada shares with Alaska the distinction of being the only states without a law school of some kind within its borders. Budgetary considerations appear to loom large in slowing consideration of a school of law in Nevada.

On the other hand, none of these states have the same opportunity and challenge to strike an innovative course for legal education. None have quite the extent of need for new careers in

education. None have such good prospect for resources and public support if some restraint is exercised both in carefully defining the kinds of programs to be offered and setting the time of their initiation.

7.90.00 OPTIONS FOR THE UNIVERSITY

In the preceding pages we have attempted to lay out the factual data and an analytical basis for determining the course of state and University policy in response to the needs of Alaskan legal education.

One of the vital choices is certainly that which lies between organizing for a law school offering a three-year J.D. program as soon as possible - as early as the fall of 1976 or 1977 - or a gradual build-up of resources devoted to legal education according to carefully defined selected needs over a longer time frame, the pace to be determined from year to year. They are mutually exclusive. The energy, devotion, leadership and resources required to put a law school in operation in a short time span leaves little room for exploring the boundary areas around the J.D. program core. The latter would not become a priority until the law school was firmly established - five or six years after its doors first opened.

The University must also make the case for its other educational obligations. The University, as its name implies, should be careful to address a wide variety of higher educational needs accommodating both current popular opinion and the best long-term professional judgment of the needs of those not yet ready to express themselves or yet unborn.

The key to continuing relevance in education is not found in
policy which bows with every fresh eddy of public opinion but that which assays the longer term trends in the metamorphosis of civilization.

The weight of public sentiment supports legal education. The strong 2:1 support for Alaskan legal education expressed in our public survey is a strong indicator of that. Yet it should be noted that medicine, engineering and business administration came well before law in determination of priority in public sentiment. Some caution should be used in responding to this opinion. English and mathematics, which rank at the bottom of this scale, are the fundamental disciplines, no matter how worn their labels, upon which all the other education rest. They must be first in concern, and it is unlikely that those surveyed would wish any other intent to be read into their answers. These answers express only the "new start" preferences of the Anchorage public. The survey does show strong support for enhanced professional education opportunity in Alaska.

Finally, there are the hard budgetary choices to be made by the legislature between higher education and other needs of the state. Despite the backlog of unmet needs for public facilities and services in rural Alaska, the legislature and the public have shown a firm commitment to education in Alaska and higher education in particular. This commitment is sustaining. There are but a few years yet of waiting. The northern oil resources of Alaska have brought much tribulation so far and little public benefit unalloyed with equivalent or greater burden. That was to be expected. Patience
is necessary and a steadfast determination not to let control over
the destiny of the state slip from the hands of the people through
a failure in foresight. There are greater expectations in the offing.
In time there will be a place for advanced studies in medicine, eng-
ingineering, law and other subject matter yet unfathomed.