

SOUTH DAKOTA BOARD OF REGENTS

Committee on Academic and Student Affairs

AGENDA ITEM: II – D (4) (a)

DATE: June 10-11, 2015

SUBJECT: Program Modification – USD – Law, J.D.

The University of South Dakota seeks to establish an accelerated 3 + 3 degree program option for students with an intent of pursuing a Juris Doctorate in Law from the institution. The addition of this 3+3 option will afford select USD College of Arts & Sciences undergraduate students the opportunity to accelerate their attainment of a Juris Doctorate. Students accepted into the 3+3 option, through the application process specified on the modification proposal, will begin their first year of Law School curriculum having not yet attained their baccalaureate degree. The baccalaureate will be conferred upon successful completion of the first year of Law School in accordance with Board of Regents [Policy 2:8.C Undergraduate Students Taking Graduate Courses](#).

To facilitate this opportunity for USD students, the Existing Program-Substantive Program Modification has been submitted to change the total credits of elective coursework for the program and add an accelerated pathway. The change in credits applies to the distribution of coursework (a one credit reduction in the number of elective hours due to the same increase in required coursework). There is no change in the total credit hours to degree.

Accelerated pathways are available nationwide and the number of fast-track programs currently available to students in the Regental system has continued to grow over the past few years. The existence of accelerated programs in the area of Law continues to grow with approximately 30 of the 200 American Bar Association approved Law Schools having established 3+3 options for their students. In particular, the Rutgers University program cited in the modification request has a program structure similar to the University of South Dakota, and six other regional programs are also noted. The addition of an accelerated pathway has been vetted with the Higher Learning Commission by campus administration and is viewed as a permissible offering. Interested students will be closely advised to ensure completion of undergraduate major and general education requirements within 90 credit hours, thus allowing for the remaining 30 hours to serve as electives toward the undergraduate degree. Tracking for degree, financial aid, and reporting purposes will occur.

This request has been reviewed by the system Vice President for Academic Affairs and the Executive Director recommends approval.

RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Approve USD's program modification request for its J.D. in Law program.

South Dakota Board of Regents

EXISTING PROGRAM: SUBSTANTIVE PROGRAM MODIFICATION

This form is used to request substantive changes in already existing programs (majors, minors, specializations).

1. INSTITUTION: **University of South Dakota**

2. CURRENT PROGRAM NAME: **Law, J.D.**

3. THIS PROPOSAL DEALS WITH A CHANGE IN:

Distribution of Credits

| | |
|---|---|
| _____ total credits required within the discipline | _____ Program name |
| _____ total credits of supportive course work | _____ Existing specialization |
| total credits of elective course work: reduced due to increase in specified coursework (all courses however are in the discipline as they are under the LAW prefix) | Addition of specialization |
| <u> X </u> | _____ |
| _____ total credits required for program | Other: Add accelerated <u> X </u> pathway, a 3+3 option |

4. LEVEL:

_____ Certificate
 _____ Associate Degree
 _____ Bachelor's Degree
 _____ Master's Degree
 X Doctoral Degree

5. CATEGORY:

_____ Minor
 X Major
 _____ Specialization

6. EFFECTIVE DATE OF CHANGE: **Academic Year 2015-2016**

7. IF A NAME CHANGE IS PROPOSED, THIS WILL OCCUR:

_____ on the effective date for all students

_____ on the effective date for students new to the program
 (enrolled students will graduate from existing program)

8. PRIMARY ASPECTS OF THE MODIFICATION:

| Existing Curriculum | | | | Proposed Curriculum (Highlight Changes) | | | |
|---|-----|---|-----------|---|-----|--|-----------|
| Pre | Num | Title | Cr Hrs | Pre | Num | Title | Cr Hrs |
| First Year Curriculum | | | | First Year Curriculum * | | | |
| LAW | 706 | Civil Procedure I | 3 | LAW | 706 | Civil Procedure I | 3 |
| LAW | 756 | Civil Procedure II | 3 | LAW | 756 | Civil Procedure II | 3 |
| LAW | 702 | Contracts I | 2 | LAW | 702 | Contracts I | 2 |
| LAW | 752 | Contracts II | 3 | LAW | 752 | Contracts II | 3 |
| LAW | 704 | Criminal Law | 3 | LAW | 704 | Criminal Law | 3 |
| LAW | 754 | Criminal Procedure | 3 | LAW | 754 | Criminal Procedure | 3 |
| LAW | 703 | Property I | 4 | LAW | 703 | Property I | 4 |
| LAW | 753 | Property II | | LAW | 753 | Property II | |
| LAW | 707 | Fundamental Legal Skills I | 3 | LAW | 707 | Fundamental Legal Skills I | 3 |
| LAW | 757 | Fundamental Legal Skills II | 2 | LAW | 757 | Fundamental Legal Skills II | 2 |
| LAW | 701 | Torts I | 5 | LAW | 701 | Torts I | 4 |
| LAW | 751 | Torts II | | LAW | 751 | Torts II | |
| | | | | LAW | 708 | Legal Research Foundations | 1 |
| | | | | LAW | 792 | Topics: Foundations of Law | 1 |
| Second and Third Year Curriculum | | | | Second and Third Year Curriculum | | | |
| LAW | 810 | Constitutional Law I | 4 | LAW | 810 | Constitutional Law I | 4 |
| LAW | 823 | Evidence | 3 | LAW | 823 | Evidence | 3 |
| LAW | 857 | Legal Profession | 3 | LAW | 857 | Legal Profession | 3 |
| LAW | XXX | Select one course from either the code or skills sets below AND select as directed below. | 3-4 | LAW | XXX | Select one course for either the code or skills sets below AND select as directed below. | 3-4 |
| Select one code course from the list below: | | | 3-4 | Select one code course from the list below: | | | 3-4 |
| LAW | 833 | Commercial Law | | LAW | 833 | Commercial Law | |
| LAW | 824 | Federal Income Tax | | LAW | 824 | Federal Income Tax | |
| LAW | 832 | Secured Transactions | | LAW | 832 | Secured Transactions | |
| | | | | LAW | 878 | Environmental Law | |
| Select one skills course from the list below: | | | 3 | Select one skills course from the list below: | | | 3 |
| | | | | LAW | 815 | Discovery Practice: Select Issues | |
| LAW | 827 | Legislation | | LAW | 827 | Legislation | |
| LAW | 850 | Mediation | | LAW | 850 | Mediation | |
| LAW | 855 | Trial Techniques | | LAW | 855 | Trial Techniques | |
| LAW | 882 | Negotiation and Settlement | | LAW | 882 | Negotiation and Settlement | |
| LAW | 869 | SD Drafting and Legal Practice | | LAW | 869 | SD Drafting and Legal Practice | |
| Electives in one of the following Law Course Tracks: | | | 38-40 | Electives in one of the following Law Course Tracks: | | | 37-39 |
| Business Law, Civil Litigation, Commercial Law, Constitutional Law, Criminal Law & Procedure, Employment Law, Environmental Law, Estate Planning, Indian Law, Real Estate Law, or Tax Law | | | | Business Law, Civil Litigation, Commercial Law, Constitutional Law, Criminal Law & Procedure, Employment Law, Environmental Law, Estate Planning, Indian Law, Real Estate Law, or Tax Law | | | |
| Students must fulfill the Law School's Upper-Level Writing Requirement either through successful completion of a designated writing course or under faculty supervision in the production of a significant written product, e.g., appellate brief, law review article, research paper, etc. | | | | Students must fulfill the Law School's Upper-Level Writing Requirement either through successful completion of a designated writing course or under faculty supervision in the production of a significant written product, e.g., appellate brief, law review article, research paper, etc. | | | |
| Total number of hours required | | | 90 | Total number of hours required | | | 90 |

*** A 3+3 option is available by application, to eligible University of South Dakota students. Students must:**

- be enrolled in USD's College of Arts and Sciences;
- earn 90 undergraduate credits by the end of the junior year;¹

¹ Alternatively, for ABA standards, have completed three-quarters of the required credits to degree.

- meet all major, distribution, general education, and testing requirements in accord with institutional and regental policies, guidelines, and requirements by the end of the junior year;
- have at least a 3.25 cumulative GPA by the end of the junior year, and must earn at least a 152 on the LSAT;²
- submit to the School of Law a statement of interest regarding entry into the 3+3 option by the beginning of the third semester;
- enroll, during their junior year, in a 3+3 Specialized Course and pass it with the equivalent of a 75, or a C;
- earn at least 45 of their credits in residence at the College of Arts and Sciences;
- receive a letter of recommendation from the of his or her department chair attesting not only to the student's intellectual strengths, but also to the student's maturity, work ethic, and overall readiness for graduate school (in addition to the two letters that are required in the standard admissions process);
- complete the standard application for admission to the School of Law.

8. EXPLANATION OF THE CHANGE:

The University of South Dakota will be facilitating an accelerated pathway for the attainment of the Juris Doctorate: a 3+3 option. Many noteworthy law schools offer such an option. A link follows to Rutgers School of Law-Camden, as it is both a public university and currently limits the option to it its Rutgers University at Camden's College of Arts and Sciences students. USD plans to implement in a similar fashion <https://camlaw.rutgers.edu/special-programs>, with the admission requirements detailed above.

Law Schools within the region that currently offer a 3+3 option include Creighton, Iowa, Nebraska, Drake, Idaho, and Hamline (which will be merging with William Mitchell College of Law). USD's Law School will remain at a competitive disadvantage until such an offering is available. The benefit will be passed directly to students by better meeting their needs through financial savings and expedited degree attainment. USD Law School graduates, the vast majority of whom stay in-state or within the region, will ultimately meet state and regional professional needs and interests.

Finally, modest modifications to the curriculum include:

- a reduction in torts coursework (from 5 to 4 credit hours);
- the addition of two 1 credit hour courses (LAW 708 and LAW 792) to better equip first-year students with foundational knowledge and research skills;
- additional course options to meet the code and skills requirements (LAW 878 and LAW 815);
- a reduction in the elective hours (from 38-40 to 37-39) to keep the credits-to-degree at a total of 90 credit hours.

Deborah Dodge

Institutional Authorization (President or Designee)

04/13/2015

Date Submitted

² If a 3+3 applicant moderately deviates from these requirements, and demonstrates evidence of extraordinary character, leadership, and maturity, the School of Law reserves the right to make an exception and grant admission in that case.