UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

November 4, 2020

Representative Chris G. Karr
7421 W. Luke Drive
Sioux Falls, SD 57106

Senator John Wiik
PO Box 95
Big Stone City, SD 57216

Dear Representative Karr and Senator Wiik:

This letter is the annual update on USD Knudson School of Law operations called for in the July 25, 2018 letter from the Joint Committee on Appropriations.

CLASS OF 2023

The entering Class of 2023 has 66 students. This was down from a class of 85 the year before. Due to personal safety or other concerns connected with COVID-19, 15 admitted students deferred their attendance until next year. Competition for students remained fierce. Schools devote considerable resources of personal contact and financial aid to entice students. Larger institutions in adjacent state continue to target a few South Dakota students per year which comes at real cost to USD.

These are the LSAT and undergraduate grade point average by percentile in the Class of 2023 and 2022 for comparison:

2023	2022
25th: 147/3.21	147/3.15
50th: 149/3.54	152/3.43
75th: 155/3.72	154/3.76

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A few observations about the progression of these numbers are important. First, we look at LSAT and UGPA collectively. Both numbers moved up and down at different percentiles. That is predictable since we will often admit a student with a slightly lower LSAT and higher UGPA (or the converse). Our primary concern is that we do not see a consistent downward trend with number. Some annual fluctuation is unavoidable. Second, we are pleased to see an increase in our floor UGPA and our ceiling LSAT. We are working to boost credentials for the incoming class and should see increases on both ends of the spectrum when that occurs. We have not gotten where we hope to be yet, but we are making progress. Lastly, our median LSAT variance is primarily attributable to two factors. Several students who deferred admission were high LSAT scoring students; those deferrals skewed the numbers a bit. Additionally, we implemented a conditional admission program this year targeting students with slightly lower credentials who must participate in academic support programming during the first year. We looked for students with lower test scores but other indicia of likely success and with connections to underserved parts of South Dakota. That pilot cohort of five students moved our numbers somewhat, but it also is a first step to produce lawyers likely to serve high need areas in South Dakota and to provide more opportunities to more South Dakota students.

BAR PASSAGE

Of the 2020 graduates who have taken a bar exam and obtained the results, 80% have passed. Several states delayed their bar exam until fall due to COVID-19. We have three students who have taken the exam in those states but not yet gotten results.

The Class of 2020 had a pass rate in South Dakota of 76%. This is down from just over 80% in South Dakota last year. All those graduates but one passed one of the two portions of the exam. Historically, several of those graduates will pass in the next administration of the exam.

The pass rate for students taking the bar exam in other states is also 80% (8 of 10). We are awaiting results from three graduates who took the exam in states who delayed it until fall.

INTERNSHIPS

The Law School offers a variety of "internships." These include placements for academic credit, volunteer or compensated placements over the summer, and volunteer opportunities during the school year. The diversity of these offerings reflects the diversity of practice in South Dakota and the

diversity of interest and goals among USD Law students. A review of the current academic year shows the strength of our offerings.

First, we have partnered with the Unified Judicial System on two initiatives. We have nine students in for credit placements with the South Dakota Supreme Court and two circuit courts. These placements let students get practical experience with court operation, encourage service as judicial law clerks, and provide additional support to the judiciary. We have also partnered with the Second Circuit to place seven students in the WORKS clinic. That program helps with forms and mediation for unrepresented parties in divorce and custody proceedings. This again provides students an opportunity for practical experience while helping the judiciary with additional resources.

Second, we have eight students participating in the Low-Income Tax Clinic. That program is funded by an IRS grant to offer representation to low income taxpayers in their disputes with the IRS.

Third, our criminal law practicum in Minnehaha County has expanded. We now place six students between the Minnehaha Public Defender and State's Attorney offices. We have seven additional students obtaining externship credit through the Innocence Project of Minnesota. That program evaluates claims of innocence presented by inmates and expedites their resolution.

Fourth, we have five students obtaining externship credit in ad hoc placements they have developed. These placements usually result from students identifying an interest area or employer that they would like to consider but that does not recur often enough to have a structured program.

Finally, we continue our tribal wills class. We have eleven students enrolled. Those students draft wills and related documents under supervision. We are replicating that program in Sioux Falls this spring. We will offer a clinical program to draft wills, powers of attorney, and other health care documents for low income people seeking medical care. This again lets us meet a need that helps the system run better while giving our students hands on opportunities.

These clinical programs require significant faculty resources to succeed. Accreditation standards for clinical programs require significant faculty contact. Students cannot engage in student practice without a supervising attorney. The student experience is not good without that contact. So the investment in our clinical director remains necessary and is producing more hands on opportunities for students as well as more service to South Dakota.

Although not for credit, USD Law continues to support the Veteran's Legal Education Group. Students in this program will travel to "pop up" clinics and offer free legal services to veterans under the supervision of USD Law professors and USD Law alumni. We do not have student numbers yet because the clinic will be in the spring. Last year twenty students provided services to thirty-seven veterans; we expect comparable numbers this year.

Most of our traditional internship placements go to students completing their second year. These often turn into permanent jobs after graduation. In the Class of 2022, fifty students have secured summer placements. There are many employers who wait until spring to interview, so that number will increase.

IMPACT OF ADDITIONAL FUNDING AND POSITIONS

Ramping up the investment of FTE and funds in the School of Law has taken some time. We have now fully implemented both. We are beginning to see results. We have filled the Assistant Admissions Officer position this year. This allows our Admissions Director focus on strategic planning, digital marketing, and developing relationships with undergraduate institutions. In the current recruiting environment, it is imperative to have strategic plans for cultivating recruits, maintaining contact with applicants throughout the process, and communicating acceptances and scholarship information. It is particularly important to have a strong digital platform because students increasingly rely on it.

The Assistant can provide personal connections to applicants in person and via electronic communication. Additionally, this has allowed us to attend more student pre-law events in person and electronically. Although our matriculated student number was down a bit this year, that was from a ten-year high and in an environment where applications were down almost twenty percent nationwide. Our investment in recruiting paid off in maintaining quality and quantity of students in a difficult environment. The recruiting environment remains incredibly fierce, however. We need to remain focused on our student pipeline to remain competitive and strong.

Increased resources in Career Services lets us give students a chance to begin their careers here in South Dakota. Our Director of Career Services now surveys all incoming students about their career interests and sets individual meetings to begin developing the contacts and skills to achieve those goals. We have added follow up surveys in the second and third years to adjust student plans based on their placements so far. In addition to direct placement, Career Services has arranged outside speakers to expose students to areas of practice

they may not have considered and has provided training sessions on resume writing and interview techniques.

In April, our Admissions and Career Services personnel will be hosting a virtual "Law Camp" with State Bar members. This replicates the "scrubs camp" that has been in place for many years. We will invite high school students from central and western South Dakota, particularly targeting rural areas, to a series of speakers. Those speakers will include a variety of lawyer placements but also related legal fields like probation officers, court clerks, and law enforcement with the goal of boosting interest in legal careers generally. We will have representatives from BOR schools, Tech Schools, and tribal colleges to talk about their legal career programs. While in the long term we hope a larger funnel of students interested in some aspect of the law will lead to more law students, it can also lead to more students going into related legal careers. That is good for all aspects of the legal system in South Dakota.

CONCLUSION

The investments made in the School of Law continue are bearing fruit. Although it is not the case that we are "secure," we are continuing to keep more and better South Dakota students at home to begin their legal careers. We thank the Joint Committee on Appropriations for its ongoing interest and support.

Sincerely,

Neil Fulton
Dean
USD Knudson School of Law