



UNIVERSITY OF
SOUTH DAKOTA
SCHOOL OF LAW

October 13, 2023

Senator Jean Hunhoff
2511 Mulligan Dr.
Yankton, SD 57078

Representative Mike Derby
3912 Park Drive.
Rapid City, SD 57702

Dear Senator Hunhoff & Representative Derby:

This letter is the USD Knudson School of Law response to the 2018 Letter of Intent from the Joint Committee on Appropriations. I am happy to answer any additional questions that members of the Committee may have.

CLASS OF 2026 AND ADMISSIONS

The entering Class of 2026 had 88 matriculants. This was the largest entering class in over a decade. It is also the third time in five years that the Law School has had its largest entering class in that time frame. The investment in admissions personnel and resources at the Law School continues to pay off. I would be remiss if I did not thank by name Director of Admissions Katey Ulrich and Admissions Officer Kaitlyn Frier for their exceptional work. They work tirelessly and effectively to draw exceptional students to the Law School. Some student comments from our orientation survey speak to the impact of their work:

“Another huge factor that helped me decide was meeting with Katey.”

“I felt at home at USD because of Katey, but also because of the classes, the commitment to their students, and the passion for the legal education.”

“Receiving a call about acceptance felt more appreciated than how other schools just send an email. Also, the admission team made sure to keep me updated on any and all things I needed to do. I never felt alone or forgotten. I loved the process.”

“Communication was great. Staff was always friendly when I called. Felt like I called a lot to ask questions and was always treated well.”

Investment in an engaged and responsive admissions team allows the Law School to set the tone immediately that students here will be part of a close, connected, and committed professional community.

This is an important point of differentiation from competing law schools and reflective of the legal professional community in South Dakota. The power of that personal connection is demonstrated by the fact that the Law School yields almost 80% of applicants who visit campus. Given projections of declining law school applications nationwide, a strong admissions team remains imperative.

We have grown our class sizes while increasing their objective credentials. The Class of 2026 LSAT score and Undergraduate Grade Point Averages for the 25th, 50th, and 75th percentiles are as follows:

25 th	148/3.18
50 th	151/3.56
75 th	154/3.73

UGPA was up at each percentile. Additionally, our 25th percentile is up almost five points in the last five years. These numbers demonstrate that we can get better while we get bigger.

This year 63% of the entering class came from South Dakota. We accept every South Dakota applicant who meets our criteria for LSAT, UGPA, and character and fitness. Our honors admission program with NSU, ongoing collaboration with SDSU Pre-Law for campus visits and speakers, and additional connections at South Dakota undergraduate institutions are paying dividends. Additionally, we are engaged in longer term development programs like our Law Camp and work with Dakota Dreams camp and Promising Futures to increase interest in legal careers among South Dakota high school and junior high students. All of this flows from the Legislature's investment in admissions at the Law School.

CAREER PLACEMENT

The Class of 2023 achieved a placement rate of 96% in jobs that require or prefer a law degree; 68% of the class took jobs in South Dakota. Sioux Falls had 15 placements, Pierre had 8, Rapid City had 6, and Sioux City, Iowa had 5 students accept jobs there.

The Law School has continued to do an excellent job of placing graduates in judicial law clerkships after graduation. The placement percentage in federal court clerkships is top twenty in the nation and the placement percentage in all clerkships is top ten. Many excellent students continue the tradition of beginning their careers in public service to South Dakota's judicial system.

The Law School likewise continues to have excellent summer intern placement rates. The Class of 2024 had 97% summer internship placement. Half of the Class of 2024 has already accepted a permanent position for after graduation. The Class of 2025 had an 84% placement rate for summer internships; 54% of the class has accepted an internship for next summer already. Many of these summer placements turn into jobs after graduation.

The largest number of placements come from on campus interviews ("OCI") with employers. This fall, the Law School welcomed employers from the following communities to OCI:

- Aberdeen, SD
- Albert Lea, MN
- Belle Fourche, SD

- Kearney, NE
- Marshall, MN
- Mason City, IA
- Mitchell, SD
- New Ulm, MN
- Omaha, NE
- Owatonna, MN
- Pierre, SD
- Rapid City, SD
- Rochester, MN
- Sioux City, IA
- Sioux Falls, SD
- Watertown, SD
- Winner, SD
- Yankton, SD

To boost student awareness of opportunities in all South Dakota communities, the Director of Career Services has hosted a “Stay in South Dakota Career Fair” in each of the last two fall semesters. That program brings employers to campus to share information about their community and practice. This helps make students aware of towns that they may not have considered and hopefully persuades more students from outside South Dakota to consider starting their career here. Employers from the following communities have attended the event:

- Aberdeen
- Beresford
- Madison
- Mission/Pine Ridge/Rapid City/Sisseton/Fort Thompson/Eagle Butte/Fort Yates (Dakota Plains Legal Services)
- Mitchell
- Pierre
- Rosebud
- Hot Springs
- Howard/Woonsocket
- Huron
- Watertown
- Winner

The Stay in South Dakota Career Fair has made a difference. As just one example of how, one central South Dakota legal employer had zero applicants for their open position, but received several applicants and successfully made a hire after attending. This is one example of how the investment in career services is increasing student awareness of career options, building connections between students and potential employers, and diversifying placements both geographically and by practice type.

The impact of Teramie Hill, Director of Career Services, is apparent from what students say about their work with her:

“I would not have been able to obtain my judicial clerkship without your help. I hope you know how big of a difference you make in the lives of students at USD.”

“I just wanted to reach out to say thank you very much for all your help last semester with my various requests for help and editing!”

“Thank you for all your help and advice in navigating the difficulties of finding the right post-grad position for me. Your over and beyond efforts do not go unnoticed; and neither does your caring, trustworthy, and non-judgy attitude/character. I’m glad I met you.”

The investment in an exceptional liaison between students and employers is paying invaluable dividends not only in placement, but also in helping young lawyers develop personally and professionally with enthusiasm about their careers.

EXPERIENTIAL LEARNING

Placement in experiential learning programs remains strong. Practicum programs had 46 student placement last academic year. Most of those placements were in Sioux Falls, with the primary exception being our Tribal Wills Practicum which operates in several of South Dakota’s Native communities. These practicums allow students to appear guided supervision in real criminal cases in Minnehaha County. That builds student skills and leads some students to pursue public service careers as prosecutors and public defenders.

Externships with firms, judges, and public entities continue to increase. Last academic year 63 students participated in externships. Externships are excellent in their flexibility from year to year as hosts can move in and out as student interest dictates. Some are recurrent, however. The primary example is judicial externship placement with the South Dakota Supreme Court and some judicial circuit courts. Last year 17 students participated in judicial externships and many of those externships continue to turn into post-graduation clerkships, helping sustain the Law School’s high clerkship placement rate. We will again have students working as externs with lawyers involved working with the Legislature during the upcoming Session.

The Director of Experiential Learning has continued to increase student engagement. A monthly experiential learning newsletter highlights experiential opportunities, professional development tools and speakers, and promotes key professional values like civility. Additionally, an Experiential Open House is open to first year students to expand their awareness of placement opportunities. Incoming students often do not know what they do not now and are reluctant to take a risk with a permanent placement. However, the Open House provides a low-risk chance to look at other placement settings and often facilitates career exploration through an externship. This can help guide more students to geographic and practice areas that need more lawyers.

The impact of practical experiences shines through for students. This can be seen in some of their responses to surveys about their various experiential programs.

“I love being able to work with the clients and then with you to draft these documents and it gives a great sense of real-world experience doing them all.”

“Loved the real-world discussion bringing what we were talking about into practice. Loved the helpful practice tips.”

“This course was fabulous and I am sad its over because I still worry for my clients.”

“I appreciate now what I have learned and see the beauty in what we learned.”

Experiential learning classes continue to be the connection between legal doctrine and legal practice. Their importance will only increase as the NextGen Bar Exam moves toward a more practice-focused means of assessment and employers continue to insist that their new hires are increasingly “practice ready.” The Law School continues to focus on expanding the number and type of experiential placements that students can take advantage of. The latest example is moving our Veteran’s Legal Education Group from a student volunteer opportunity to a credit bearing experiential class. VLEG students provided assistance to 40 veterans in the west river clinic this fall and will offer an east river clinic in the spring. VLEG is a great example of how experiential learning provides service to South Dakota while providing education for students.

BAR ADMISSION

Ultimate Bar Passage remains the number to focus on with bar admissions. It is the percentage of graduates who, within two years of their graduation, have taken and passed a bar examination. It is also the number that ABA uses for accreditation. UBP remains strong for the Law School across the last several graduating classes:

2019: 94%
2020: 87%
2021: 83%
2022: 88%

The first-time bar pass rate in South Dakota for USD graduates in July of 2023 was 72%. For comparison, North Dakota had a first-time pass rate of 67%, Nebraska 74%, Wisconsin 69%, and Wyoming 85%.

The Law School’s bar preparation work is preparing for dramatic change in coming years. The National Conference of Bar Examiners will put the NextGen Bar Examination in the field in July of 2026. NextGen will eliminate the 200 multiple-choice question MBE in favor of more “practical” questions that involve review of a closed universe of legal and factual material. These questions are in development and the Law School will participate in pilot testing of prototypes in January. Gathering more information about the form of the NextGen exam and focusing on adjusting student preparation is a vital ongoing focus for the Law School’s bar examination preparation efforts. At this point, there are more questions than answers about the details, however.

Additionally, South Dakota’s Bar Admission Steering Committee will report to the Supreme Court this fall. It appears on track to recommend a pilot program for a limited number of applicants to obtain admission through supervised practice and assessment of a portfolio of their work. This option will likely be limited to applicants entering public service or rural practice in an effort to draw more lawyers to high need areas.

Implementing a supervised practice pathway will require the Law School to adjust its curriculum, graduation requirements, and obtain a variance from the ABA on the limit on experiential learning credits and other requirements. It may require additional resources because providing instruction and supervision while students are placed will be more difficult and time consuming. Implementation will require highly coordinated work between the Law School, Supreme Court, the State Bar, and others. The effort is worthwhile, however, as such a pilot can provide a valuable incentive to applicants to pursue a career in public service settings such as state's attorney or public defender offices, The work has begun but will take time.

CONCLUSION

The Law School is stronger and in a stronger position than when the Legislature and USD initially invested in admissions, career services, experiential learning, and bar preparation several years ago. With projected downward trends in college attendance and law school applications, changes to bar admission, and challenges to the profession from generative AI and other forces, that investment remains crucial. Thank you to the Legislature for your interest and investment in the Law School and South Dakota's legal community. I am happy to answer any additional questions.

Sincerely,



Neil Fulton
Dean
USD Knudson School of Law