

# **THE RATIONALE FOR A UNIVERSITY OF NORTH TEXAS COLLEGE OF LAW IN DOWNTOWN DALLAS**

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## **Introduction**

With six million residents, the Dallas-Fort Worth is now the fifth largest metropolitan area in the nation. Projections by the U.S. Bureau of the Census and the Texas State Data Center put DFW's population at eight million by 2020 and 12 million by 2030. Job growth in the region has also been among the fastest in the U.S. The North Central Texas Council of Governments reports that total DFW area employment exceeds three million and is projected to rise to 4.7 million by 2020 and 5.4 million by 2030. Moreover, the Federal Reserve Bank of Chicago now ranks DFW fifth in the nation with 942 corporate headquarters.

Many factors have contributed to the rapid development of the Dallas-Fort Worth area over the past several decades, including its central location, excellent transportation infrastructure, and competitive business and living costs. DFW also boasts a well-educated workforce and offers abundant opportunities for post-secondary education and professional development. According to the Alliance for Higher Education, Dallas-Fort Worth is home to seven comprehensive universities, three medical schools, one dental school, several small private colleges, and two large community college systems.

However, there is one educational field where DFW is seriously underrepresented—the study of law. At present, only two law schools are found in the entire north Texas region—Southern Methodist University's Dedman School of Law and the Texas Wesleyan University's School of Law School—and they are both private. In fact, *of the ten largest metropolitan areas in the nation, Dallas-Fort Worth is the only one with no public law school.*

The University of North Texas is seeking approval from the Texas Legislature to open a law school in downtown Dallas. In what follows, we argue that a UNT law school in downtown Dallas will not only serve an unmet need for legal education but will also be an asset in the economic and social development of the entire north Texas region. In addition, the law school can help contribute to the nascent revitalization of downtown Dallas that is currently underway.

### **How Dallas-Fort Worth law school enrollments compare with other large metropolitan areas**

According to the State Bar of Texas, SMU's law school enrolled 866 students in 2005-2006 while 735 attended Texas Wesleyan's for a total of 1,601 (see Table 1). By contrast, the Houston metropolitan area—which is smaller than Dallas-Fort Worth—enrolled 2,956 students at its three law schools (South Texas College of Law, Texas Southern's Thurgood Marshall School of Law, and the University of Houston Law Center). What's more, the number of law school places in DFW grew only 11.3 percent between 1996 and 2006 while the region's population increased 38 percent (see Table 2).

DFW also compares unfavorably with other larger metropolitan regions when it comes to law school places. As indicated in Table 3, Dallas-Fort Worth has the fewest law school places among the nation's 10 largest urbanized areas after Detroit. But Detroit's population has been declining for several decades while DFW's has been expanding rapidly.

**Table 1****Texas Law School Enrollment for the Academic Year, 2005-2006**

School	Total Enrollment	African American/Black		Asian/Pacific Islander		Hispanic/Latino		Native American Indian		Percent Racial Minority
		Men	Women	Men	Women	Men	Women	Men	Women	
Baylor University	435	5	2	9	12	16	10	5	0	13.6%
Southern Methodist	866	12	23	30	33	19	23	4	4	17.1%
South Texas	1,262	19	24	53	65	50	48	6	3	21.2%
St. Mary's	762	10	9	17	16	85	72	5	7	29.0%
Texas Southern	657	109	217	22	27	80	68	2	0	79.9%
Texas Tech	701	6	14	14	14	32	39	4	1	17.7%
Texas Wesleyan	735	7	24	19	26	28	29	5	5	19.5%
University of Houston	1,037	13	27	62	65	39	52	2	6	25.7%
University of Texas	1,367	27	52	40	44	109	86	5	4	26.8%
<b>Total</b>	<b>7,822</b>	<b>208</b>	<b>392</b>	<b>266</b>	<b>302</b>	<b>458</b>	<b>427</b>	<b>38</b>	<b>30</b>	<b>27.1%</b>
<b>Percentages</b>	--	<b>34.7%</b>	<b>65.3%</b>	<b>46.8%</b>	<b>53.2%</b>	<b>51.8%</b>	<b>48.2%</b>	<b>55.9%</b>	<b>44.1%</b>	--

Source: State Bar of Texas, Department of Research and Analysis

**Table 2****Changes in Law School Enrollment vs. Population**

	1996	2006	Percent Change 1996-2006
DFW Law School Enrollment	1,439	1,601	11.3%
SMU	768	866	
Texas Wesleyan	671	735	
DFW Population	4,530,800	6,242,800	37.8%

Source: State Bar of Texas and North Central Texas Council of Governments

**Table 3**

**Law School Enrollments in 10 Largest Metropolitan Areas, 2004-2005**  
(listed by size of population)

<b>Metropolitan Area</b>	<b>Schools</b>	<b>Enrollment</b>
New York	8	9,587
Los Angeles	5	4,552
Chicago	6	5,906
Philadelphia	3	2,569
<b>DFW</b>	<b>2</b>	<b>1,499</b>
Miami	3	2,900
Houston	3	2,956
Washington	6	6,612
Atlanta	3	1,632
Detroit	2	1,419

*Source: Law School Admissions Council Official Guide to Law Schools*

**Does the Dallas-Fort Worth area have too few lawyers?**

According to the State Bar of Texas, at the end of 2005 18,290 attorneys were members of the bar in Dallas and Tarrant Counties.\* By contrast, Harris County (Houston) counted 19,544 members of the bar, though its population is about a half-million smaller than Dallas and Tarrant Counties. Dallas and Tarrant counties are home to 23.7 percent of all state bar attorneys while 25.4 percent live in Harris County. By this measure, the legal profession would appear to be underrepresented in the Dallas-Fort Worth area.

The Bureau of Labor Statistics reports that in 2005 lawyers accounted for 0.42 percent of total employment in the Dallas-Fort Worth metropolitan area (see Table 4). By contrast, lawyers accounted for 0.48 percent of total employment in the Houston area.

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\* This number does not include individuals trained in the law but not practicing.

Among the 10 largest metropolitan areas, only Atlanta and Detroit had smaller percentages of attorneys than DFW in the workforce.

**Table 4**

**Legal Employment Percentages, 2005**  
(10-largest metropolitan areas listed by size)

<b>MSA</b>	<b>Lawyers<sup>†</sup></b>	<b>Total Employment</b>	<b>Percentage of Total</b>
New York	48,740	4,919,740	0.99%
Los Angeles	20,150	4,014,720	0.50%
Chicago	24,500	3,693,780	0.66%
Philadelphia	12,670	1,839,170	0.69%
<b>DFW</b>	<b>11,470</b>	<b>2,708,570</b>	<b>0.42%</b>
Miami	15,620	2,287,640	0.68%
Houston	10,890	2,282,410	0.48%
Washington	34,110	2,232,510	1.53%
Atlanta	9,250	2,267,040	0.41%
Detroit	3,190	815,000	0.39%
USA	529,190	130,307,840	0.41%

*Source: Bureau of Labor Statistics, May 2005*

Of course, there is no magic “number” or “percentage” of lawyers that is optimal for a community, even a large metropolitan area like Dallas-Fort Worth. Still, one would expect that given DFW’s emergence as a major business, financial and government center, a larger percentage of employment would be found in the legal profession.

Over the past several decades, the DFW region has been transformed from a commodity-based economy to a trade- and technology-based economy. Today’s fast-growing local industries, such as information technology, communications, software, logistics, bio-medicine and finance, require considerably more legal and transactional assistance than was the case with farming, ranching and energy. DFW’s “under-

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<sup>†</sup> These numbers differ from those compiled by state bar associations as they do not include sole practitioners.

representation” in the legal profession is not necessarily an indication that local attorneys are more productive than their peers in other large, diversified urban areas. More likely, it is an indication that the region is importing legal services from other parts of the state and nation. By educating more attorneys locally, the UNT College of Law will not be oversupplying the market. Rather, it will help grow the local pool of legal talent that, in turn, can recapture some of the dollars flowing outside the Dallas-Fort Worth area for legal services. As those dollars circulate in the local economy, new jobs and income will be created both for lawyers and non-lawyers.

Some have argued that the demand for legal services will contract in the years ahead as a result of tort reform. True, the number of civil trials has decreased both in Texas and the nation in recent years. But at the same time, alternative dispute resolution (ADR) has expanded rapidly as a substitute to litigation, sustaining and even increasing the need for skilled attorneys. For example, in 1990 the U.S. Congress passed the Civil Justice Reform Act encouraging federal courts to utilize ADR. This was followed by the Alternative Dispute Resolution Act of 1998 that required each of the 94 districts to authorize the use of ADR in civil actions. In compliance with these congressional actions, by 2001 more than 24,000 civil cases in the federal courts were being referred to mediation, arbitration, or some other form of ADR.

Though Texas’ courts do not mandate ADR, Chapter 154.002 of the Texas Civil Practice and Remedies Code states that “It is the policy of this state to encourage the peaceable resolution of disputes.” However some Texas courts have adopted local rules requiring ADR. For example, Dallas County requires all contested family cases to go to mediation before they can be placed on a court docket.

Many industries are also using ADR to avoid the courthouse, and a recent survey conducted by Cornell University found that 87 percent of the Fortune 1000 companies were using some form of alternative dispute resolution.

### **Locally-trained vs. non-local attorneys**

Recent data on law school applications indicate a very strong local demand for legal education. According to the Law School Admissions Council (LSAC), 776 seniors from the five largest area universities—UNT, UTA, UTD, SMU and TCU—applied for admission to law schools in 2005. Though not tallied by LSAC, perhaps a hundred additional law school applications were submitted by seniors at Texas Woman’s University, the University of Dallas, Austin College, and other small private colleges located in north Texas. With only about 500 first-year slots available at SMU and Texas Wesleyan, most applicants had no choice but to apply to law schools outside of Dallas-Fort Worth. Many presumably would have preferred to remain in the area for their legal education.

According to the State Bar of Texas, only about 26 percent of practicing attorneys in the Dallas and Tarrant Counties attended the two local law schools. The rest were graduated from law schools in other parts of Texas or in other states. By contrast, 55 percent of the attorney population in Harris County attended one of Houston’s three local law schools—two of which are public. The much higher percentage of locally-trained attorneys practicing in Harris County suggests that graduates of public law schools are more likely to remain in the community than is the case with graduates of private law

schools. Graduates of the proposed UNT law school will likely exhibit similar behavior and remain in the north Texas area after receiving their degrees.

**Tuition comparisons: How a public law school in Dallas will make legal education more affordable**

Attending law school in the Dallas-Fort Worth area is an expensive proposition (see Table 5). Annual tuition and fees are currently \$31,238 at SMU and \$20,520 at Texas Wesleyan for full-time students. By contrast, tuition and fees at the proposed UNT College of Law should be much lower, especially for Texas residents. For example, a full-time, in-state student at the University of Houston Law Center currently pays only \$14,366 in tuition and fees. The costs of attending the UNT law school should be roughly comparable. By providing a more affordable option for legal education, UNT's law school will be able to draw more area students from low-income households, working families and minorities than is the case with the area's two private law schools.

**Table 5**

**Tuition and Fees, 2005-2006**

<b>School</b>	<b>Full-Time</b>	<b>Part-Time</b>
Southern Methodist University	\$31,238	\$23,429
Texas Wesleyan University	\$20,520	\$14,834
University of Houston	\$14,366	\$8,204

*Source: Law School Admissions Council, 2006*

## The UNT Law School: Serving the underserved

A dramatic demographic shift has been underway in north Texas over the past 15 years (see Table 6). Since 1990, the Anglo population has increased by 14 percent while the Hispanic population has risen by 185 percent. The area's black and Asian populations have also grown much faster than the white population. What's more, recent projections by the Texas State Data Center indicate that over the next 35 years the area's minority populations will continue to expand at a much faster clip than the white population (see Tables 7 and 8). Indeed, in the Dallas half of the metropolitan area whites may already be a minority, while whites are expected to achieve minority status in the Fort Worth metropolitan division around 2020. Hispanics are projected to constitute an absolute majority of DFW's population by 2035.

**Table 6**

### Dallas/Fort Worth/Arlington Population

	1990	2000	2005	Percent Change 1990-2005
White	2,708,392	3,096,104	3,092,789	14.19%
Hispanic or Latino	518,917	1,120,350	1,479,791	185.17%
Black	543,983	711,704	780,003	43.39%
Asian	93,865	193,742	262,935	180.12%
Other	20,258	99,901	111,873	452.24%
Total	3,885,415	5,221,801	5,727,391	47.41%

Source: U.S. Census Bureau, Decennial Census, ACS

**Table 7**

**Population Projections for Dallas MSA  
2000-2040 (at 1.0 Migration)\***

Year	Total	White		Black		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
2000	3,519,176	2,006,157	57.01%	536,069	15.23%	810,499	23.03%	166,451	4.73%
2005	4,087,863	2,157,598	52.78	599,018	14.65	1,108,730	27.12	222,517	5.44
2010	4,769,982	2,323,066	48.70	665,679	13.96	1,489,588	31.23	291,649	6.11
2015	5,586,167	2,500,271	44.76	737,078	13.19	1,973,120	35.32	375,698	6.73
2020	6,561,345	2,686,784	40.95	811,821	12.37	2,583,379	39.37	479,361	7.31
2025	7,722,454	2,880,095	37.30	888,928	11.51	3,345,508	43.32	607,923	7.87
2030	9,088,722	3,072,178	33.80	966,405	10.63	4,284,459	47.14	765,680	8.42
2035	10,683,860	3,258,672	30.50	1,044,952	9.78	5,425,373	50.78	954,863	8.94
2040	12,536,163	3,435,476	27.40	1,126,237	8.98	6,799,606	54.24	1,174,844	9.37

Source: Texas State Data Center \* A 1.0 percent migration is a moderate rate of migration.

**Table 8**

**Population Projections for Fort Worth-Arlington MSA,  
2000-2040 (at 1.0 Migration)**

Year	Total	White		Black		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
2000	1,702,625	1,131,773	66.47%	193,225	11.3%	309,851	18.2%	67,776	3.98%
2005	1,882,571	1,149,943	61.0	219,110	11.6	421,280	22.3	92,238	4.8
2010	2,087,156	1,154,970	55.3	245,510	11.7	563,993	27.0	122,683	5.8
2015	2,332,372	1,151,192	49.3	272,843	11.7	747,057	32.0	161,289	6.9
2020	2,623,012	1,134,939	43.2	300,274	11.4	978,197	37.2	209,602	7.9
2025	2,965,109	1,103,837	37.2	326,737	11.0	1,264,659	42.6	269,876	9.1
2030	3,365,215	1,058,816	31.4	350,444	10.0	1,613,011	47.9	342,944	10.1
2035	3,837,290	1,004,553	26.1	370,411	9.6	2,031,071	52.9	431,255	11.2
2040	4,396,861	945,297	21.4	386,694	8.7	2,528,067	57.4	536,803	12.2

Source: Texas State Data Center

Institutions of higher learning must be responsive to the new demographic reality. To this end, the Coordinating Board for Higher Education adopted a “Closing the Gaps” plan in October 2000 that sets targets for significantly increasing Hispanic and African-American enrollments in all state institutions by 2015. Along with UNT’s new campus in south Dallas, a downtown law school can help the state of Texas achieve these targets.

At present, minorities are seriously underrepresented in the legal profession (see Table 9). For example, in 2005 Hispanics comprised 26 percent of the DFW population but accounted for only three percent of the area’s lawyers. With 14 percent of the area’s population, blacks account for only four percent of DFW’s practicing attorneys.

**Table 9**

**DFW Lawyers by Ethnicity, 2005**

<b>Race</b>	<b>Percent of Population</b>	<b>Percent of Lawyers</b>
White	54%	90%
Hispanic or Latino	26%	3%
Black	14%	4%
Asian	4%	2%
Other	2%	1%

*Source: U.S. Census Bureau; ACS, Texas State Bar*

SMU and Texas Wesleyan have done a creditable job at enrolling women and minorities (see Tables 1 and 10). But the total numbers of minority students are relatively small, given the limited enrollment capacity of these two institutions. By contrast, the state’s public law schools enroll substantially more minorities than the private schools, both in relative and absolute terms. Minority enrollment at the proposed UNT College of Law will probably range between 25 and 35 percent.

Though the area’s two private law schools offer some financial assistance to needy students, many minorities are probably discouraged from applying for admission because of the high costs. In addition, SMU and other private university law schools are recruiting from a national pool of applicants while applicants to UNT’s law school will come primarily from the local area.

**Table 10**

**Texas Law School Minority Enrollment: 2005-2006**

<b>School</b>	<b>Total Enrollment</b>	<b>Total Minority Enrollment</b>	<b>Minority Students as Percentage of Total</b>
Baylor	435	59	13.6%
SMU	866	148	17.1%
South Texas	1,262	268	21.2%
St. Mary's	762	221	29.0%
Texas Southern	657	525	79.9%
Texas Tech	701	124	17.7%
Texas Wesleyan	735	143	19.5%
University of Houston	1,037	266	25.7%
University of Texas	1,367	367	26.8%
<b>Public Schools</b>	<b>3,762</b>	<b>1,282</b>	<b>34.1%</b>
<b>Private Schools</b>	<b>4,060</b>	<b>839</b>	<b>20.7%</b>

*Source: Law School Admissions Council*

**Will a UNT law school compete with SMU and Texas Wesleyan for students?**

It's highly unlikely that a UNT law school will attract a significant number of students who might otherwise have attended SMU and Texas Wesleyan. Rather, UNT will be drawing from a different applicant pool, primarily within the north Texas region. Importantly, the UNT program will offer affordable legal education opportunities to the area's fast-growing minority community.

Finally, though the UNT law school will develop a curriculum that meets the American Bar Association's standards for accreditation, the school plans to put particular emphasis on public service law and family and juvenile law, two areas with limited offerings at SMU and Texas Wesleyan. In addition, the UNT College of Law plans to integrate its alternative dispute resolution programs, currently offered at the Denton and

south Dallas campuses, into the law school curriculum. As discussed above, court-ordered mediation and arbitration have become preferred alternatives to litigation in civil tort and contract matters. With ADR expected to expand even faster in the years ahead, new opportunities will be created for attorneys with training in dispute resolution.

The UNT curriculum will also embrace a process known as “collaborative law” in response to the recently amended Chapter 153 of the Texas Family Code. This is a voluntary procedure in which the disputing parties agree to follow a collaborative rather than an adversarial approach to settling child custody issues or related proceedings involving children. Other Texas law schools do not currently embrace collaborative processes as part of their curricula but focus on the traditional adversarial process in legal proceedings. By directing attention to collaborative processes, the UNT College of Law will be reinforcing the university’s existing strengths in arbitration, mediation, and other forms of dispute resolution.

## **Conclusion**

The Dallas-Fort Worth metropolitan region, now the fifth largest in the nation, has developed into a major business, financial and government center. But surprisingly, the number of attorneys, as a share of total employment, is about the same as the entire country. By contrast, other important centers of commerce, such as Chicago, Philadelphia, Miami and even Houston, employ relatively more lawyers than Dallas-Fort Worth.

Part of this disparity can be explained by the limited local opportunities for legal education. The area’s two law schools can only accommodate about 1,600 students, a far

smaller number than is found in most other major metropolitan areas. Though the region's population has increased 38 percent over the past decade, law school enrollments have risen only 11 percent. What's more, in the absence of a public university law school, the cost of a JD degree is prohibitively expensive for many local residents, especially low-income minorities, and working families.

The proposed University of North Texas College of Law will provide an affordable opportunity to Dallas-Fort Worth's largely underserved low-income, Hispanic and African-American populations. Drawing primarily from a local applicant pool, and emphasizing public service law, family and juvenile law, and alternative dispute resolution in its curriculum, the UNT law school will not be competing directly for students with SMU and Texas Wesleyan.