

2020-2021 AccessLex Institute/AIR Research Grant Proposal

Submittal ID: 2800

Proposal Title: Examining the determination, consistency, and variation of law school cost of living estimations

Principal Investigator

Name: Willis A Jones

Affiliation: University of South Florida

Unit/Department: Department of Leadership, Policy, and Lifelong Learning

Evaluation Title: Associate Professor

Email: jonesw150@usf.edu

Financial Representative

Name: Eric Kern

Affiliation: University of South Florida Research & Innovation

Department: Sponsored Research

Title: Director

1. Project Description

1a. Statement of the research problem and national importance (limit 1,000 words).

Address the following questions in your response:

What is the research problem this proposal intends to address?

How does this topic relate to the research priorities areas of access, affordability, and value of **graduate/professional or legal education**?

Why is this topic of national importance?

If single institution proposal, will proposed research yield findings that are scalable and replicable?

Why is it timely to conduct this research at this time?

The goal of this study is to better understand how law school estimated student living expenses are determined and whether these estimations are consistent with local costs of living data. Law school cost is an increasingly important part of conversations within the legal education community. Since 2000, inflation-adjusted tuition and fees at private American Bar Association (ABA) approved law schools has increased over 126%. At public ABA approved law schools, tuition and fees for resident students have increase over 261% since 2000 (Law School Transparency, 2020). Traditionally, labor market returns to a law degree were sufficiently high so that most people did not question the cost of a legal education. Changes to the legal services market with regard to job opportunities and salaries, however, have led to greater emphasis being placed on law school cost (AccessLex Institute, 2020a; Matasar, 2010; Tamanaha, 2013). AccessLex Institute lists affordability as one of its three research priorities. The other two AccessLex research priorities, access to and value of legal education, are closely linked to cost.

Discussion of law school cost often focus on tuition and fees. To know the true cost of law school, however, we must also consider estimated living expenses. As part of a law school's ABA Required Disclosures it must provide students with an estimate of the general living expenses associated with attending that institution. This estimation includes items such as books, supplies, housing, utilities, groceries, clothing, and personal care (AccessLex Institute, 2020b). According to 2019 ABA data, the average estimated total cost of attendance for full-time resident law school students living off campus was around \$43,500. Around 54% of that total cost of attendance was attributable to estimated living expenses.

The estimation of living expenses is not standardized. Each law school utilizes a different process for determining estimated living expenses. While it seems reasonable that law schools would seek to precisely estimate living expenses for students, there are several reasons why this might not be the case. Law schools might lack access to important information about regional costs for housing, transportation, food, etc. Like financial aid offices for the larger university (Goldrick-Rab, 2016), law school financial aid offices might be burdened with limited staff, heavy caseloads, and an increasing amount of data reporting responsibilities. Therefore, they might have limited time to obtain the information necessary to develop valid living expense estimations.

Estimated living expenses might also be used by law schools to position themselves within the legal education marketplace. While tuition and fees might be difficult to adjust (Kelchen, Goldrick-Rab, &

Hosch, 2017), estimated living expenses are in theory less regulated and more amendable to change without creating a significant administrative burden on a law school. Law schools looking to present themselves as an affordable option within a particular tier might artificially lower its estimated living expenses to appear less expensive. Some law schools, on the other hand, may look to artificially increase their estimated living expenses out of a desire to appear more expensive. This higher 'sticker price' might help a law school attract more and higher quality students (Li, 2018).

Inaccurate living expense estimations from law schools can have a detrimental impact on students. A law school's estimated living expense helps determine the maximum amount of financial aid and loans available for students. If law schools systematically underestimate actual living expenses for an area, students may receive less financial aid than needed to cover their expenses. This could lead to difficulties paying for all the costs associated with law school, which could be a detriment to student success (Edwards, 1996). On the other hand, if law schools are systematically overestimating living expenses, students may take out larger amounts of loans than they actually need and find themselves in greater debt than necessary. Despite warnings from law schools that individual living expenses vary depending on personal choices and circumstances, Ryan (2020) notes that many law students borrow at or near the law school 'sticker price'. There is also evidence that 'sticker price' is an important determinate of student perceived availability to pay for higher education (McDonough & Calderone, 2006; Seltzer, 2017). Students, especially underrepresented students, receiving misinformation about living expenses might self-select out of certain schools despite the generous amount of tuition discounting provide by many law schools.

So while tuition and fees are an important aspect of law school cost and affordability, so too are estimated living expenses. Unfortunately, the higher education community knows very little about estimated living expenses at law schools. No empirical work has done a systematic investigation of how law schools determine estimated living expenses and whether those estimates are consistent with local costs data. This proposed study uses the work of Kelchen et al. (2017) as a framework for better understanding the determination, consistency, and variability of law school estimated living expenses. Three research questions will guide this analysis:

- What process do law school financial aid officers use in determining their institution's estimated living expenses?
- To what extent are published law school estimated living expenses consistent with cost of living estimates derived from local data?
- If published law school estimated living expenses differ from cost of living estimations derived from local data, how much of this variation is attributable to law school characteristics such as enrollment size, location, control, etc.?

1b. Review the literature and establish the theoretical grounding for the research (limit 1,000 words).

Address the following questions in your response:

What has prior research found about this problem?

What is the theoretical/conceptual grounding for this research?

Determining living expenses

Law schools have considerable flexibility in how estimated living expenses are determined. According to the 2018-2019 Federal Student Aid Handbook, financial aid officers can use a variety of methods to arrive at average student living expenses including “periodic surveys of your student population, assessing local housing costs or other pertinent data, or other reasonable methods you may devise which generate accurate average costs for various student cohorts” (U.S. Department of Education, 2019, pp. 3-33). Further guidance on estimating student living expenses is provided by the National Association of Student Financial Aid Administrators’ (NASFAA) handbook *Developing the Cost of Attendance*. In this handbook, financial aid officers are given significant guidance on how to establish a living expense budget which ensures students have an adequate standard of living while also taking regional costs differences into account. Specific advice is given for establishing how much the average student spends on off-campus housing, transportation, insurance, and miscellaneous costs such as clothing and personal hygiene. To compile data on these costs for students on a particular campus, NASFAA recommends financial aid officers utilize local living costs surveys, data from the U.S. Bureau of Labor Statistics, student surveys/interviews, and conversations with off-campus partners such as landlords.

Estimated living expenses accuracy

Given the discretion provided to law schools and regional differences in cost of living, it is not surprising that published estimated living expenses vary significantly from institution to institution. Whether these published estimated living expenses are accurate, however, is an open empirical question. The work of Kelchen et al. (2017) offers some insight into this question. Kelchen et al. were curious about the fact that often colleges even within a few miles of each other often have very different published estimated living expenses. They wondered whether college published estimated living expenses were consistent with local costs of living data. Using a sample of nearly 6,000 colleges in the U.S., they first collected each college’s published estimated living expenses for students living off campus away from family. Estimated living expenses excluded tuition/fees and books/supplies. Kelchen et al. then collected data from the Department of Housing and Urban Development, Department of Agriculture, Consumer Expenditure Survey, and the Council for Community and Economic Research to create their own estimated living expenses for each college. Their estimation of the living expenses in the area where a college is located was based on the Massachusetts Institute of Technology Living Wage Calculator. Kelchen et al. then compared each college’s published estimated living expenses to their own estimation of the college’s living expenses.

Kelchen et al. (2017) found that across multiple specifications, nearly half of all colleges published living expenses that were at least 20% above or 20% below the researchers’ estimated living expenses for the area. Regression analysis was then run to determine what college and county level variables were associated with differences between published and researcher created estimated living expenses. Smaller colleges, colleges with higher percentages of Pell grant recipients, and private nonprofit colleges tended to have higher amounts of variability in estimated living expenses.

Kelchen et al. (2017) motivate this proposal in several ways. Kelchen et al. provide evidence that the estimated living expenses published by many colleges are not consistent with local costs data. If this inconsistency is happening with undergraduate price setting, it could also happen in legal education price setting. As noted earlier, if law school estimated living expenses are not consistent with local costs data, it could create barriers to student success, increased debt, and limit students’ perceived range of law school choices. Therefore a rigorous investigation of law school estimated living expenses is vital to any organization that views law school access, affordability, and value as key priorities.

Kelchen et al's (2017) work also creates curiosity as to how colleges go about determining estimated living expenditures. What data points are colleges using and what processes are being followed to determine student living expenses? Hearing the voices of financial aid administrators responsible for making these estimations at law schools would be a welcomed addition to the knowledge created by Kelchen et al.

Theoretical Framework

This study is grounded in competition-based pricing theory. Economists have identified three common strategies used by firms to price the goods/services they sell; cost-based, competition-based, and value-based (Amir, Auzair, Maelah, & Ahmad, 2016). Within higher education, the competition-based strategy is dominant (Maelah, Amir, Ahmad, & Auzair, 2012). Competition-based pricing strategy argues that colleges price their services based on how they want to position themselves in the market relative to competitors. Production costs and perceived value of services are deemed less critical in pricing than benchmark prices set by competitors.

Law schools, like all U.S. colleges and universities, compete in a highly differentiated hierarchical market (Winston, 1999). Competition among private Tier 1 law schools looks different than competition among regional public law schools. Within each of these hierarchical markets, however, law schools can use price to differentiate themselves. In some law school market segments, having a higher published price may be desired as a signal of excellence and prestige. In other segments of the market, lower prices might be desirable as a signal of value. One strategy law schools can use to modify their overall published price is to over- or under-estimate student living expenses.

This project is grounded in the idea that because law school prices are competition-based, law schools use price to differentiate themselves within a market. Given administrative oversight and regulation, law schools often have little autonomy in manipulating tuition and fees. Law schools have much more autonomy to manipulate estimated living expenses. Therefore, law schools might systematically over- or under-estimate student living expenses out of a desire to position themselves more effectively in the market. Based on this framework, as well as previous research from Kelchen et al. (2017), I hypothesize that a substantial number of law schools will have published estimated living expenses that are significantly different than what might be suggested using local costs data.

1c. Describe the research method that will be used (limit 1,000 words).

Address the following questions in your response:

What are the research questions to be addressed?

What is the proposed research methodology?

What is the statistical model to be used? (please include equations if appropriate)

Three research questions will guide this study:

1. What process do law school financial aid officers use in determining their institution's estimated living expenses?

2. To what extent are published law school estimated living expenses consistent with cost of living estimates derived from local data?

3. If published law school estimated living expenses differ from cost of living estimations derived from local data, how much of this variation is attributable to law school characteristics such as enrollment size, location, control, etc.?

Determination

Research question 1 will be answered using data from an online survey created by the researcher. This survey instrument will be distributed to an associate/assistant dean of finance or financial aid at each U.S. based ABA approved law school. The survey instrument will be designed to collect information on the data used and processes followed by law schools in determining the estimated living expenses of students. The survey will also ask about the perceived challenges law schools face in accurately estimating student living expenses.

The development of the survey will be guided by NASFAA's Developing the Cost of Attendance handbook. As noted earlier, this handbook gives financial aid professionals guidelines for how to determine estimated living expenses. For example, the NASFAA report notes that financial aid officers can utilize mileage allowances set by the institution to guide their estimated student transportation costs. Therefore, a survey question will ask law school financial aid officers if university mileage allowances are used to help create their published estimated living expenses. The survey will also be informed by conversations with undergraduate financial aid officers. The goal is to create a valid survey instrument which provides descriptive data on the information used by law schools to create their estimated living expense figure and the challenges law schools face in estimating student living expenses. To help ensure the survey contains good questions, I will rely on expert reviews of survey drafts and cognitive interviews with 2-3 financial aid officers responsible for setting student living expenses. To improve response rates, respondents will be offered the chance to enter a raffle for one of two \$200 Amazon Gift Cards.

Consistency

Research question 2 will be answered using a methodology similar to the one used by Kelchen et al. (2017). To begin, I will collect data from each ABA approved law school through the AccessLex Student Loan Calculator tool. Through this tool, we are able to obtain law school estimated living expenses for housing, food, board, transportation, and personal expenses. Data on estimated book and supply costs will not be included in this analysis because there is little reason to believe that prices differ for these items by region. If a law school's estimated living expense data is not available through the AccessLex data tool, I will contact the law school directly to obtain the information.

Law school published estimated living expenses will be compared with a researcher created estimation of living cost derived from local costs data. Local costs data will be obtained from a variety of sources. Local housing cost data will be obtained from the U.S. Department of Housing and Urban Development which provides information on median apartment rent within a given county. Food cost data will be obtained from the USDA Food Plan report which estimates the amount spend on food per month for individuals of different ages. Transportation and miscellaneous costs data will come from the Consumer Expenditure Survey which provides estimates of the costs of operating and maintaining a car, personal care services, entertainment, clothing, and other miscellaneous expenses. Food, transportation, and

miscellaneous costs will be adjusted for cost of living differences in an area using information from the County Cost of Living Index. Costs for housing, food, transportation, and miscellaneous expenses will be combined to generate a researcher created nine-month local cost of living estimate for each law school.

Law school published estimated living expenses will be compared to researcher created living expense estimations. I will identify law schools with large disparities between published and researcher developed living expenses. I will look at various subsectors within the law school market to explore whether certain groups of law schools have larger disparities than others. These comparisons will be similar to the ones conducted by Kelchen et al. (2017). The goal of these comparisons is to identify if law school published estimated living expenses is consistent with local costs data.

Variation

Assuming law school published estimated living expenses vary from researcher created estimations, research question 3 will attempt to identify what characteristics most strongly correlate with this variation. This analysis will be conducted using regression. The dependent variable will be the amount (in percentages) an institution's published living expenses differs from their researcher created estimated living expenses. For example, if a school's published estimated living expense is \$25,000 while the researcher created estimation is \$21,000, the difference of 17.39% will be the outcome variable associated with that school. Because I am interested in the characteristics associated with the size of variation regardless of direction, the absolute value of the percentage differences will be used. The covariates in the regression model will include variables such as law school enrollment, control, tuition/fees, urbanicity, admission rates, and bar passage rates. All this data is available via Integrated Postsecondary Education Data System (IPEDS) or Analytix from AccessLex. Other variables could be added to the regression model based on data availability. The goal of this regression analysis is to identify the characteristics of law schools with the greatest discrepancy between their published estimated living expenses and local costs data.

1d. References cited (no word limit).

References

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- 1e.** List the datasets that will be used and explain why they best serve this research. Applicant should also provide a statement indicating whether the proposed research will require use of restricted datasets. If restricted datasets will be used, the plan for acquiring the appropriate license should be described (limit 750 words).

National Association of Student Financial Aid Administrators' (NASFAA) handbook Developing the Cost of Attendance: This document, which is only available for purchase through NASFAA, will help guide the creation of the survey instrument used to answer research question 1. This document is ideal for this project because it is the most comprehensive summary of the strategies used by financial aid offices to estimate student living expenses. Using this document as a foundation will ensure that the survey is exhaustive of the various methods and sources of information potentially used by law schools to set student living expenses.

AccessLex Student Loan Calculator tool: Through this tool, I will have access to law school estimated living expenses broken out by the type of expense (room and board, transportation, etc.) for most law schools. This dataset is ideal for this project because, in comparison to ABA Standard 509 information reports, the AccessLex Student Loan Calculator breaks out living expense data so that certain items (such as books and supplies) can be excluded from analysis. It also allows me to compare individual categories of expenses against local costs data for a more nuanced analysis than what could be accomplished with other datasets.

Analytix from AccessLex: This dataset provides information on law school admissions, type, school status, enrollment, and several other characteristics that could be used as predictors of law school living expense variability. This dataset is one of the few that offers clear and accessible institutional level descriptive information on law schools.

Integrated Postsecondary Education Data System (IPEDS): This dataset will be used to obtain information on law school location and county code so that information on apartment prices and cost of living in a community can be merged with each law school.

U.S. Department of Housing and Urban Development local rent dataset: This dataset is ideal for this study because it provides the only publicly available source of median rent prices at the county level.

U.S. Department of Agriculture A Food Plan Cost of Food Reports: This report is ideal for this study because it provides weekly and monthly estimated food cost based on a person's meal quantity.

U.S. Bureau of Labor Statistics Consumer Expenditure Survey: This dataset is ideal for this study because it is the only publicly available dataset which provides information on a wide variety of average annual personal expenditures for things like transportation, personal care products/services, and apparel.

County Cost of Living Index from the Council for Community and Economic Research: Like housing prices, prices for transportation, food, and miscellaneous expenses vary based on the cost of living in an area. This dataset, which is only available for purchase from the Council for Community and Economic Research, is ideal for this study because it is the most accurate and reliable index for comparing cost of living across cities in the United States.

No restricted-use datasets will be used for the proposed research.

1f. Timeline of key project activities (no word limit).

May-July 2020: The research team will develop and validate the survey instrument. IRB application will be completed during this time period with final approve of the survey expected by mid-July 2020. Research team will identify the study sample by going to the webpage of each law school and collecting the name/email address of chief finance or financial aid administrators at each law school.

August 2020: The survey instrument will be administered via Qualtrics. Research team will also collect law school estimated living expense data from the AccessLex Student Loan Calculator and purchase/download 3rd party datasets and reports needed to create law school estimated living expenses.

September 2020: Data from the survey will be cleaned and analyzed.

September 30, 2020: First study progress report will be submitted to AIR and AccessLex

October-November 2020: Statistical comparisons will be made between published law school estimated living expenses and researcher created law school living expenses. Preliminary regression analysis of variables explaining variation in estimated living expenses will be conducted.

November 16-17, 2020: Preliminary research findings will be presented at the 2020 AccessLex Institute Legal Education Research Symposium in Nashville, TN.

December 2020: Post hoc analysis of survey and statistical data will be conducted. Research findings will be finalized at this time.

January – July 2021: During the Spring 2021 semester, I will work on the deliverables associated with this grant project. The project final report will be produced which includes a scholarly research article, executive summary, report on deliverables, and final financial statement. Other deliverables including an op-ed for *Inside Higher Ed*, infographics suitable for presentation on social media, and a proposal to present final study findings at the 2021 AccessLex Institute Legal Education Research Symposium will be completed during this time. Each promised deliverable will be completed before July 31, 2021.

January 31, 2021: Second study progress report will be submitted to AIR and AccessLex

July 31, 2021: Final project report submitted to AIR and AccessLex

- 1g.** List deliverables such as research reports, books, and presentations that will be developed from this research initiative (no word limit).

This project will produce the following deliverables:

- A peer-reviewed article published in a high-quality academic journal
- Professional presentation at AccessLex national legal education research conference
- Written op-ed describing study findings published in *Inside Higher Ed*
- 1-2 social media posts with infographics related to study findings and links to the published reports of study findings

- 1h.** How will you disseminate the results of this research (limit 250 words)?

The findings of this research will be disseminated across various outlets. A scholarly article will be produced and submitted to a high-quality higher education journal with rigorous peer review such as the *Journal of Higher Education*, *Research in Higher Education*, or *Review of Higher Education*. I also hope to present the findings of this study at the AccessLex Institute Legal Education Research Symposium. To reach a broader audience, I will produce an op-ed piece for *Inside Higher Ed* describing the findings and implications of this study. I will also work with my academic department and AccessLex's social media team to create social media posts about study findings. These Twitter and/or Instagram posts will include creative infographics which highlight important findings from the study. I believe this dissemination plan will help the findings of this study reach a broad and diverse audience across various higher education sectors.

2. Statement of Institutional Review Board Approval or Exemption

As part of the online application, a statement outlining a plan for Institutional Review Board (IRB) approval is required. The statement should outline the applicant's timeline and plan for submitting the proposal to an IRB or explain why IRB approval is not necessary. Final IRB action is *not* necessary prior to submitting the application (limit 250 words).

The survey instrument created and distributed as part of this study will require IRB approval. Given the nature of the survey, it should fall under the category of exempt research. At the end of July 2020, after developing and testing the survey, an IRB application will be submitted to the Office of Research and Innovation at the University of South Florida (USF). I hope to receive IRB approval by mid-August 2020.

Other analyses for this project will not require IRB approval because it would not be considered human subjects research.

3. Biographical Sketch

A biographical sketch should include prior degrees earned, relevant professional work experiences, skills necessary for completion of the proposed study, and prior research experiences with national datasets (limit 750 words).

Willis A. Jones is a tenured associate professor of higher education at the University of South Florida. I have a BA from the University of North Texas, a master's degree in Higher Education Administration from the University of Arkansas, and a PhD in Higher Education Policy and Leadership from Vanderbilt University. I am a higher education scholar who utilizes econometrics and quasi-experimental design to examine the antecedents and outcomes of college/university behavior, management, strategy, structures, and policies. I have published on topics such as intercollegiate athletics, student retention, college rankings, student body racial diversity, and the role of non-tenure track faculty in institutional governance. Many of these projects have required the development and dissemination of surveys, meaning I have experience with online survey development and data analysis. I also teach graduate courses in survey development. I have worked with large scale national datasets such as IPEDS, the National Postsecondary Student Aid Study, and the Beginning Postsecondary Students Longitudinal Study. I am very comfortable with the type of national data that will be analyzed in this study. Previously, I have received grant support from the National Collegiate Athletic Association, the Knight Commission on Intercollegiate Athletics, and the American Institutes for Research. These awards have given me experience with managing multi-step externally funded research projects such as the one proposed here.

4. Statement of Prior, Current, and Pending Funding

A statement of prior, current, and pending funding for the proposed research from all sources is required. The statement should also include a history of prior funding (past 10 years) from AIR to any of the PIs. Funding from other sources will not disqualify the application but may be considered in the funding decision (limit 250 words).

I have no prior, current, or pending funding for this project. No one associated with this project has received prior funding from AIR.

Research Grant Proposal Budget Form



Personnel - Salary

Principal Investigator	\$	<input type="text"/>
Second Principal Investigator	\$	<input type="text"/>
Third Principal Investigator	\$	<input type="text"/>
Graduate Research Assistant	\$	<input type="text"/>

Travel

2020 AccessLex Institute Legal Education Research Symposium: Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Second Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Third Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Graduate Research Assistant*	\$	<input type="text"/>
Other research related travel:	\$	<input type="text"/>

(Note: Other planned travel should be listed in the "Timelines and Deliverables" section)

Other research expenses

Please provide a breakdown of expenses below and add the total value in the box to the right. Allowable expenses include: materials, such as software, books, supplies, etc.; consultant services, such as transcription, analysis, external researchers, etc.; and costs for publishing articles in journals. The purchase of computer hardware, overhead or indirect costs, and living expenses are not allowable. If you have questions about specific expenditures, please contact AIR.

TOTAL REQUESTED – Maximum Allowable is \$50,000 \$

**Note: The AccessLex Institute believes graduate student professional development and mentoring opportunities are important aspects of the Research Grant Program. Therefore, Research Grant recipients are strongly encouraged to designate funds for graduate student travel for the AccessLex Institute Legal Education Research Symposium Presentation.*