The good news is that a request for a $21.2 million appropriation to construct a new law building is included among the $84.6 million capital improvement package submitted by the Board of Regents to the 1981 Iowa General Assembly and that the Governor has recommended the issuance of bonds to pay for construction of the majority of the projects on the Regent’s capital list. The bad news is that in a last minute reshuffling by the Board of Regents, the law building was dropped to the lowest priority position among proposed major projects and is therefore not among the buildings recommended for bonding by the Governor.

As a result of discussions during the spring and summer of 1980, University officials were confident that the proposed College of Law building would retain a high priority within the Regents’ capital askings. But in September during the Regent’s final review of their list of capital requests, several projects, including a new $15 million mechanical engineering building at Iowa State, were inserted in the priority listing ahead of the law school project. This latter turn of events was a particular surprise because the last time the Regents had considered the Iowa State project it was turned down for planning funds while such funds were approved for the law building and a schematic design for a new College of Law already was accepted by the Board.

It was initially thought that this dramatic reversal of priorities might be of little practical consequence because appropriation requests for capital projects generally are not expected to fare well during this period of fiscal stringency in which legislative leaders are scrambling to avoid an imminent deficit in the state treasury. Recent developments, however, have underlined the seriousness of the September setback. In his budget message on January 29, 1981, Governor Robert Ray recommended the issuance of $58 million in bonds to finance construction of capital improvements at institutions operated by the Board of Regents. Unfortunately, the Governor exactly followed the priorities of the Board of Regents with the result that the new law building was not among the projects recommended for bonding—it is the top project on the balance of the Regents’ list not recommended for bonding by the Governor.

It would now appear that the best hope for making immediate headway on the law school’s critical building need is to win legislative authorization for the issuance of bonds to support construction of the planned new facility. Whether this means raising the total amount of bonds authorized or substituting the law school building for some other project on the recommended list, convincing the legislature to act affirmatively will require a concerted effort on the part of all supporters of the Law College.

The first task will be selling a skeptical legislature on the idea of using bonds to pay for the construction of academic buildings. Unlike many sister states in the region,
Iowa historically has been reluctant to use bonds to finance construction of academic buildings. But the present economic climate makes bonding appear a sound and timely investment in the future because it allows the state to start construction of genuinely needed projects before costs increase further, and then to pay off the bonds when state revenues are more ample.

Two major objections traditionally raised to bonding capital improvements are that it involves mortgaging the interests of the next generation, and that it limits the fiscal freedom of future legislatures. University officials doubt that either of these conventional reasons for eschewing bonding are valid with respect to academic buildings on the current Regents' capital askings list. Replacing seriously inadequate educational buildings most benefits succeeding generations and must be done sooner or later. A further concern with academic building bonds is that they are a good investment only if the demand for higher education remains strong and construction costs continue to rise. Unless well-established trends in higher education and in the economy of the state change markedly, these prospects appear quite reasonable. Iowans seem genuinely committed to providing high quality educational opportunities to their sons and daughters through the state's public universities. Forecasting the best outcome from current efforts to slow the rate of inflation by increasing economic growth, costs of labor and construction materials are still likely to continue to rise. If new buildings are needed, they are never likely to cost less than they do today.

Assuming Iowa is ready to consider the use of bonds to pay for needed capital improvements, the next order of business is persuading the legislature that the space needs of the Law College make it a prime candidate for such bonded construction. The case is a powerful one. Our most recent accreditation report found the physical facility "woefully inadequate" and strongly advised new construction. The recent Dean's Report issue of the Advocate presented enrollment projections that show a continuation of the present level of highly qualified students entering the Law College through the year 2000. Iowa's space-intensive style of legal education emphasizing individual training in professional skills is now being widely promoted by the ABA as a model for other law schools to follow. Publishers of legal materials show no sign of reducing their voluminous output so the Law Library is certain to grow at the rate of 10,000-15,000 volumes per year if it is to remain current.

In short, it is difficult to believe that in 1985 or later a new law building will not still be sorely needed and that it will not cost significantly more than it would in 1981. In the meantime, overcrowding in inadequate facilities will lead to deterioration in the quality of a highly-rated academic program and a once-magnificent law library will be decimated by having the majority of its collection scattered to relatively inaccessible remote areas with dubious security and imperfect climate controls.

The prospect of bonding rekindles the hope that our building needs can be met in the near future and the quality of the Law College thereby preserved. It is up to all of us who believe in the importance of a strong state law school to convince the legislature that our need is urgent and our educational enterprise is deserving of special attention. This is a campaign we must press to the utmost.

Dean N. William Hines