In 2017, I wrote a series of columns titled “System Too Lean?” to share with our bench and bar the impacts of the University’s implementation of the second round of deep budget cuts at the School of Law. While we have long prided ourselves on “doing a lot with very little,” I concluded in those columns the law school had reached the point our “check engine” light is on, indicating we have something we need to fix. This spring, a consultants’ report confirmed that conclusion.

At the request of UND’s President and Provost, two former law deans–Jerry Parkinson, former dean at Wyoming College of Law and now emeritus faculty, and Peter Goplerud, former dean at several law schools, most recently Florida Coastal School of Law and currently president of InfiLaw Management Solutions–visited the law school earlier this year. They had conversations with faculty and staff, as well as with a few alumni and members of the bench and bar. They reviewed numerous documents concerning the law school, including our most recent ABA reaccreditation reports. The consultants observed:

We were struck by how much progress the law school had made by the time of its most recent reaccreditation [in February 2016]. Through the leadership of Dean Rand and others [including the state’s leadership and legislature], the law school addressed its most pressing accreditation issue—the law school building. The facility improvements are exceptional. But in addition to the building, the law school had made substantial strides in other areas, addressing serious shortcomings (mostly related to resources) highlighted in earlier accreditation reports [from 2009].

By ABA accreditation standards, the UND law school seemed to have reached a new level of excellence as recently as February 2016. [The February 2016 ABA accreditation] report highlighted a robust tenured/tenure track faculty of 18 (with the expectation of an additional tenure track hire), a modest but active clinical program . . ., and a substantial commitment to lawyering skills and legal writing. To those outside of the legal profession, that last area of excellence might not seem exciting, but strong writing skills are essential to success in law practice (not to mention bar passage rates) . . . . UND’s legal writing program was poised for real distinction . . . .

We are heartened to see these affirmations of the law school’s strategic trajectory in recent years. I want to take this opportunity to thank once again our state legislature and leadership, our state bench and bar, and our alumni and friends who have supported the law school. That “new level of excellence” noted by the consultants is the result of a team effort—as North Dakota’s law school, we are very, very grateful for the ongoing support of our state and stakeholders.

However, the report also observed the reality that things are different now than they were in 2016:

Unfortunately, economic downturns . . . have resulted in substantial, across-the-board budget cuts at UND, and administrators have been faced with hard choices. The law school, of course, has not been immune from those cuts, so the progress the school had made in the years leading up to 2016 has now eroded. With the exception of the building improvements, accreditation metrics suggest that the law school more readily resembles the law school of 2007 than it does the law school of 2014 or 2016 . . . . The current size of the law school’s tenured/tenure track faculty is down to 13 . . . , the clinical program has ended, and the lawyering skills/legal writing program has been weakened . . . .

We certainly understand that the law school must “share the pain” of the budget cuts, but we hope it can garner the support of numerous stakeholders—the UND central administration, the state bench and bar, the State Board of Higher Education, the state legislature—as it considers possible initiatives that will permit it not only to return to its strength of just a couple of years ago, but also to move forward to even greater heights in the future . . . .
These were not easy comments to read. Not that we disagree—the report confirmed our own perceptions of our accomplishments and our recent challenges, but it’s hard to see in writing that hard-won, long-term strategic successes have been “eroded” so quickly.

The consultants’ report falls in the “good news/bad news” category: it affirms what we are doing well, and it affirms what we need to fix. Given the significant funding challenges facing higher education, we can’t simply turn back the clock to 2016. The consultants’ report also included a list of possible new programs and initiatives to enhance student recruitment and retention and to raise revenue. It was affirming to see that almost without exception, every idea in the report is something the law school already is doing, developing, or considering. In other words, we may have a new set of challenges, but we are still on the right track.

Some areas that require attention also deserve innovative and forward-thinking solutions, such as adding online courses to our curriculum (starting in 2018–2019, we will add as many as six online courses), developing new academic programs through partnerships (with UND’s graduate and undergraduate programs, with the University of Manitoba, and with other law schools), and seeking approval for a new tuition model that will maintain affordability and value while better aligning with actual costs of instruction. Other areas, though, require immediate repairs to stave off further erosion. We need to invest in our faculty, in experiential learning, and in legal writing (especially as it relates to academic success and bar passage).

I know UND School of Law is up to this challenge. We are very appreciative of the continuing support of our state, including recognition that reasonable tuition increases are a necessity. Since I started as dean in 2009, our faculty, staff, and students—in partnership with the state legislature, the bench and bar, and our alumni and friends—have accomplished even more than anyone thought we could in a relatively short time. We look forward to working with you to strengthen North Dakota’s law school.