SENATOR BROCK L. GREENFIELD, CHAIR | REPRESENTATIVE G. MARK MICKELSON, VICE CHAIR
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SOUTH DAKOTA
LEGISLATURE
LEGISLATIVE RESEARCH COUNCIL

Joint Committee on Appropriations
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR
SENATOR LARRY TIDEMANN, CO-CHAIR

Date, 2018

Executive Director	Sheila Gestring, President	Law School Dean
SD Board of Regents	University of South Dakota	University of South Dakota
306 E. Capitol Ave., Suite 200	414 E. Clark Street	414 E. Clark Street
Pierre, SD 57501	Vermillion, SD 57069	Vermillion, SD 57069

Letter of Intent Regarding USD Law School Budget Approved in the 2018 Session

Dear Board of Regents Executive Director, USD President Sheila Gestring, and the Law School Dean:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations (JCA) in approving your appropriation in the 2018 legislative session. As such, this Letter of Intent seeks to supplement the appropriation with specific policy guidance as approved on June 12, 2018.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as a basis for the fiscal oversight of your agency and its continued funding.

The 2018 Legislature approved $300,000 in new general funds and transferred $300,000 in general funds from the USD main campus to the USD Law School for fiscal year 2019 to improve the sustainability of the USD Law School. As part of this ongoing funding the JCA requests a report delivered no later than December 1 of each year, beginning December 1, 2019 addressing, at a minimum, the following items:

- Median LSAT scores for admitted students
- South Dakota bar passage rate
- Comparison of the South Dakota bar passage rate for USD Law School graduates and out of state law school graduates
- Class size
- Internships
    - Number of students by class participating and location
- Offerings of specialized curriculum
    - Number of graduates, areas of focus, and location
- How has adding 3 FTE (Director of Admissions, Admissions Counselor, and Career Services) enhanced learning at the USD Law School?
- How has adding the expanded curriculum coursework and 2 FTE (Director of Sioux Falls Experiential Learning and Sioux Falls Adjuncts) enhanced learning at the USD Law School and meet the needs of law graduate employers?

In order to maintain the full ongoing funding, the JCA recommends the following 2-year and 4-year goals for the USD Law School:

2-Year Goals (Incoming Fall 2020 class)
- SD Bar Passage Rate of 70% or greater
- Median LSAT score of 149 or higher
- Median UGPA of 3.4 or higher

4-Year Goals (Incoming Fall 2022 class)
- SD Bar Passage Rate of 80% or greater
- Median LSAT score of 151 or higher
- Median UGPA of 3.5 or higher

By achieving and maintaining these goals, the JCA believes the USD Law School will become sustainable and thrive in future years.

Thank you for your cooperation.

_____   _____
Representative David Anderson   Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations   Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
       Liza Clark, Commissioner, Bureau of Finance and Management

May 25, 2018

Joint Committee on Appropriations
South Dakota Legislature
c/o Legislative Research Council
500 East Capitol Avenue
Pierre, SD 57501

RE: Comment on the Letter of Intent Regarding USD Law Budget Approved in the 2018 Session

Dear Representative Anderson and Senator Tidemann:

Thank you for the draft letter of intent (LOI) regarding the USD Law budget dated March 26, 2018. The University of South Dakota and the Law School sincerely appreciate the support received from the Joint Committee on Appropriations (JCA) on efforts to strengthen South Dakota's Law School. The additional funding will allow for efforts we believe will have a significant and lasting impact on student success at the Law School and will translate to higher bar passage rates.

We appreciate the JCA's desire for metrics to measure the progress of our efforts and respectfully submit the following revisions for your consideration:

Annual Report to the JCA

Beginning November 1, 2019, and annually thereafter through November 1, 2023, the Law School will provide to the JCA a report containing:

- Class size for most recent incoming class
- Median LSAT for most recent incoming class
- Median Undergraduate GPA (UGPA) for most recent incoming class
- South Dakota Bar passage information for most recent graduating class
- Update on new efforts, their progress or outcomes, and future plans

2-Year Goals
- For the Fall 2020 incoming class:
  - Median LSAT score of 148
  - Median UGPA of 3.2
- For the graduating class that started in Fall 2017:
  - South Dakota Bar passage rate of 65% for first-time takers

3-Year Goals
- For the Fall 2021 incoming class:
  - Median LSAT of 149
  - Median UGPA of 3.2
- For the graduating class that started in Fall 2018:
  - South Dakota Bar passage rate of 70% for first-time takers
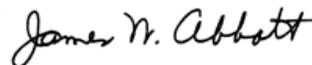
5-Year Goals
- For the Fall 2023 incoming class:
  - Median LSAT of 150
  - Median UGPA of 3.25
- For the graduating class that started in Fall 2020:
  - South Dakota Bar passage rate of 75% for first-time takers

We would be happy to discuss any of the proposed metrics, including their rationale. Thank you for the opportunity to provide our comments regarding the draft Letter of Intent.
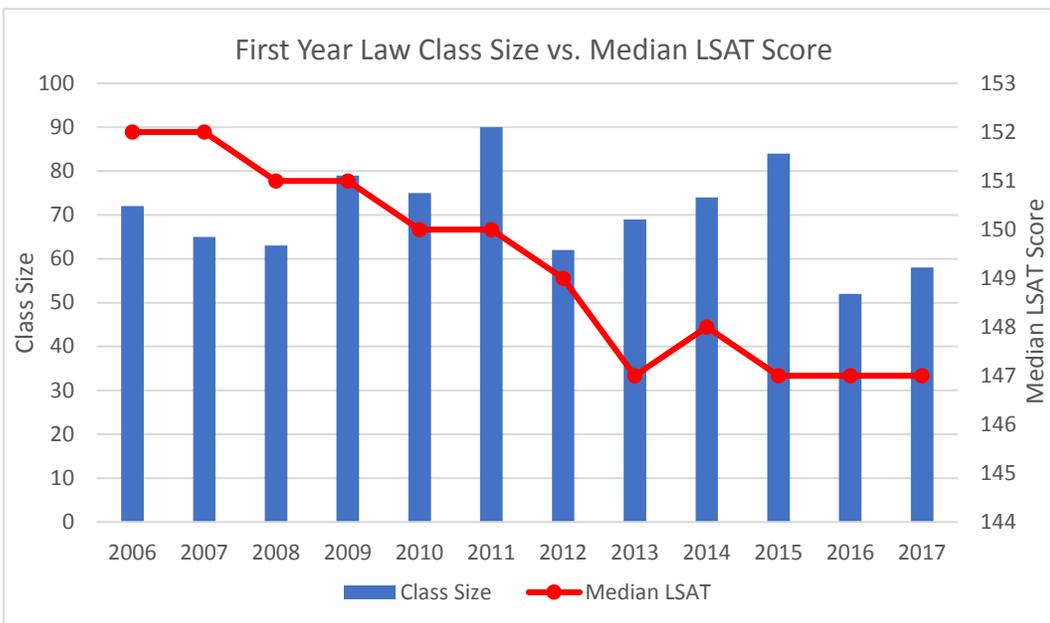
Sincerely,

Mike Rush
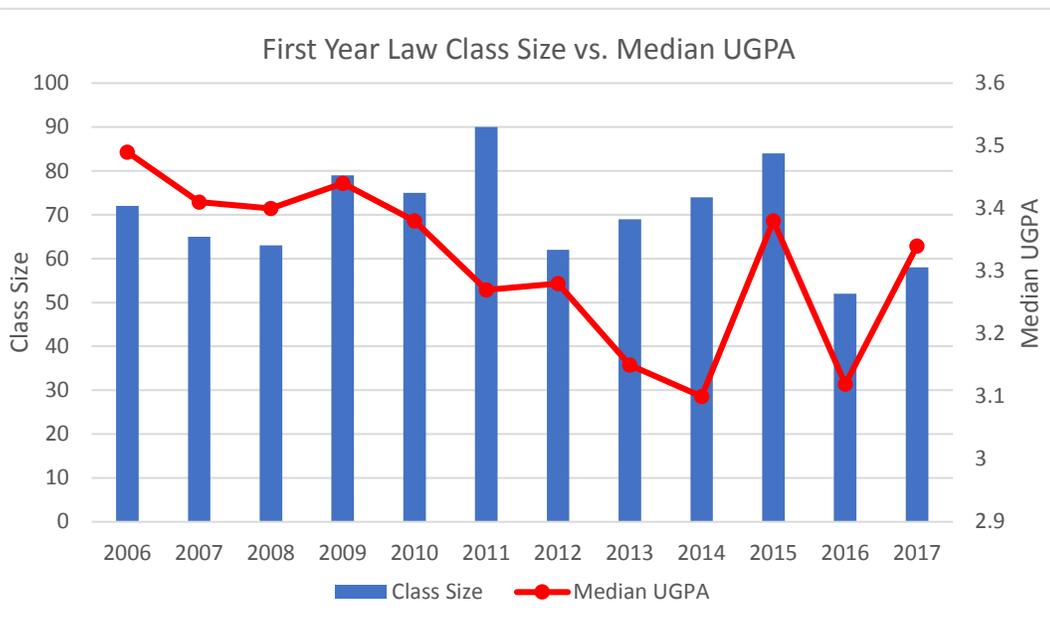Executive Director and CEO
SD Board of Regents
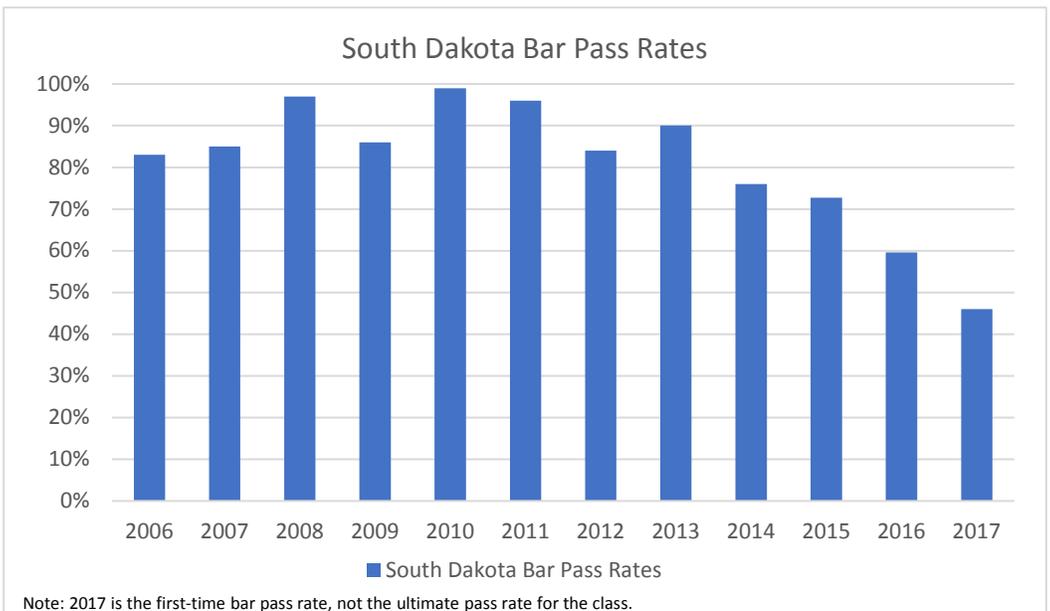
James Abbott
President
University of South Dakota

CC: LRC

First Year Law Class Size vs. Median LSAT Score

Year	Class Size	Median LSAT
2006	72	152
2007	65	152
2008	63	151
2009	79	151
2010	75	150
2011	90	150
2012	62	149
2013	69	147
2014	74	148
2015	84	147
2016	52	147
2017	58	147

First Year Law Class Size vs. Median UGPA

Year	Class Size	Median UGPA
2006	72	3.49
2007	65	3.41
2008	63	3.4
2009	79	3.44
2010	75	3.38
2011	90	3.27
2012	62	3.28
2013	69	3.15
2014	74	3.1
2015	84	3.38
2016	52	3.12
2017	58	3.34

South Dakota Bar Pass Rates

Note: 2017 is the first-time bar pass rate, not the ultimate pass rate for the class.

Year	South Dakota Bar Pass Rates
2006	83.0%
2007	85.0%
2008	97.0%
2009	86.0%
2010	99.0%
2011	96.0%
2012	84.0%
2013	90.0%
2014	76.0%
2015	72.7%
2016	59.6%
2017	46.0%