UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

October 18, 2022

Senator Jean Hunhoff
2511 Mulligan Dr.
Yankton, SD 57078

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

Dear Senator Hunhoff & Representative Karr:

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

CLASS OF 2026 AND ADMISSIONS

The most recent entering Class of 2025 had 87 matriculants. This is our largest class in over a decade. This was despite a national decline in law school applications of 12%. Our applications increased by almost 9%. Our ongoing investment in recruiting and admissions is making a difference.

The first attachment provides some additional detail about composition of the Class of 2025. It is the second class in row with a majority of students coming from outside South Dakota. We have not denied admission to South Dakota students who meet our admissions criteria, we have simply been more successful in attracting out of state students. Consistently, those students cite affordability and the small, connected nature of the School of Law as their reasons to attend. Many of these students come from smaller communities in larger states and find USD and South Dakota very appealing. We have begun working with the UJS, the South Dakota Bar, and the business community to demonstrate the opportunities in South Dakota to these students with a goal of persuading them to build their careers here.

In addition to being larger, the Class of 2025 continued our positive trend in the objective credentials of our matriculants. The LSAT score and Undergraduate Grade Point Averages for the 25th, 50th, and 75th percentile are as follows:

| | |
|---|---|
| 25th | 148/3.02 |
| 50th | 151/3.42 |

75th 155/3.72

The positive trend in class sizes and credentials can be seen in the second attachment. We continue to increase both the floor and ceiling of objective entering credentials for our students. Simultaneously, we have incorporated a conditional admission program for up to five students with lower objective credentials but other indicia of potential success like military service, first generation status, or prior work in legal settings. Admission for those students is conditioned on participation in expanded academic success programming prior to orientation and throughout their first year. Our goal is to pair those students with additional resources to jump start their legal careers successfully.

We now require all first-year students to take a diagnostic midterm exam and require students below a threshold score to participate in an "Early Warning" program, operated by our Director of Academic Excellence and Bar Support. That program provides supplemental instruction on key doctrinal points and study skills. The goal is to provide students with early and actionable feedback and corresponding tools to improve their performance. Data analysis indicates that first year grades are highly predictive of bar passage, so this is also a long-term investment in bar passage. This is the second entering class to participate in the Early Warning program.

Our two- and four-year goals for admissions are to maintain a positive trajectory on class size and credentials. Nationally, law school admissions numbers are volatile. Following the 12% decrease in applications last year, applications so far this admissions cycle are down another 14% year over year. Our first priority is to maintain a class with objective credentials comparable to our current levels. Our second priority is to continue to find creative ways to attract enough students to maintain our increased enrollment levels in the face of a national decline in law school enrollment.

SPECIALIZED CURRICULUM

The School of Law remains committed to a curriculum that provides fundamentally sound preparation for its students. Our reality is that our graduates will go to small town practice, civil firms in larger cities, in house counsel roles, business, and a variety of other settings. To serve our students well we must do the fundamentals well for everyone. We do. We continue to refine and expand our targeted offerings to be mostly broadly beneficial to a significant subset of our students.

One area where we have done that is Indian Law. The Board of Regents this year approved an Indian Law Certificate. It incorporates our classes in Indian Law, Indian Gaming Law, our Tribal Wills Clinic, and other classes. Students who complete those requirements will be recognized with a certificate that will increase their appeal to tribal governments, state government agencies working with Indian Country, and firms or businesses with significant engagement in Indian Country. We believe that offering this certificate can help attract more students with an interest in Indian Law, and better compete with regional and national peer schools as a result.

Successful lawyers need to write well. We have continued to focus on our development of writing focused classes as a result. For the Class of 2026, faculty has adopted a requirement of at least one "W" class (a writing class with specific requirements to produce multiple drafting assignments with faculty feedback) in each year. We formerly required only two such classes, one in the first year and another in the remaining two years. This year we added a contract drafting class to help meet this heightened requirement. We are working with adjunct faculty to develop additional writing classes focused on business formation and windup, bankruptcy, and criminal procedure. We intend to offer those classes in the 2023-2024 academic year.

Many of our students go to work in litigation practices so we continue to refine our work in this area. Professor Laura Rose, the Heidepriem Trial Advocacy Fellow, leads these efforts. Going beyond basic classes in trial advocacy, alternative dispute resolution, and appellate advocacy, we are developing a class on advanced litigation topics. This class, possibly with a section each semester, will introduce students to advanced issues commonly encountered by litigators such as child witnesses, electronic discovery and computer forensics, financial records, and medical professionals. Working with adjunct instructors, students will be introduced to the substance underlying these areas, observe demonstrations of how to work with those witnesses, and be assessed on their examination of witnesses in those disciplines. Our ongoing work with advocacy in the classroom and competition teams drove a significant increase in our U.S. News specialty ranking for advocacy last year, putting us in the top third of programs nationally.

We have added Ag Law as a class offering. Professor Tyler Moore teaches that class and serves as advisor to our student led Ag Law Society. This is a seminar-style class where student read about and hear from guest speakers on key areas of agriculture law like the Farm Bill, antitrust issues in ag, land use planning, food regulation, and other issues. Many of our students have become active in national ag law organizations as well, increasing their opportunities to find work at the intersection of agriculture and law.

Our two-year goal for curriculum is to get all these new classes approved, in the regular course rotation, and populated with students. Our four-year goal is to assess enrollment in those courses, alignment with the needs of students and employers, and to continue to reassess where to make additional or different targeted class offerings as appropriate.

INTERNSHIPS AND PLACEMENT

We continue to place students in a variety of settings. The next attachment shows where we have placed students in South Dakota over the last five years. While legal centers like Sioux Falls, Rapid City, and Pierre continue to draw the most placements, our graduates have taken positions across South Dakota.

Prior to graduation, students also take summer internships across South Dakota and participate in credit bearing externships and clinics in many settings. In the summer of 2022, the Class of 2023 had 40 self-reported summer placements in South Dakota communities:

| | |
|---|---|
| Huron | 1 |
| Mitchell | 3 |

| | |
|---|---|
| Pierre | 4 |
| Rapid City | 2 |
| Selby | 1 |
| Sioux Falls | 23 |
| Vermillion | 3 |
| Winner | 1 |
| Yankton | 2 |

In the Class of 2024, 40 students self-reported internship placements in South Dakota communities:

| | |
|---|---|
| Aberdeen | 3 |
| Belle Fourche | 1 |
| Flandreau | 1 |
| Huron | 1 |
| Pierre | 5 |
| Rapid City | 1 |
| Sioux Falls | 22 |
| Vermillion | 2 |
| Watertown | 1 |
| Webster | 1 |
| Winner | 1 |
| Yankton | 1 |

Because we rely on self-reporting by students, there are often summer internships that are not reported.

In the 2021-2022 academic year, we had 111 students participate in externship, practicum, or clinical placements. These are experiential opportunities for students under the supervision of lawyers external to the School of Law. These placements cover a range including criminal prosecution and defense, judicial clerkships, the WORKS Clinic (helping pro se family law litigants), Low Income Tax Clinic, in house corporate settings, and private practice firms. Most for-credit placements are in or around Sioux Falls or Vermillion due to the time and travel limits students face during the academic year.

Our two- and four-year goals for internship and externship placements remains continue to be providing a broad group of for credit programs for students to choose from and to support students looking for different experiences ad hoc. For post-graduate placement, we continue to have the goal to achieve placement at or above 90% within our required reporting period for accreditation.

BAR EXAM

For those members of the Class of 2022 taking the South Dakota bar exam, the pass rate was 79%. The pass rate for all first-time takers was 80%. For further comparison, within our region first time pass rates varied: Iowa 83%, Montana 82%, Nebraska 82%, North Dakota 65%, and Wyoming 61%. At this point, the highest first-time pass rate is Utah at 89% and the lowest is

Vermont at 60%. As the next attachment demonstrates, as a jurisdiction South Dakota's overall pass rate has consistently met or exceeded the national average.

Our two- and four-year goals on bar exam continue to be to provide support to all students taking the bar exam while targeting greater support for students whose entering credentials or law school grades suggest greater risk of not passing. It is also our goal to continue to monitor development of the NCBE's NextGen Bar Exam and prepare curriculum modifications that better align with an exam that focuses more on skill-based assessment. We also have a goal to be a thoughtful participant in discussions nationally and within South Dakota on alternative pathways to bar admission that continue to provide public protection while increasing access to the legal profession and encouraging public service. Lastly, while national volatility on bar pass rates makes setting specific numeric goals challenging, we continue to have a goal to beat the national average in our bar pass rates.

CONCLUSION

The investment of the Legislature in the School of Law is continuing to produce positive results. We are recruiting more students with higher objective credentials. We are thoughtfully expanding our specialty class offerings to meet the needs of students and legal employers. We are continuing to provide more experiential options for students to gain practical experience prior to graduation. All these things are continuing positive momentum at the School of Law. We greatly appreciate the ongoing support of the Joint Committee on Appropriations and the Legislature as whole.

Sincerely,

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# CLASS OF 2025 REVIEW

**27**
undergraduate majors represented

**12.5%**
students of color

**87**
students

**52%** out-of-state
**48%** South Dakota students

LSAT 75TH PERCENTILE
**155**
(up two from last year)

ages between
**21-50**

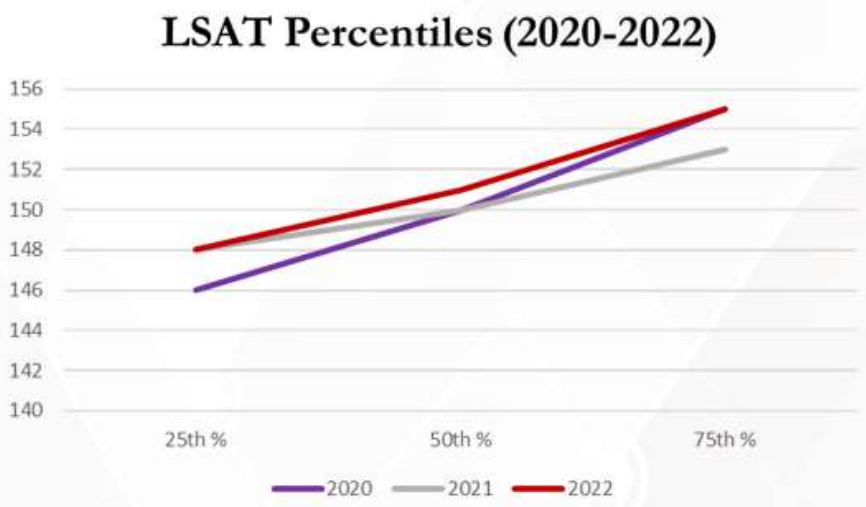
**37%** Female
**63%** Male

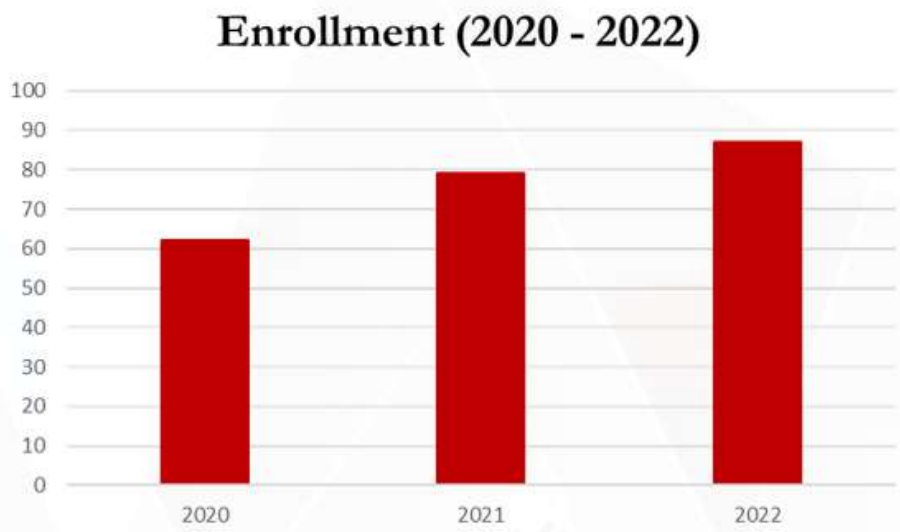
**26%**
first-generation students

LSAT 50TH PERCENTILE
**151**
(up one from last year)

- 156 out of 199 law schools experienced a decrease in applications
- USD Knudson School of Law saw an 8.9% increase in applications – and an increase in applications with an LSAT score about 160.

# THREE YEAR HISTORY



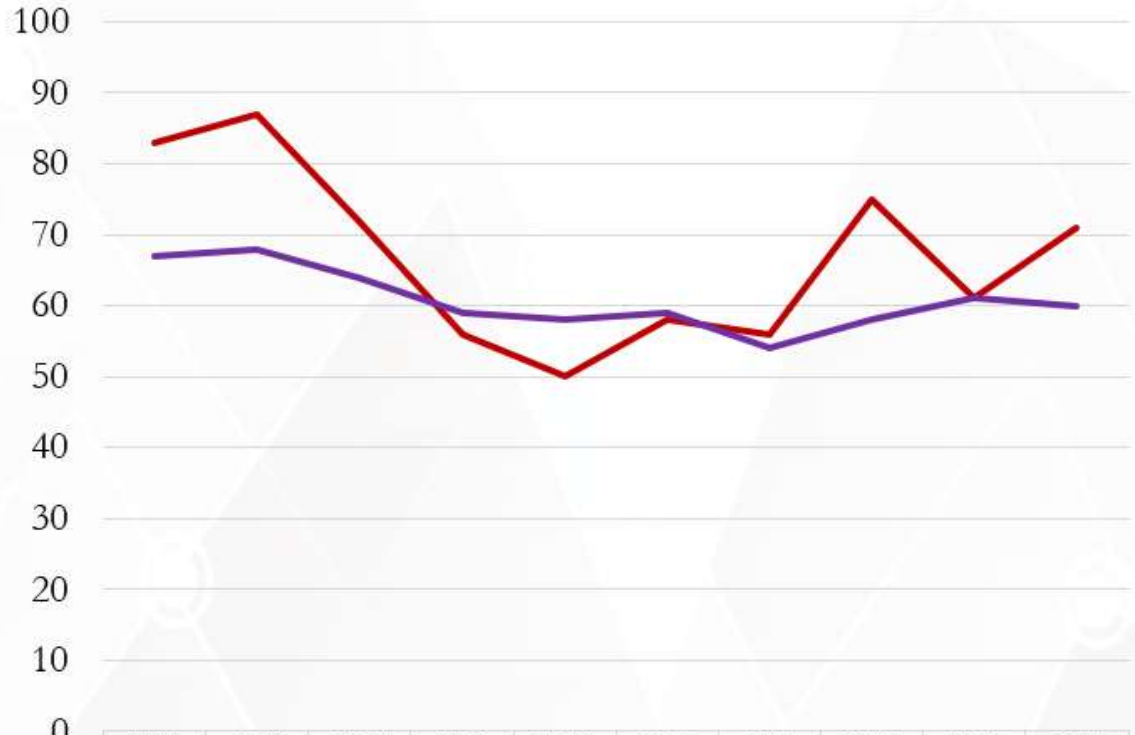



# PLACEMENT 2017-2021

## Placement in South Dakota by City (2017 - 2021)

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sioux Falls | 79 | Sturgis | 5 | Deadwood | 1 | Martin | 1 |
| Rapid City | 25 | Madison | 3 | Dell Rapids | 1 | Mission | 1 |
| Pierre | 23 | Belle Fourche | 2 | Elk Point | 1 | Rosebud | 1 |
| Mitchell | 11 | Eagle Butte | 2 | Eureka | 1 | Sisseton | 1 |
| Yankton | 11 | Flandreau | 2 | Gettysburg | 1 | Wall | 1 |
| Aberdeen | 8 | Timber Lake | 2 | Hartford | 1 | White River | 1 |
| Brookings | 8 | Bon Homme | 1 | Howard | 1 | Canton | 1 |
| Vermillion | 6 | Britton | 1 | Huron | 1 | Onida | 1 |
| Watertown | 6 | Burke | 1 | Ipswich | 1 | | |

# SOUTH DAKOTA BAR PASSAGE




| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|---|---|---|---|---|---|---|---|---|---|
| SD | 83 | 87 | 72 | 56 | 50 | 58 | 56 | 75 | 61 | 71 |
| National | 67 | 68 | 64 | 59 | 58 | 59 | 54 | 58 | 61 | 60 |