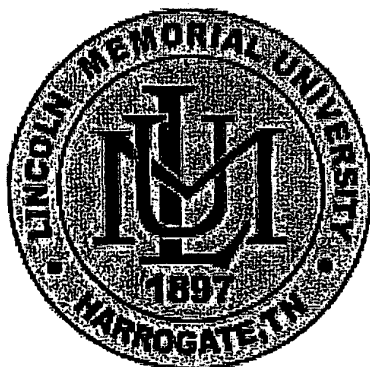


Lincoln Memorial University



School of Law Feasibility Study

Introduction

Why a Law School at LMU?

“Does the world *really* need any more lawyers?” This is a rhetorical question that is often raised by many – sometimes in a jovial sense and sometimes in a pejorative sense. More often than not, when this question is asked, the person asking the question actually already has an answer.

However, to ask such a question based on an empirical observation without supportive research into the matter is no more valid than to ask, “Does the world *really* need any more butchers, bakers and candlestick makers?”

Just as any successful business enterprise does market research to determine if there is both need and demand for its goods and services, any educational institution seeking to add additional programs would do well to research the issue to determine need, demand, impact on the area, and other related issues.

In the fall of 2003, the Tennessee Alliance for Legal Services sponsored a study of needs for and effective delivery of civil legal services for low-income and elderly residents of Tennessee. The study was conducted by the University of Tennessee, College of Social Work Office of Research and Public Service. The primary purpose of the study was to identify unmet needs and to find possible ways to tailor services to more efficiently meet these needs.

A telephone survey was conducted statewide. Participants had to be a resident of the state of Tennessee and have a total household income below 125% of the 2003 Health and Human Services Poverty Guidelines issued by the U.S. Department of Health and Human Services. The results of the survey gave statewide totals and also regional totals for east Tennessee, middle Tennessee, west Tennessee and the Memphis Area. The information for each region was also compared with the other regions.

Although it was estimated that some of the results of the study were underrepresented due to reluctance of some participants to release information about themselves for various reasons, the information contained in the study was striking.

Approximately one million Tennessee residents are classified as “low-income” to “extremely-low income,” and approximately 300,000 of these reside in the 26 counties in east Tennessee served by Legal Aid of East Tennessee (LAET). A significant percentage of these residents qualified for aid programs such as Social Security, TennCare/Medicaid, Medicare, Food Stamps and Families First.

According to the results of this research the “findings seem to indicate that the numbers of legal problems experienced by low-income and middle-income households has risen in the last ten years... [and] a growing incidence of legal needs and a growing incidence of

multiple legal needs per household.” (Report from the Statewide Comprehensive Legal Needs Survey for 2003, Addendum B)

The results also noted that nearly 70% of the households surveyed faced one or more civil legal problems in the previous year (with an average of 3.3 civil legal problems per household and 1.2 per person). Additionally, less than one-third of the respondents were aware of the sources of assistance available to assist with these problems.

According to the 2000 Federal Census, east Tennessee has a growing population that is becoming much more diverse and complex. Although the Hispanic/Latino population is still small compared to the overall population, this population is experiencing the greatest percentage of growth.

Related to this growth in population, the 2003 Statewide Comprehensive Legal Needs Survey found that there was a significant relationship between the size of a household and the number of civil legal problems reported; Hispanic/Latino households had the largest number civil legal problems; “working poor” households had significantly more civil legal problems than “non-working poor” households; and single-adult household with children had significantly more civil legal problems than did households with multiple-adults and children.

The researchers noted that there may be situations where a respondent may be unlikely to accurately describe certain civil legal problems due to various reasons, including (but not limited to) reluctance to reveal personal information to a stranger, domestic violence; abuse of an elderly relative, and immigration problems. Therefore, the researchers noted that the results of the survey most likely underreport numbers of civil legal problems.

The researchers also sought to determine which civil legal problems occurred most often, which of the problems were considered most problematic, and how these households resolved these problems. The most common legal problems were creditor conflicts, medical bills or health insurance, utilities, government benefits and health care. The problems that were considered most problematic were housing/utilities issues, financial/consumer issues, and healthcare issues.

Three-fourths of the survey respondents took some type of action to deal with their civil legal problems, while one-fourth did not. Of those who did not take any action, their inaction was a result of the following: they believed that the situation was not so much a problem, but as “just the way things are;” they believed that nothing could be done; they did not know where to go for help; or they did not want a “hassle.”

One might assume that many of the civil legal problems experienced by some in east Tennessee (and universally, for that matter) may be problems that are “self-induced” or “self-inflicted.” Indeed, this may be true in some instances. However, of the survey respondents who did take some type of action by seeking help from a legal aid organization or legal clinic 55% were helped.

According to Legal Aid of East Tennessee "It is estimated that more than 300,000 persons in our service area are eligible for our services, yet our limited resources only allow us to serve less than 5% of this population." (2007 Annual Report, p. 4)

Another research project was undertaken in 2003 commissioned by the Social Services Task Force of Nine Counties, One Vision — a community-based, strategic planning organization which encompasses Knoxville/Knox county and its surrounding counties. The research project was conducted again by the University of Tennessee, College of Social Work Office of Research and Public Service. The purpose of the study was to identify met and unmet needs in this region and to help social service providers and community leaders coordinate services more efficiently so as to effect greater use of limited resources.

According to the results of this survey, "free or low-cost legal aid" was listed fourth on a list of 23 services reported as unavailable in this region. Additionally, respondents listed "free and low-cost legal aid" first out of 23 services as "Don't Know" if service is available, and third out of 23 services rated as "Poor." (Nine Counties, One Vision: Household Survey Report, 2003, pp. 15-17)

Lincoln Memorial University was founded in 1897 in great measure to help provide educational opportunities in an attempt to alleviate some of the chronic poverty that exists in the Cumberland Gap and southern Appalachian region. The Debusk College of Osteopathic Medicine was established in 2007 to address the shortage of available health care in this region. It appears evident from the results of the aforementioned research projects that there is also a shortage of legal assistance in this area as well.

In February 2008, Lincoln Memorial University assumed a long-term lease on the Old City Hall in downtown Knoxville. This seven-building complex constructed between 1848 and 1870, was originally an academic facility. Knoxville is the county seat of Knox County.

All of the counties in east Tennessee, including Knox, are designated as Appalachian counties by the Appalachian Regional Commission (www.arc.gov). This commission was established by the federal government in the early 1960's to address chronic poverty and its associated problems in this region.

There are four law schools in the state of Tennessee: the University of Tennessee at Knoxville; Vanderbilt University; the Nashville School of Law; and the University of Memphis. The law school in Memphis was the last school to open in the state in 1962. Hence, it has been 46 years since a law school has opened its doors in the state of Tennessee.

It seems fitting that Lincoln Memorial University—an institution founded to help serve underserved populations—should take action at this time. There is obvious, unmet need in this area. And, as will be pointed out in the rest of this proposal, there is obvious, unmet demand for legal education in the state.

Roscoe Pound writing in the 1935 Annual Review of Legal Education observed:

[T]he American law school must be an academic institution. That is, it must each in the atmosphere and by the methods and with the aims of a university. But it must also be a professional school, training for a profession which has an authoritative technique and authoritative ideals and standards.

LMU plans to establish a law school that will:

- compliment and strengthen the University's existing programs, particularly those that relate to the DeBusk College of Osteopathic Medicine (DCOM) and graduate education programs.
- be a national leader in the training of law professors to effectively use technology and education theory to effectively teach digital native law students.
- provide a distinctive program of legal education that will develop exceptionally-educated, well-motivated, technologically savvy lawyer-leaders with practice skills to that make them ready to begin the practice of law.
- be positioned within the University as a center of excellence.
- to teach through mandatory pro bono the opportunities to serve the unmet legal needs of Eastern Tennessee and to continue to serve these needs as members of the profession.

The Lincoln Memorial University School of Law intends to educate practical, service oriented individuals that will help serve the needs of eastern Tennessee. In the information that follows, the data will bear out that in addition to an underserved population in need of legal services, there is a demand for legal education that can be, in part, filled by a law school at Lincoln Memorial University.

The combination of the need for lawyers to serve an underserved population as well as the demand for legal education from those wishing to enter the profession indicated a strong likelihood that a law school at Lincoln Memorial University will be successful.

LSAT Takers

There are a number of indicators that can be examined to assess whether there is an unmet need for additional legal education. One such indicator is the number of students taking the LSAT test in relevant geographic areas. In Table 1, below, it can be observed that between 2005 and 2007 the states of Georgia, North Carolina, South Carolina, Virginia and Tennessee had an aggregate total of 33,652 LSAT takers. Of that number, 5,269 were from Tennessee Colleges alone. These numbers, although not definitive of need, are indicative of need.

¹ Annual Review of Legal Education, 1935 A.B.A. SEC.OF LEGAL ED. AND ADMISSIONS TO THE BAR REP. 4.

Table 1: 2005, 2006 and 2007 Aggregate Number of LSAT Takers generated by Colleges and Universities in GA, NC, SC, TN, and VA

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
GA	ABRAHAM BALDWIN AGRICULTURAL COLLEGE	*	GA	KENNESAW STATE UNIVERSITY	295
GA	AGNES SCOTT COLLEGE	85	GA	LA GRANGE COLLEGE	16
GA	ALBANY STATE UNIVERSITY	50	GA	MACON STATE COLLEGE	20
GA	AMERICAN INTERCONTINENTAL UNIVERSITY-GA	131	GA	MEDICAL COLLEGE OF GEORGIA-GA	6
GA	ARMSTRONG ATLANTIC STATE UNIVERSITY	50	GA	MERCER UNIVERSITY-ATLANTA	30
GA	ATLANTA CHRISTIAN COLLEGE	*	GA	MERCER UNIVERSITY-MACON	228
GA	ATLANTA COLLEGE OF ART	*	GA	MIDDLE GEORGIA COLLEGE	*
GA	AUGUSTA STATE UNIVERSITY	63	GA	MOREHOUSE COLLEGE	325
GA	BERRY COLLEGE	72	GA	MORRIS BROWN COLLEGE	28
GA	BEULAH HEIGHTS UNIVERSITY	*	GA	NORTH GEORGIA COLLEGE & STATE UNIVERSITY	92
GA	BRENAU UNIVERSITY	23	GA	OGLETHORPE UNIVERSITY	73
GA	BREWTON PARKER COLLEGE	*	GA	PAINE COLLEGE	7
GA	CLARK ATLANTA UNIVERSITY	225	GA	PIEDMONT COLLEGE-GA	25
GA	CLAYTON STATE UNIVERSITY	68	GA	REINHARDT COLLEGE	17
GA	COLUMBUS STATE UNIVERSITY	71	GA	SAVANNAH STATE UNIVERSITY	29
GA	COVENANT COLLEGE	37	GA	SHORTER COLLEGE-GA	29
GA	DALTON STATE COLLEGE	*	GA	SOUTH UNIVERSITY-SAVANNAH	8
GA	EMMANUEL COLLEGE-GA	9	GA	SOUTHERN POLYTECHNIC STATE UNIVERSITY	18
GA	EMORY UNIVERSITY	1,131	GA	SPELMAN COLLEGE	332
GA	FORT VALLEY STATE UNIVERSITY	43	GA	THOMAS UNIVERSITY-GEORGIA	*
GA	GAINESVILLE STATE COLLEGE	*	GA	TOCCOA FALLS COLLEGE	9
GA	GEORGIA COLLEGE & STATE UNIVERSITY	84	GA	TRUETT MCCONNELL COLLEGE	*
GA	GEORGIA INSTITUTE OF TECHNOLOGY	522	GA	UNIV OF GEORGIA-CONTINUING EDUCATION CTR	*
GA	GEORGIA SOUTHERN UNIVERSITY	264	GA	UNIVERSITY OF GEORGIA	1,981
GA	GEORGIA SOUTHWESTERN STATE UNIVERSITY	23	GA	UNIVERSITY OF WEST GEORGIA	124
GA	GEORGIA STATE UNIVERSITY	850	GA	VALDOSTA STATE UNIVERSITY	184
GA	JOHN MARSHALL UNIV SCHOOL OF LAW-ATLANTA	*	GA	WESLEYAN COLLEGE	44
GA	KENNESAW STATE UNIVERSITY	295	GA Total		7,740

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
NC	APPALACHIAN STATE UNIVERSITY	346	NC	MONTREAT COLLEGE	8
NC	BARBER-SCOTIA COLLEGE	*	NC	MOUNT OLIVE COLLEGE	41
NC	BARTON COLLEGE	17	NC	NORTH CAROLINA AGRIC & TECH STATE UNIV	192
NC	BELMONT ABBEY COLLEGE	17	NC	NORTH CAROLINA CENTRAL UNIVERSITY	200
NC	BENNETT COLLEGE	26	NC	NORTH CAROLINA SCHOOL OF THE ARTS	8
NC	BREVARD COLLEGE NC	15	NC	NORTH CAROLINA STATE UNIVERSITY-RALEIGH	803
NC	CAMPBELL UNIVERSITY	173	NC	NORTH CAROLINA WESLEYAN COLLEGE	32
NC	CATAWBA COLLEGE	25	NC	PEACE COLLEGE RALEIGH	15
NC	CHOWAN UNIVERSITY	8	NC	PFEIFFER UNIVERSITY	33
NC	DAVIDSON CO COMM COLL NC	*	NC	QUEENS UNIVERSITY OF CHARLOTTE	37
NC	DAVIDSON COLLEGE	258	NC	SAINT AUGUSTINE'S COLLEGE	23
NC	DUKE UNIVERSITY	1,170	NC	SALEM COLLEGE	23
NC	EAST CAROLINA UNIVERSITY	324	NC	SHAW UNIVERSITY	59
NC	ELIZABETH CITY STATE UNIVERSITY	26	NC	SOUTHEASTERN BAPTIST THEOLOGICAL SEMINAR	*
NC	ELON UNIVERSITY	237	NC	ST. ANDREW'S PRESBYTERIAN COLLEGE	17
NC	FAYETTEVILLE STATE UNIVERSITY	86	NC	UNIVERSITY OF NO CAROLINA-GREENSBORO	270
NC	GARDNER-WEBB UNIVERSITY	45	NC	UNIVERSITY OF NORTH CAROLINA AT PEMBROKE	62
NC	GREENSBORO COLLEGE	26	NC	UNIVERSITY OF NORTH CAROLINA-ASHEVILLE	124
NC	GUILFORD COLLEGE	89	NC	UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL	1,883
NC	HIGH POINT UNIVERSITY	77	NC	UNIVERSITY OF NORTH CAROLINA-CHARLOTTE	381
NC	JOHNSON C. SMITH UNIVERSITY	44	NC	UNIVERSITY OF NORTH CAROLINA-WILMINGTON	296
NC	LEES MCRAE COLLEGE	10	NC	WAKE FOREST UNIVERSITY	629
NC	LENOIR-RHYNE COLLEGE	32	NC	WARREN WILSON COLLEGE	20
NC	LIVINGSTONE COLLEGE	14	NC	WESTERN CAROLINA UNIVERSITY	96
NC	MARS HILL COLLEGE	11	NC	WINGATE UNIVERSITY	39
NC	MEREDITH COLLEGE	36	NC	WINSTON-SALEM STATE UNIVERSITY	54
NC	METHODIST UNIVERSITY	47	NC Total		8,511

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
SC	ANDERSON UNIVERSITY - SC	14	SC	MORRIS COLLEGE	8
SC	BENEDICT COLLEGE	24	SC	NEWBERRY COLLEGE	11
SC	BOB JONES UNIVERSITY	57	SC	NORTH GREENVILLE UNIVERSITY	12
SC	CHARLESTON SOUTHERN UNIVERSITY	32	SC	PRESBYTERIAN COLLEGE	72
SC	CLAFLIN UNIVERSITY	29	SC	SOUTH CAROLINA STATE UNIVERSITY	68
SC	CLEMSON UNIVERSITY	587	SC	SOUTH UNIVERSITY-COLUMBIA	11
SC	COASTAL CAROLINA UNIVERSITY	128	SC	SOUTHERN WESLEYAN UNIVERSITY	15
SC	COKER COLLEGE	20	SC	THE CITADEL	165
SC	COLLEGE OF CHARLESTON	555	SC	UNIV. OF SO CAROLINA-UNION	*
SC	COLUMBIA COLLEGE - SC	38	SC	UNIV. OF SOUTH CAROLINA- BEAUFORT	12
SC	COLUMBIA INTERNATIONAL UNIVERSITY	7	SC	UNIVERSITY OF SOUTH CAROLINA-AIKEN	27
SC	CONVERSE COLLEGE	17	SC	UNIVERSITY OF SOUTH CAROLINA-COLUMBIA	1,093
SC	ERSKINE COLLEGE	13	SC	UNIVERSITY OF SOUTH CAROLINA-SUMTER	*
SC	FRANCIS MARION UNIVERSITY	61	SC	UNIVERSITY OF SOUTH CAROLINA-UPSTATE	83
SC	FURMAN UNIVERSITY	337	SC	VOORHEES COLLEGE	5
SC	GREENVILLE TECHNICAL COLLEGE	*	SC	WINTHROP UNIVERSITY	98
SC	LANDER UNIVERSITY	22	SC	WOFFORD COLLEGE	139
SC	LIMESTONE COLLEGE	33	SC Total		3,809
SC	MEDICAL UNIVERSITY OF SOUTH CAROLINA	8			

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
TN	AQUINAS COLLEGE-TN	5	TN	MEMPHIS STATE LAW SCH- EVENING	*
TN	AUSTIN PEAY STATE UNIVERSITY	103	TN	MIDDLE TENNESSEE STATE UNIVERSITY	501
TN	BELMONT UNIVERSITY	146	TN	MILLIGAN COLLEGE	18
TN	BETHEL COLLEGE	17	TN	NASHVILLE SCHOOL OF LAW	*
TN	BRYAN COLLEGE	13	TN	PEABODY COLLEGE OF VANDERBILT UNIVERSITY	9
TN	CARSON NEWMAN COLLEGE	52	TN	RHODES COLLEGE	251
TN	CHRISTIAN BROTHERS UNIVERSITY	54	TN	SEWANEE: THE UNIVERSITY OF THE SOUTH	202
TN	CUMBERLAND UNIVERSITY	28	TN	SOUTH COLLEGE	*
TN	DAVID LIPSCOMB UNIVERSITY	89	TN	SOUTHERN ADVENTIST UNIVERSITY	40
TN	EAST TENNESSEE STATE UNIVERSITY	159	TN	TENNESSEE STATE UNIVERSITY	206
TN	FISK UNIVERSITY	59	TN	TENNESSEE TECHNOLOGICAL UNIVERSITY	109
TN	FREE WILL BAPTIST BIBLE COLLEGE	*	TN	TENNESSEE TEMPLE UNIVERSITY	6
TN	FREED HARDEMAN UNIVERSITY	29	TN	TENNESSEE WESLEYAN COLLEGE	10
TN	JOHNSON BIBLE COLLEGE	*	TN	THE UNIVERSITY OF MEMPHIS	397
TN	KING COLLEGE	26	TN	TREVECCA NAZARENE UNIVERSITY	33
TN	KNOXVILLE COLLEGE	*	TN	TUSCULUM COLLEGE	33
TN	LAMBUTH UNIVERSITY	28	TN	UNION UNIVERSITY	62
TN	LANE COLLEGE	20	TN	UNIV. OF TENNESSEE- MEMPHIS	21
TN	LE MOYNE OWEN COLLEGE	15	TN	UNIV. OF TENNESSEE- NASH(CLOSED)	*
TN	LEE UNIVERSITY	83	TN	UNIVERSITY OF TENNESSEE - KNOXVILLE	1,031
TN	LINCOLN MEMORIAL UNIVERSITY	7	TN	UNIVERSITY OF TENNESSEE - MARTIN	128
TN	MARTIN METHODIST COLLEGE	8	TN	UNIVERSITY OF TENNESSEE- CHATTANOOGA	199
TN	MARYVILLE COLLEGE	50	TN	VANDERBILT UNIVERSITY	1,000
TN	MEHARRY MEDICAL COLLEGE	*	TN Total		5,269
TN	MEMPHIS COLLEGE OF ART	*			

ST	INSTITUTION	GRAND TOTAL	STATE	INSTITUTION	GRAND TOTAL
VA	AVERETT UNIVERSITY	22	VA	REGENT UNIVERSITY	22
VA	BLUE RIDGE COMMUNITY COLLEGE-VA	*	VA	REGENT UNIVERSITY SCHOOL OF LAW	*
VA	BLUEFIELD COLLEGE	19	VA	ROANOKE COLLEGE	86
VA	BRIDGEWATER COLLEGE	20	VA	SAINT PAUL'S COLLEGE	9
VA	CHRISTENDOM COLLEGE	23	VA	SHENANDOAH UNIVERSITY	11
VA	CHRISTOPHER NEWPORT UNIVERSITY	98	VA	SOUTHERN VIRGINIA UNIVERSITY	17
VA	COLLEGE OF WILLIAM AND MARY	863	VA	SWEET BRIAR COLLEGE	46
VA	EASTERN MENNONITE UNIVERSITY	13	VA	TIDEWATER COMM COLL VA BEACH	*
VA	EMORY AND HENRY COLLEGE	44	VA	UNIV OF RICHMOND - RICHMOND COLLEGE	50
VA	FERRUM COLLEGE	13	VA	UNIV OF RICHMOND-SCH OF CONTINUING STUDY	6
VA	GEORGE MASON UNIVERSITY	697	VA	UNIV. OF RICHMOND - WESTHAMPTON COLLEGE	59
VA	HAMPDEN-SYDNEY COLLEGE	116	VA	UNIV. OF RICHMOND SCH OF LAW	*
VA	HAMPTON UNIVERSITY	328	VA	UNIVERSITY OF MARY WASHINGTON	225
VA	HOLLINS UNIVERSITY	36	VA	UNIVERSITY OF RICHMOND	261
VA	JAMES MADISON UNIVERSITY	601	VA	UNIVERSITY OF VIRGINIA	1,811
VA	LIBERTY UNIVERSITY	190	VA	UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE	56
VA	LIBERTY UNIVERSITY SCHOOL OF LAW	*	VA	VA COMMONWEALTH UNIV ACADEMIC DIVISION	357
VA	LONGWOOD UNIVERSITY	53	VA	VA COMWLTH UNIV HEALTH SCI. DIV	7
VA	LYNCHBURG COLLEGE	39	VA	VA POLYTECHNIC INST & STATE UNIVERSITY	760
VA	MARY BALDWIN COLLEGE	42		VIRGINIA INTERMONT COLLEGE	18
VA	MARYMOUNT UNIVERSITY	55		VIRGINIA MILITARY INSTITUTE	84
VA	NORFOLK STATE UNIVERSITY	74		VIRGINIA STATE UNIVERSITY	63
VA	OLD DOMINION UNIVERSITY	287		VIRGINIA UNION UNIVERSITY	32
VA	PATRICK HENRY COLLEGE	30		VIRGINIA WESLEYAN COLLEGE	45
VA	RADFORD UNIVERSITY	152		WASHINGTON AND LEE UNIVERSITY	362
VA	RANDOLPH COLLEGE	48	VA Total		8,323
VA	RANDOLPH-MACON COLLEGE-VA	64			

MARKET FOR A NEW LAW SCHOOL

The market for a new law school and for legal education generally, involves a complex interplay between a jurisdiction's need for lawyers and the demand for legal education. The need for lawyers² is a reflection of the need for order in our social relationships.

The demand for legal education is the measure of the motivation of prospective law students compared to the opportunities available to them to enter a law school.

Need for Lawyers

There are a number of factors that can cause the need for lawyers to increase:

- population growth
- urbanization
- technological advances that accelerate the growth and accessibility of information and facilitate globalization
- greater regulation
- increased complexity and government, economy and lifestyle
- retirement of lawyers

All of these factors exist today.

Population Growth and Gross Domestic Product

It is important that an institution deciding whether to start a law school have a method to predict the future need for lawyers. There are two measures that planners can and should look at. First lawyer-population ratios, and population growth have an economic impact that increases the need for lawyers.

Lawyer Population Tennessee

2003	2004	2005	2006	2007	2008
13,513	13,724	14,058	14,470	14,867	15,199
	1.5%	2.4%	2.9%	2.7%	2.2%

While attorney-population ratios are not helpful in predicting the overall need for lawyers, they can help us analyze the possible future demand for legal services in Tennessee by comparing the ratio in our state with that of other states:

² See Rotunda, Ronald D. Teaching Professional Responsibility and Ethics 51 ST. LOUIS U. L. Rev. 1223. "The Japanese apparently have concluded, correctly in my view, that the demand for lawyers is a function of the rate of increase in the gross national product. As the amount of economic activity increases, the number of lawyers needed to facilitate that economic activity increases proportionately. Lawyers go hand-in-hand with prosperity."

Estimated Population: Lawyer Ratios for Each State and D.C.
Sorted in reverse order of lawyer density

STATE	Pop./ Lawyer Ratio	Rank by Lawyer Density	STATE	Pop./ Lawyer Ratio	Rank by Lawyer Density
South Carolina	508	51	Oregon	341	25
North Carolina	502	50	Montana	340	24
Indiana	486	49	Michigan	336	23
North Dakota	479	48	Texas	334	22
Arkansas	477	47	Vermont	329	21
Mississippi	477	46	Missouri	328	20
South Dakota	461	45	Hawaii	319	19
West Virginia	453	44	Florida	308	18
Arizona	447	43	Pennsylvania	303	17
Iowa	446	42	Oklahoma	296	16
Idaho	438	41	Washington	291	15
Utah	429	40	Alaska	280	14
Nevada	425	39	Louisiana	276	13
Tennessee	425	38	Maryland	275	12
Wisconsin	401	37	Georgia	271	11
Alabama	401	36	California	258	10
New Hampshire	399	35	Minnesota	254	9
Kentucky	384	34	Rhode Island	249	8
Maine	383	33	Colorado	212	7
Virginia	382	32	Connecticut	194	6
Kansas	381	31	Illinois	192	5
Delaware	379	30	New York	154	4
Wyoming	370	29	New Jersey	149	3
New Mexico	366	28	Massachusetts	145	2
Nebraska	350	27	D.C.341	14	1
Ohio	344	26	National Ratio	268	

As the above table reflects, Tennessee is 38th out of 51 states and the District of Columbia, and Tennessee's ratio of 425 persons per attorney is well below the national ratio. The nation's ratio is 268 to 1 today and was around 500 to 1 thirty years ago. Tennessee's ratio has consistently trailed that of the United States.

Projected Population Growth Tennessee

Current population projections indicate that Tennessee's population will increase by 32% by 2030. Population growth, urbanization, technological innovation, and the complexity produced by this mix of factors will substantially increase Tennessee's need for lawyers.

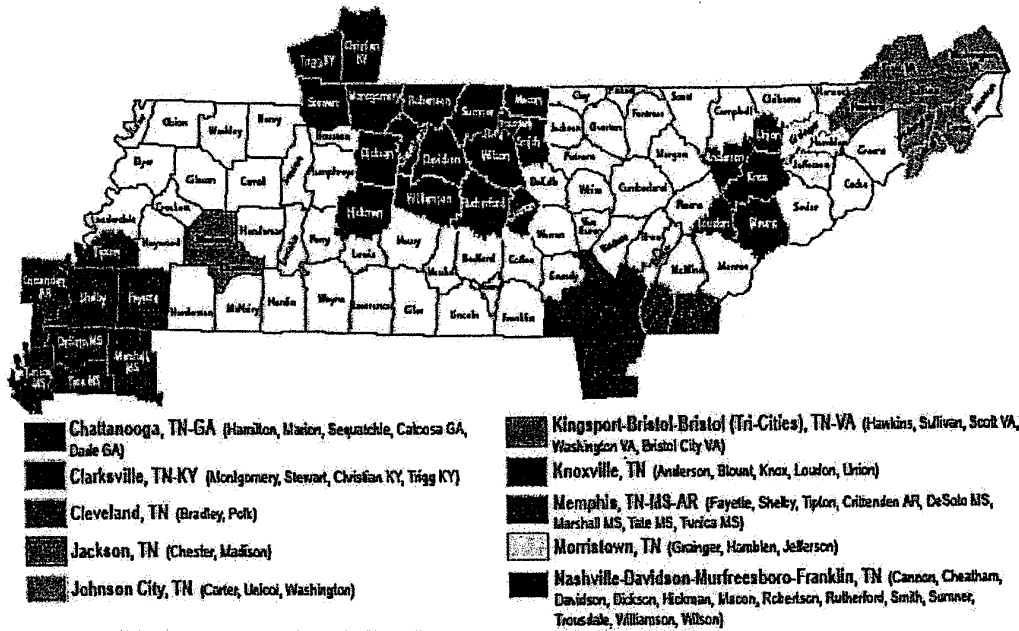
The U.S. Census Bureau projects an 8.2% growth in Tennessee's population from 2000 to 2007.

Tennessee	2000 5,689,262	2007 6,156,719	Numeric Change 467,457	% Change 8.2	Ranking 17
-----------	-------------------	-------------------	---------------------------	-----------------	---------------

The census projection for the growth of population for Tennessee thru 2030

Geographic Area	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projections 2025	Projection 2030
Tennessee	5,689,283	5,965,317	6,230,852	6,502,017	6,780,670	7,073,125	7,380,634

Tennessee Metropolitan Statistical Areas November 2007



Source: Center for Business & Economic Research, University of Tennessee.

A metropolitan statistical area must contain a core urban area of 50,000 or more population. As of June 2000 there were 362 MSAs in the United States and 10 MSAs are in Tennessee. Six of these 10 MSAs are on the eastern side of Tennessee. These are all areas where potential evening students could attend a proposed School of Law at Lincoln Memorial University in Knoxville. These MSAs are all projected to continue to grow through 2025.

**Population growth projections in the MSA near Knoxville
Knoxville TN MSA**

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Anderson	71,330	73,065	75,163	76,583	77,226	77,233
Blount	105,823	112,222	120,592	128,718	136,357	143,707
Loudon	39,086	43,334	48,362	53,574	58,729	64,291
Knox	382,032	398,735	427,593	455,614	481,842	507,438
Union	17,808	19,162	20,660	22,106	23,436	24,748

Morristown TN MSA

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Grainger	20,659	21,771	22,950	23,998	24,920	25,760
Hamblen	58,128	61,754	65,881	69,721	73,315	76,938
Jefferson	44,294	47,374	52,111	56,796	61,318	65,928

Tri Cities TN-VA MSA

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Hawkins	53,563	56,786	60,314	63,571	66,538	69,354
Sullivan	153,048	155,515	158,561	160,466	161,390	161,263
Scott, VA		22,882				
Washington, VA		51,984				

Cleveland TN MSA

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Bradley	87,965	94,810	103,873	112,856	121,533	130,252
Polk	16,050	17,446	18,999	20,545	22,086	23,733

Chattanooga TN-GA MSA

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Hamilton	307,896	314,958	324,353	335,636	344,951	352,285
Marion	27,776	28,459	30,519	32,253	33,845	35,616
Sequatchie	11,370	12,138	13,011	13,792	14,501	15,168

Other nearby counties from which the law school would draw prospective students:

County	Census 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projections 2025
Sevier	71,170	82,423	95,196	108,709	122,526	137,345

Unmet Legal Needs

Legal Aid of East Tennessee has stated:

“Despite the incredible effort of dedicated staff, the relative high success of development efforts, with all that we can muster and with tremendous programmatic efficiency, we are able to serve less than one third of the people who desperately need our help and less than 5% of the total need for assistance of our eligible community. We will continue to be “seldom seen” in many Court Houses with 22 attorneys trying to serve 300,000 people in 26 counties with litigation, administrative advocacy, negotiations, mediation and community education.” (<http://laet.charityfinders.org/Fifty-Fifty%20Plan>)

There is a tremendous unmet legal need in East Tennessee. The law school students and faculty through mandatory pro bono requirements can provide service to the community and teach students to give back to the community through lifetime pro bono service.

The Demand for Legal Education

While the number of seats at ABA approved law schools has remained relatively constant since 1980, the demand has not. The demand for legal education is a reflection of the population of persons who might desire a legal education and the factors that motivate individuals within that population to seek a legal education.

People interested in law find an economic downturn a convenient time to gain a legal education. Law school applications generally increase during recessions. Applications generally decline when such downturns end. The rising cost of legal education may discourage individuals from applying to law schools, while the easy availability of student loans may encourage them, particularly during a recession. Finally, declines and increases may have a self-regulating effect: individuals may be discouraged from applying in times of great demand when they hear of well qualified applicants being rejected by schools of their choice; they may be encouraged to apply in times of low demand when they hear of individuals they consider less qualified than themselves being accepted.

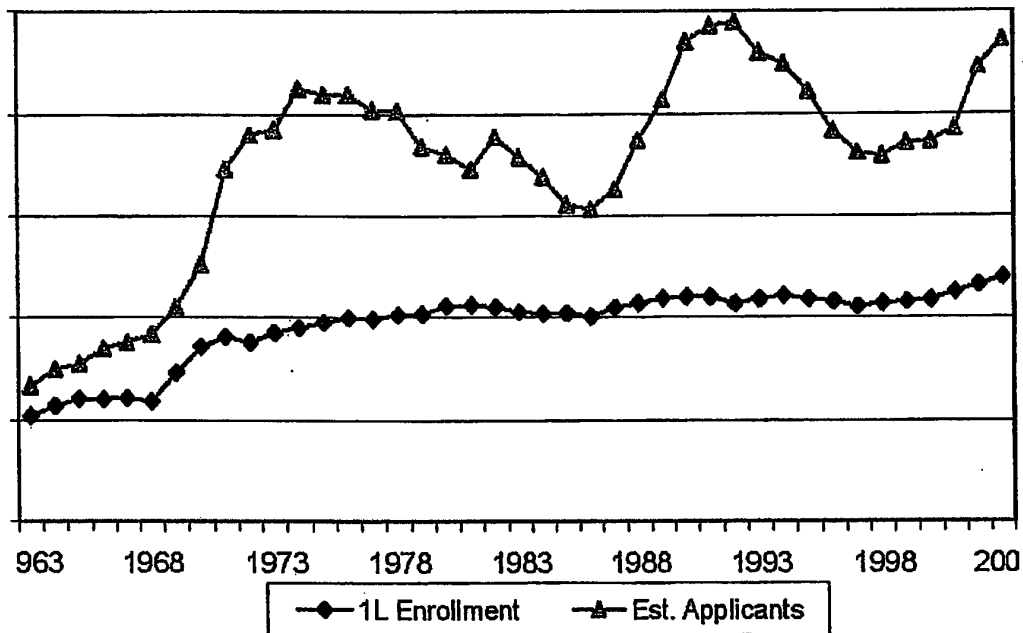
The volatile and cyclical demand for legal education is a defining trend in American legal education. Over the last 20 years the nation has produced annual pools of applicants for first year seats at ABA-approved law schools that have fluctuated by more than 50%. In times of great demand, such as the present and the early ‘90s, the last students admitted to first year classes are much stronger academically than they are in times of low demand, as in the mid-‘80s and mid-‘90s. Should today’s “seller’s market” for law schools

continue, even before gaining ABA approval LMU should be able to fill its classes with students whose academic credentials surpass those of many ABA-approved law schools in times of low demand.

So far this year there has been an increase in LSATs administered:

	June 2008	% increase	October 2008	% increase
LSATs administered	28,939	15.3%	50,721	1.9%

Given the economic slowdown that has taken place, it is very likely that the number of LSAT takers will go up in December 2008 and February 2009.



1963

2003

Table: Gross State Product per Lawyer, Ranked by State

GSP per		GSP per			
Rank	State	Lawyer	Rank	State	Lawyer
1	Delaware	\$20,397,281	27	Maine	\$11,459,302
2	Nevada	\$18,609,349	28	Ohio	\$11,405,011
3	North Carolina	\$18,086,161	29	Washington	\$11,277,188
4	Wyoming	\$15,754,630	30	Alabama	\$11,148,940
5	New Hampshire	\$15,675,415	31	Michigan	\$10,910,731
6	Indiana	\$15,523,868	32	Missouri	\$10,880,223
7	South Dakota	\$15,233,040	33	West Virginia	\$10,631,870
8	Virginia	\$15,168,870	34	Vermont	\$10,597,122
9	South Carolina	\$15,069,196	35	California	\$10,573,577
10	Arizona	\$15,041,374	36	Georgia	\$10,448,571
11	North Dakota	\$14,354,230	37	Maryland	\$10,385,971
12	Utah	\$14,175,357	38	Pennsylvania	\$10,300,484
13	Iowa	\$14,136,795	39	Minnesota	\$10,006,385
14	Tennessee	\$13,824,017	40	Florida	\$10,001,994
15	Wisconsin	\$13,560,211	41	Connecticut	\$9,821,787
16	Alaska	\$12,938,434	42	Louisiana	\$9,399,899
17	Idaho	\$12,908,360	43	Rhode Island	\$9,290,493
18	Texas	\$12,721,268	44	Colorado	\$9,070,940
19	Arkansas	\$12,694,019	45	Montana	\$8,715,826
20	Kansas	\$12,513,777	46	Oklahoma	\$8,280,106
21	Oregon	\$12,342,449	47	Illinois	\$7,534,755
22	Nebraska	\$11,967,857	48	New York	\$7,017,159
23	Hawaii	\$11,772,152	49	Massachusetts	\$6,739,936
24	New Mexico	\$11,671,089	50	New Jersey	\$6,694,417
25	Kentucky	\$11,664,985	51	DC	\$1,718,082
26	Mississippi	\$11,555,345			

Tennessee ranks 14th among all states in gross state product per lawyer.

Tennessee Gross Domestic Product (in millions)

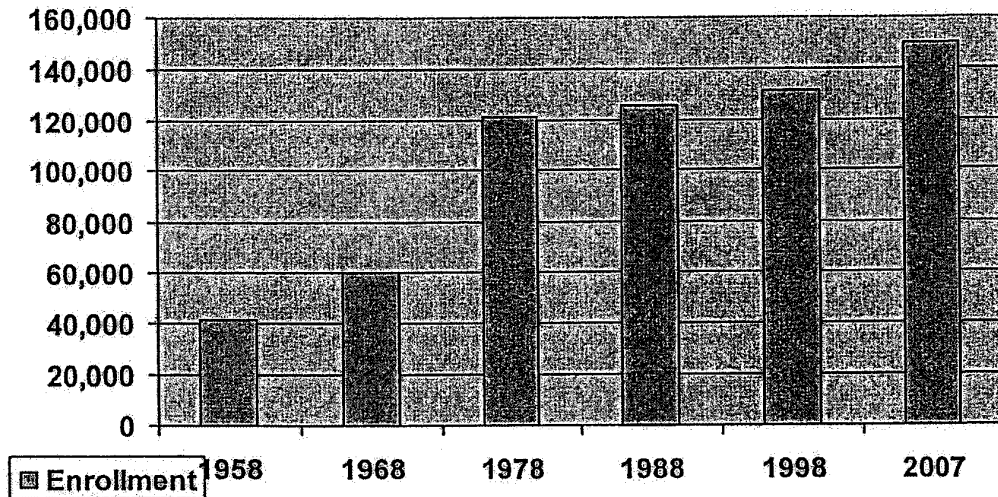
2003	2004	2005	2006	2007
200,279	214,849	224,169	235,753	243,869

The Center for Business and Economic Research's The State Outlook 2008 (<http://cber.utk.edu/erg/erg08app.pdf>) projects the following % growth in Gross Domestic Growth for Tennessee from 2009 – 2117.

2009	2008	2010	2011	2012	2013	2014	2015	2016	2017
3.32	2.92	3.51	3.40	3.28	2.95	2.74	2.64	2.58	2.43

The increasing state GDP and an assumption that from 2008 to 2020 that the number of lawyers leaving the profession or limiting their practice will equal the number of new graduates 38 years earlier all point to a shortage of lawyers in the near future similar to that in the 1960s.

Enrollment in U.S. Law Schools: 1958 – 2007



Impact of U.S. News & World Report Ranking

One of the factors affecting the demand for legal education at specific schools, and perhaps sparking interest in legal education in general, is the U.S. News and World Report's annual rankings of law schools. The 2008 rankings can be found at: <http://grad-schools.usnews.rankingsandreviews.com/grad/law>. In the current rankings both Vanderbilt and University of Tennessee are in the first tier. Vanderbilt is ranked 15 and University of Tennessee is ranked 52. The University of Memphis is ranked in the fourth tier.

U.S. News and World Report ranks of Tennessee Law Schools 2007

Rank	Name	Assessment Score Lawyers & Judges (5.0)	GPA 25 th 75 th	LSAT 25 th 75 th	Accp Rate	Total Enrollment
12	Vanderbilt	4.1	3.54 – 3.83	164 - 168	25%	601
50	Tennessee	3.0	3.35 – 3.82	157 - 162	29.2%	469
4 th Tier	Memphis	2.4	3.03 – 3.64	154 - 158	33.8%	395

Tennessee has 3 ABA accredited law schools. They are Memphis, University of Tennessee and Vanderbilt. Vanderbilt and University of Tennessee are first tier schools and Memphis is a fourth tier school. Less than 25% of the classes that enter Vanderbilt take the Tennessee Bar and about 60 % of the graduates from the University of Tennessee take the Tennessee Bar. The majority of the University of Memphis graduates take the Tennessee bar exam.

In addition to the 3 ABA accredited schools the Nashville School of Law is state accredited and those students are eligible to sit for the Tennessee bar. In June 2008 there were a total of 738 students who sat for the Tennessee bar. Of that total 394 or just over 53% of all takers went to law school in Tennessee. Nearly half of the students who sat for the Tennessee Bar in 2008 did not attend law school in the state of Tennessee.

Tennessee Schools	Pass	Fail
University of Memphis	99 (94%)	6 (6%)
University of Tennessee	104 (90%)	12 (10%)
Vanderbilt University	48 (94%)	3 (6%)
Nashville School of Law	83 (68%)	39 (32%)
Total Tennessee Schools	334 (85%)	60 (15%)

Out-of-State Schools	Pass	Fail	Out-of-State Schools	Pass	Fail
Akron, Univ. of	1	0	Nevada, Univ. of	0	1
Alabama, Univ. of	8	0	New England School of Law	3	0
American Univ.	1	1	North Carolina Central Univ.	1	1
Appalachian School of Law	12	2	North Carolina, Univ. of	1	0
Arkansas, Univ. of (FAY)	3	2	North Dakota, Univ. of	2	0
Arkansas, Univ. of (LR)	2	0	Northern Kentucky Univ.	2	0
Ave Maria School of Law	1	1	Nova Southeastern Univ.	0	2
Barry Univ.	2	0	Ohio State Univ.	1	0
Boston Univ.	2	0	Oklahoma, Univ. of	2	0
Brigham Young Univ.	2	0	Pace Univ.	1	0
California, Univ. of (Hastings)	1	0	Pacific, Univ. of the	1	0
Capital Univ. Law School	0	1	Penn. State Univ.	1	0
Case Western Reserve	2	0	Pepperdine Univ.	5	0
Catholic Univ. of America	2	0	Pittsburgh, Univ. of	1	0
Charleston Sch. of Law	0	1	Regent Univ.	2	2
Chicago, Univ. of	1	0	Richmond, Univ. of	4	0
Cincinnati, Univ. of	2	0	Rutgers School of Law-Newark	1	0
Cleveland State Univ.	1	1	Samford Univ.	14	3
Columbia Univ.	2	0	San Diego, Univ. of	1	0
Creighton Univ.	1	0	Santa Clara Univ.	1	0
Dayton, Univ. of	1	1	South Texas College of Law	0	2
Denver, Univ. of	0	2	Southern ILL. Univ.	1	0
DePaul Univ.	1	0	Southern Methodist Univ.	1	0
District of Columbia, Univ. of	1	0	Southern Univ. Law Center	3	0
Duke Univ.	2	0	Southwestern School of Law	1	0
Emory Univ.	8	0	St. John's Univ.	0	1
Florida Coastal School of Law	1	0	St. Louis Univ.	1	0
Florida State Univ.	2	0	St. Mary's Univ.	1	1

Franklin Pierce Law Center	0	1	St. Thomas Univ.	1	1
George Washington Univ.	1	0	Stetson Univ.	1	0
Georgetown Univ.	5	0	Texas Southern Univ.	1	0
Georgia State Univ.	5	0	Texas Wesleyan Univ.	1	0
Georgia, Univ. of	4	0	Thomas Jefferson School of Law	0	1
Houston, Univ. of	1	0	Thomas M. Cooley Law School	5	8
Indiana Univ. (Bloomington)	2	1	Touro College of Law	1	0
Indiana Univ. (Indianapolis)	1	0	Tulane Univ.	2	0
John Marshall Law Sch (GA)	5	1	Tulsa, Univ. of	0	1
John Marshall Law Sch (IL)	1	0	UCLA	1	0
Kentucky, Univ. of	9	0	Vermont Law School	3	0
Liberty Univ.	2	0	Virginia, Univ. of	2	0
Louisville, Univ. of	5	0	Washburn Univ.	1	0
Loyola Univ. (IL)	1	0	Washington & Lee Univ.	4	1
Loyola Univ. (LA)	4	2	Washington Univ.	4	0
Maine, Univ. of	2	0	West Virginia Univ.	0	1
Mercer Univ.	1	1	Western State Univ.	1	0
Miami, Univ. of	2	0	Widener School of Law	1	0
Michigan State Univ.	2	0	William & Mary	1	0
Michigan, Univ. of	2	0	Wyoming, Univ. of	1	0
Mississippi College of Law	21	7	Yale Law School	1	0
Mississippi, Univ. of	26	4	Yeshiva Univ.	1	0
Missouri, Univ. of (Columbia)	1	0	Total Out-of-State Schools	250	55

Over the last few years a large number of graduates of the Appalachian School of Law, Mississippi College of Law, University of Mississippi and Samford have taken the Tennessee bar. John Marshall School of Law in Atlanta is also attracting a number of students who graduate and sit for the Tennessee bar. In June 2008, 305 students from 101 different law schools outside of the State of Tennessee sat for the Tennessee Bar. Based on the number of LSAT takers from Tennessee it is easy to assume that a number of the out-of-state bar takers were Tennessee residents who left the state to attend law school.

For all but the most prestigious law schools (of which Vanderbilt is one) the leading source of law students are residents of the state in which a law school is located and the students — resident and non-resident alike — who attend the undergraduate colleges and universities in that state. If the ABA-accredited schools in Tennessee continue their current admissions patterns, they will not be able to offer educational opportunities to all of the well-qualified applicants from these two sources who desire to practice law in Tennessee.

From Table 1 in the introduction we saw that a total of 5,269 applicants from Tennessee universities took the LSAT in the last 3 years. This averages out to 1,756 unique applicants per year.

Analysis of Number of LSAT Scores From 150 – 154 for Fall 2007 *

School	Applied	Accepted	All Applicants
Memphis	255	76	906
UT	346	42	1,408
TOTAL	601	118	2,314

* Vanderbilt does not report this information but had 3,985 applicants in 2007

A score of 150 is the approximate mean and median score of the LSAT. Memphis is only accepting 30% of applicants with a score between 150 – 154 and the University of Tennessee is only accepting 12% of those applicants. Assuming that there is a complete overlap of applicants at both schools only 1/3 of the applicants with an LSAT score between 150 and 154 are being accepted at the two Tennessee state schools. For 2007 a minimum of 228 applicants with LSAT scores between 150 and 154 were not offered an opportunity to attend a Tennessee law school.

The current demand for legal education is very high but first year enrollment has increased slowly over the last 5 years:

Academic Year	Number of ABA-Accredited Schools	First Year Enrollment
2007 – 2008	196	49,082
2006 – 2007	195	48,937
2005 – 2006	191	48,132
2004 – 2005	188	48,239
2003 – 2004	187	48,867
2002 – 2003	186	48,433
2001 – 2002	184	45,070
2000 – 2001	183	43,518
1999-2000	182	43,152

Evening Part-Time Program

Lincoln Memorial University's school of law will begin with an evening part-time class and then add a full-time day program in Year Two. There is no part-time evening program available in Knoxville. The University of Tennessee does not operate an evening part-time program. There is a part-time program at the University of Memphis. However, Memphis is a long way from Knoxville. As shown on the map on page 3, there are six Metropolitan Statistical Areas that are close enough to draw working adults who might want to attend Law School. Additionally, a seventh MSA (Nashville-Davidson-Murfreesboro-Franklin, TN) may also prove to be fertile ground for prospective students who desire to attend an ABA-approved law school.

Retirement of Lawyers

Of the nation's roughly 1.1 million lawyers, an estimated 400,000 are baby boomers — the generation born between 1946 and 1964. Baby boomers total over 78 million or a little more than 26% of the U.S. population but they represent over 34% of the legal profession.

TABLE: Total Law School Enrollment and J.D. Awarded

Academic Year	Total Law School Enrollment	J.D. Awarded
1963-64	46,666	9,638
1964-65	51,079	10,491
1965-66	55,510	11,507
1966-67	59,236	13,115
1967-68	61,064	14,738
1968-69	59,498	16,007
1969-70	64,416	16,733
1970-71	78,018	17,180
1971-72	91,225	17,006
1972-73	98,042	22,342
1973-74	101,675	27,756
1974-75	105,078	28,729
1975-76	111,047	29,961
1976-77	112,401	32,597
1977-78	113,080	33,640
1978-79	116,150	33,317
1979-80	117,297	34,590
1980-81	119,501	35,059
1981-82	120,879	35,598
1982-83	121,791	34,846
1983-84	121,201	36,389
1984-85	119,847	36,687
1985-86	118,700	36,829
1986-87	117,813	36,121
1987-88	117,997	35,478
1988-89	120,694	35,701
1989-90	124,471	35,520
1990-91	127,261	36,385
1991-92	129,580	38,800
1992-93	128,212	39,435
1993-94	127,802	40,213
1994-95	128,989	39,710
1995-96	129,397	39,271
1996-97	128,623	39,920
1997-98	125,886	40,114
1998-99	125,627	39,455
1999-00	125,184	39,071
2000-01	125,173	38,157
2001-02	127,610	37,909
2002-03	132,885	38,605
2003-04	137,676	38,874

2004-05	140,376	40,023
2005-06	140,298	42,673
2006-07	141,031	43,920
2007-08	141,719	43,518

From 1960 to 2000 the number of lawyers in the United States tripled. There was a rapid growth of the profession in the 1970's, when bar admissions increased by 134%. Through the 1980's, growth leveled off to about 12%. There was period in the late-1980s and early-1990s when there was another dramatic increase, then a brief period of decline and since then the growth has again leveled off to about 12%. As the baby boom bubble moves toward retirement the legal market will need to absorb more lawyers. The U.S. economy has successfully absorbed the growth of the legal profession, of which 34% of the profession is part of the baby boom bubble. Hence, as the Baby Boom generation retires over the next few years (2011-2029), one out of every three lawyers will need to be replaced merely to keep up with the current demand. This does not account for future population growth and other societal changes.

Mission and Niche

LMU is committed to building a law school that makes use of technology to improve the classroom experience and help prepare students to enter the practice of law. This includes writing across the curriculum, regular methods of assessment and finding ways to break the perception that in the first year of law school they scare you, in the second year they work you to death and in the third year they bore you to death. The law school is committed to looking at ways to make the third year the capstone that brings together skills and practice by building a program that focuses on one course at a time while integrating practical skills with the substantive class. The University's mission statement:

Lincoln Memorial University is a values-based learning community dedicated to providing educational experiences in the liberal arts and professional studies. The university strives to give students a foundation for a more productive life by upholding the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God.

The University's curriculum and commitment to quality instruction at every level are based on the beliefs that graduates must be able to communicate clearly and effectively in an era of rapidly and continuously expanding communication technology, must have an appreciable depth of learning in a field of knowledge, must appreciate and understand the various ways by which we come to know ourselves and the world around us, and must be able to exercise informed judgments.

The University believes that one of the major cornerstones of meaningful existence is service to humanity. By making educational and research

opportunities available to students where they live and through various recreational and cultural events open to the community, Lincoln Memorial University seeks to advance life in the Cumberland Gap area and throughout the region.

It is the mission of the law school to prepare outstanding lawyers who are committed to the premise that the cornerstone of a meaningful existence is service to humanity. The mission of LMU-School of Law is achieved by graduating J.D.s; providing a values-based learning community as the context for teaching, research, and service, including Pro Bono and student achievement; serving the legal wellness needs of people within the Appalachian region and beyond; focusing on enhanced access to legal services for underserved rural communities; investing in quality academic programs supported by superior faculty and technology; embracing holistic care, diversity and public service as an enduring commitment to responsibility.

Goal Statement for Establishment of a Law School at Lincoln Memorial University

To establish a law school that will:

- complement and strengthen the University's existing programs, particularly graduate education, osteopathic medicine and the business school.
- be a national leader in examining and addressing opportunities in the use of technology to successfully educate students in the law.
- provide a distinctive program of legal education that will develop exceptionally educated, motivated, technologically savvy and effective lawyer-leaders for which there will be a continuing need.
- help meet the national and regional demand for legal services from underserved populations with unmet legal needs.
- be positioned within the University as a center of excellence that helps generate resources of talent, energy, commitment, and information that will assist Lincoln Memorial University.

External Challenges to the Establishment of Lincoln Memorial School of Law:

Tennessee Board of Law Examiners Approval Process

Currently, Tennessee is one of only a handful of states (excluding Puerto Rico) that accredits law schools. The Tennessee Board of Law Examiners constitutes a primary challenge that raises the following strategic issue:

Whether Lincoln Memorial University wishes only to be a state accredited law school and attract Tennessee students who wish to remain in the state?

State-accredited law schools can attract students from within the state but the number of students is limited. Many students are not sure of where they will eventually practice.

Though it is possible for lawyers who pass the Tennessee Bar to move to other states, those states which permit lawyers to be admitted to practice usually require a minimum number of years of practice before an out-of-state attorney can sit for the bar in that state.

The goal to serve the Appalachian region would be limited by obtaining only accreditation by Tennessee Board of Law Examiners. However, having a goal of ABA accreditation within the timetable of the ABA (see below), the Tennessee Board of Law Examiners accreditation would be beneficial to the school and help the school move toward ABA accreditation.

The Tennessee Board of Law Examiners timetable for accreditation is different than the ABA. This accreditation process takes place prior to the school opening. The Tennessee Board of Law Examiners accredits a new law school before it opens. By seeking and obtaining Tennessee Board of Law Examiners accreditation prior to opening, LMU will have an opportunity to go through an accreditation process very similar to the ABA process.

The Tennessee application process will mirror the ABA. There will be a site team visit and the Team will require the school to submit a Site Evaluation Questionnaire using the ABA questionnaire as a template.

The Tennessee Board of Law Examiners timetable for accreditation allows LMU to recruit its first class of evening students knowing that they will be able to sit for the Tennessee bar.

The ABA Approval Process

The ABA approval or accreditation process constitutes a primary challenge that raises the following strategic issue:

Whether Lincoln Memorial University is able and willing to commit sufficient resources to establish a law school that is in full compliance with the American Bar Association Standards for Approval of Law Schools?

The process of gaining ABA accreditation is an important hurdle to overcome. Every state relies upon the American Bar Association as a national accreditor of graduate legal education. Graduates from an ABA-approved law school are entitled to take the bar admission examination in any state in the nation.

The ABA accreditation process requires a law school to have a class that has completed one year of law school before it will inspect a school.

A new law school's formal ABA approval process begins with the submission of a detailed application for approval that includes an annual questionnaire, self-study, and site evaluation questionnaire. The school is then visited for three or four days by an

inspection team of experienced legal educators, including a law librarian, and usually also a practicing lawyer and a university president, provost or vice-president. The inspection team prepares a report that is reviewed by the Section's Accreditation Committee, which prepares a further report and makes a non-binding recommendation concerning the school's ABA approval to the Council.

The timetable for approval of a new law school is determined by a combination of the requirements of the Standards and the resources possessed and applied by the founding institution. While the Standards no longer require a formal feasibility study prior to the establishment of a new law school, the Consultant strongly recommends such a study.

A new school's first step is normally the employment of a dean, usually at least a year prior to matriculation of the charter class, the date of which is determined in large part by the availability of a facility that can substantially comply with the ABA library and facilities Standards.

The dean will initially be occupied not only with physical facilities but more importantly with comprehensive planning of the School's programs and making the all-important initial hires of a librarian, first-year faculty, associate and assistant deans and other staff members. In the absence of an unusually favorable market for legal education, the Dean of Admissions will need to be in place at least a year before matriculation of the charter class in order to prepare admissions materials and to recruit appropriately qualified students. Likewise, the library staff should be making and processing acquisitions to support the first and succeeding years of law school instruction.

During the first year of instruction the dean and faculty will conduct the self-study required for the application for provisional approval, while continuing to recruit and hire new faculty and leading the formation of a distinctive law school culture. Under the ABA Rules of Procedure For Approval of Law Schools (<http://www.abanet.org/legaled/standards/20082009StandardsWebContent/Rules%20for%20Approval%20of%20Law%20Schools.pdf>):

Rule 4. Application for Provisional or Full Approval

- (a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the beginning of fall term classes but no later than October 15 in the academic year in which the law school is seeking approval. If the school is seeking a site evaluation visit in the fall academic term it shall also file, during the month of March of the preceding academic year, a written notice of its intent to do so.

The school will experience a minimum of three consecutive annual ABA inspections (the Standards require that a provisionally approved school be inspected annually), and a school is eligible for full approval only after two years of provisional approval.

The bar examination results of its charter class will be extremely important. If they are excellent and the school fully complies quantitatively with the ABA Standards, they will

probably be the best evidence of full qualitative compliance and perhaps the key to attaining full ABA approval at the earliest possible date after only five years of existence.

Key requirements of the eight chapters of the ABA Standards for Approval of Law Schools are outlined below:

1. General. A school seeking approval must demonstrate that its program is sound, which it does by establishing compliance with the Standards. A school is granted provisional approval by establishing substantial compliance with each standard, and may have provisional approval withdrawn if not in full compliance within five years. Full approval is granted after two years of provisional approval, if full compliance is established. All schools should seek to exceed these minimum requirements.

2. Organization and administration. A school must possess adequate resources and utilize them for a sound program of legal education and to accomplish its mission. The school shall have a full-time dean, and the dean and faculty shall formulate and administer the educational programs of the law school. Both dean and faculty shall have significant roles, but allocation between them is for determination by the institution. The school must not discriminate inequitably.

3. Program of Legal Education. The educational program must prepare students for admission to the bar and responsible participation therein. It must include instruction in core substantive law, values and skills; substantial writing instruction; instruction in professional responsibility; and opportunities for small group work. Standards 303 and 304 mandate academic standards and minimum requirements for class days and minutes. Other standards regulate study outside the classroom, distance education, foreign study and the granting of degrees beyond the J.D.

4. Faculty. The faculty must be highly qualified. The first-year faculty must consist of sufficient faculty in addition to the dean and librarian. The full-time faculty has primary responsibility for the educational program and the duty to establish policies concerning teaching, scholarship, and service within and without the school. The school must establish and maintain conditions sufficient to attract and retain a competent faculty, including tenure or other policies relating to security of position.

5. Admissions. The school may not admit students who appear to be incapable. All applicants must take an acceptable admissions test and, except in extraordinary circumstances, all matriculants must have completed three-fourths of the work required for a bachelor's degree. The school must provide an active career counseling and placement service. These standards also regulate basic consumer information and other admissions policies and services.

6. Library and information services. The school must have a full-time librarian with faculty status, preferably with law and library degrees and security of position, and other personnel sufficient to provide adequate library and informational services. The library must possess adequate resources appropriately deployed to support the school's teaching,

research and service programs, and it must adopt contemporary technology when appropriate. The library's collection and services must be planned and suitably housed.

7. Facilities. The school must have facilities adequate both for its current program and for anticipated growth in the immediate future. These include a library sufficient in size, location and design with adequate seating for the school's enrollment and faculty; suitable class and seminar rooms; such skills facilities as courtrooms, conference rooms and offices for clinics and advocacy, interviewing, counseling and negotiation simulations; sufficient on-site quiet study and research seating, preferably including space suitable for group study and collaboration; private offices for each faculty member suitable for study and student conferences, and similar offices for adjunct faculty; co-curricular activity housing; and suitable space for all staff equipment and records.

8. Council authority. It is the Council and not the House of Delegates that has the authority to grant or deny a school's application for provisional or full approval, as well as to adopt and revise Standards, Interpretations and Rules of Procedure. The Council may grant a variance from the Standards and impose conditions thereon.

Meeting ABA Standards

Reviewing the Standards, examining the programs and facilities of new schools that complied with the Standards promptly upon establishment, or after an unsuccessful attempt to comply, it is clear that if Lincoln Memorial University establishes a law school, it should insure that it is capable of complying with the ABA Standards at the earliest possible date. Mere minimal compliance with the Standards would not create a law school capable of fulfilling the mission statement at the beginning of this chapter.

Consistent with the mission of the institution and to assure compliance with the Standards, LMU should focus on building a small school that can consistently attract students who can successfully pass the Tennessee Bar exam.

It will be possible to maintain quality at what would be anticipated to be the bottom of the LMU law school class, to develop innovative uses of technology in legal education.

A Traditional Core Curriculum, Enriched by Lincoln Memorial University Strengths

While they might have the freedom to do otherwise, all ABA-accredited law schools share the basic first-year curriculum. Some requirements might be delayed until the second year, and courses that might be electives at other schools occasionally make their way into the first-year curriculum. The Standards explicitly require legal writing instruction and instruction in professional responsibility at some point during the three years of law school, as well as access to skills training, though not all skills programs must be open to all law students. It is in the courses offered in the second and third years, and in the delivery of the content of their respective instructional programs, that law schools differ.

What LMU will bring to the curriculum is more robust writing and practice skills across the curriculum and the development of ways to use technology to facilitate effective teaching and learning by the students. The school will require midterm exams and will make use of techniques used in other professional schools at LMU. After taking an exam, students will be put in random groups of 10-12 and the group will retake the test. The school will use a course capture system called MediaSite to capture the lectures and make them available within an hour of the class for students to watch using the Web.

Conclusion

LMU possesses the information it needs to establish a new law school and there will be available talented, energetic professionals who will identify with and be committed to Lincoln Memorial University's mission statement. The opportunity to obtain a lease on the historic old city hall in downtown Knoxville for 25 years provides the opportunity to move forward with the law school.