

Proposed Catalog Changes
College of Law
Effective Summer 2019

1. Add the following courses:

LAW 817 Academic Skills Lab I

1 credit

Fundamental skills instruction designed to develop the legal analysis and writing skills needed to perform well in law school. Topics include critical reading, case briefing, course outlining, issue spotting, exam outlining, and exam writing.

Graded pass/fail.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Academic Skills Lab I will supersede the current 1L Fall voluntary workshop series taught by the Directors of Academic Success in Boise and Moscow. Weekly classes will provide instruction in basic skills students need to master in order to perform well in law school. Making Skills Lab I a required 1L course will expose all 1Ls to skills training at a meaningful time, with exam-taking skills introduced before fall midterms and reinforced between midterms and finals. As a semester-long course, it will allow continuity in teaching skills over time in a format that would allow training on larger topics, such as exam-writing skills, to be taught more in depth over multiple sessions. Because it replaces currently-provided weekly workshops, there will be no added workload.

LAW 818 Academic Skills Lab II

2 credits

Intensive instruction focused on enhancing students' skills by written and oral exercises in case reading, briefing, analyzing, synthesizing, note taking, outlining, communicating, and exam taking skills. The course also addresses study habits, time management, and stress reduction.

Graded pass/fail.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Academic Skills Lab II will supersede the current Spring voluntary one-on-one meetings with the Moscow and Boise Directors of Academic Success for 1Ls in the 4th quartile. Since students are more likely to put work into a for-credit course than voluntary meetings and workshops, Academic Skills Lab II creates an effective structure for intervening with underperforming 1Ls to improve their basic skills through multiple formative assessments. Numerous studies show that bar passage is directly tied to law school performance; thus, enhancing skills at the 1L stage should result in better upper-division performance and enhanced potential for bar passage. Because currently the Directors can give only one-on-one instruction to underperforming students in the

second semester, their current efforts are piecemeal and repetitive: Academic Skills Lab II thus offers efficiencies of scale and will provide for better utilization of the Directors' time.

LAW 859 Advanced Advocacy

2 credits

A simulation course focusing on advanced persuasive writing techniques and oral advocacy skills.

Prereq: LAW 815

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Students receive a solid foundation in legal writing and analysis in their first year course, but a required third semester writing course for students in their second year will better prepare law students for clinics, externships, the bar examination, and future employment. Students will receive instruction in advanced persuasive techniques and the additional semester will allow for more instruction and practice in oral advocacy. The teaching resources required for this additional semester is 3-4 adjuncts in each location. The adjuncts will be closely supervised by full-time legal writing professors.

LAW 860 Applied Legal Reasoning

3 credits

Training in the analytical, writing, and organizational skills needed to efficiently analyze legal questions under time pressure and prepare for the bar exam. Using 2–3 doctrinal subjects, students apply critical reading, issue spotting, organizational, and writing skills to multiple-choice, essay, and performance problems. Open only to students in their last year of law school. Graded pass/fail.

Available via distance: Yes

Geographical Area: Moscow, Boise

Rationale: By adopting Applied Legal Reasoning, the College of Law joins the approximately 150 other law schools which offer for-credit bar preparation courses to strengthen their graduates' preparation for the bar exam. The course has been offered as a 901 Seminar every Spring semester since 2015 with instructors in Boise and Moscow, so there will be no additional workload by offering this as a permanent course in the curriculum. Course will be required for all students in the fourth quartile. It will be optional for all other students, with permission.

LAW 861 Civil Rights Litigation

3 credits

In Civil Rights Litigation, students develop a basic understanding of claims, defenses and remedies available in 42 U.S.C. § 1983 actions, including claims brought against the police and prisons. Students will also be introduced to employment, disability and housing discrimination. They will be able to identify and evaluate litigation and alternative dispute resolution strategy, from both a plaintiff's and defendant's perspective.

Prereq: Law 816

Available via distance: Yes

Geographical Area: Moscow, Boise

Rationale: Civil Rights Litigation has been taught twice at the College of Law as a 2-unit distance seminar. In Fall 2017, 19 students enrolled in the class, making it one of the more popular upper division law courses. Converting the 2-credit seminar into a permanent 3-credit course will allow for more in-depth coverage of employment, housing and disability discrimination, key civil rights topics. With additional time devoted to these subjects, students will have a better grasp of applicable law and strategy, and will gain practice-ready skills. The additional credit will also allow for more writing feedback from the professor and the opportunity to spend more time on paper-related research and writing. Students will also spend additional time in class discussing and developing paper topics. Finally, while students have many options with respect to 2-unit classes, there is high demand but fewer options for 3-unit upper division classes.

The added workload of expanding the 2-unit class to a 3-unit class will be the responsibility of the professor who has previously taught the course, and will not impact that professor's teaching, service or research obligations

2. Change the following course:

LAW 996 Immigration ~~Law Clinic~~ Litigation & Appellate Clinic

1-6 credits, max 9

Representation of immigrant clients ~~from a variety of countries~~ under the supervision of clinical faculty. Cases may include ~~asylum, permanent residence, citizenship, and relief from~~ [defense and challenges to immigration detention in the U.S. Court of Appeals for the Ninth Circuit, the Board of Immigration Appeals, and the Immigration Courts, as well as affirmative applications for citizenship, permanent residence, asylum, and other protections.](#) ~~Students may represent clients in administrative, trial, and appellate courts.~~

Prereq: LAW 950, LAW 962, LAW 971, and LAW 985 or permission; and permission; and qualification for limited license as legal intern in Idaho

Coreq: LAW 958

Available via distance: No

Geographical Area: Moscow

Rationale: The new name better reflects the legal skills developed in the clinic by highlighting the appellate work available in the clinic and the trial litigation skills students can acquire. The new name allows graduates to better market the range of work that they have done relevant outside of an immigration law practice.

3. Make the following curricular changes to **Law (J.D.)**:

Required course work includes the College of Law requirements and the following:

LAW 805	Civil Procedure & Intro to Law	2
LAW 806	Civil Procedure II	3
LAW 807	Property	4
LAW 809	Torts	4
LAW 812	Criminal Law	3
LAW 813	Contracts	2
LAW 814	Contracts II	3
LAW 815	Legal Writing and Analysis	0-5
LAW 816	Constitutional Law I	3
LAW 817	Academic Skills Lab I	1
LAW 821	Legal Research	1
LAW 859	Advanced Advocacy	3
LAW 905	Constitutional Law II	3
LAW 907	Administrative Law	3
LAW 919	Business Associations	4
LAW 950	Evidence	3
LAW 962	Professional Responsibility	3

For students in the fourth quartile, the following courses are also required; optional for all other students with permission. [2-3](#)

LAW 818	Academic Skills Lab II	
LAW 860	Applied Legal Reasoning	

Select 6 credits from the [list of experiential learning courses approved by the College of Law Faculty and provided in the Law Student Handbook.](#) ~~following experiential learning courses:~~ **6**

LAW 855	Water Law Practicum	
LAW 917	Negotiation and Appropriate Dispute Resolution	
LAW 932	Estate Planning	
LAW 958	Trial Advocacy	
LAW 971	Lawyering Process Seminar	
LAW 974	Legal Aid Clinic	
LAW 975	Classroom Credit Public Service Externship	
LAW 978	Entrepreneurship Law Clinic	
LAW 986	Judicial Clerkship Seminar	
LAW 991	Skill Practicum	
LAW 994	Economic Development Clinic	
LAW 995	Main Street Law Clinic	
LAW 996	Immigration Law Clinic	
LAW 997	Mediation Clinic	
LAW 998	Tax Clinic	

Satisfaction of the Upper-Division Writing Requirement through Law Review, or a Directed Study, or particular designated courses each year

50 Hours of uncompensated law related pro bono service

Total Hours ~~47-52~~[46-52](#)

Available via distance: 50% or more of curricular requirements cannot be completed via distance

Geographical area: Moscow, Boise

Rationale: The proposed curricular changes are in three parts: first, a reduction in the number of required doctrinal, substantive courses; second, the addition of several required, practical courses; and third, a change in how we communicate to students our list of courses approved by the faculty as experiential learning courses. Each change will be explained in turn.

Reduction in number of required substantive courses: presently, law students are required to take 16 credits of required courses after their first year. Together with the required first-year curriculum, over half of the required credits to earn the JD are currently used up by required courses. Because of limitations in the number of faculty available to teach these courses while still retaining a robust and diverse curriculum, as well as space limitations in our two buildings, the required courses are generally only available once to each cohort of students. This constrains flexibility for higher performing students who might want to specialize in a particular area of law, and reduces enrollment in more specialized but important courses. The original justification for requiring the courses was that they are tested on the bar exam. While it is necessary for some of our students to take these courses to prepare for the bar, many students can prepare adequately without taking them. In addition, even without requiring the courses, historically most students have taken them anyway, and all students will still be advised of their importance. All “at risk” students must have their course plan approved by the Associate Dean for Students, and are required to take certain courses (those subjects tested on the bar) independent of the broader curricular requirements. This proposal will have no effect on at risk students. Thus, we can achieve the goal of ensuring that those students who need to take certain courses in order to adequately prepare for the bar exam are required to do so, while still providing flexibility to those students who may not benefit from the requirement.

Addition of practical skills courses: Although it appears inconsistent with the foregoing, the College is proposing the addition of three credits of required coursework for all students, and five additional credits of required coursework for students in the fourth quartile (i.e., “at risk” students). Two of the credits required of all students come in the form of a course in Advanced Advocacy, taken in the third semester of a student’s law school career (see course approval form included with this submission). The legal community, the American Bar Association, and our faculty have all independently identified writing and oral advocacy skills as among the most important, but least taught, skills for successful legal practice. The practice of law is primarily an exercise in communicating ideas and arguments, and even the best ideas are of limited value if they cannot be communicated effectively. The Advanced Advocacy course would take an existing optional but popular program—the McNichols Moot Court competition—and convert it into a required course that focuses on advanced writing skills and oral advocacy. Unlike the substantive courses discussed above, which better lend themselves to self-teaching, these practical skills benefit significantly from directed practice and regular feedback. All of our substantive courses teach the analytical skills students need to learn and understand substantive law, of any type, but they receive much less training in the communication skills they need to make that knowledge work. This proposal will help remedy that, and directly addresses the College’s third learning outcome, which

provides: “Graduates will be proficient at communicating complex legal arguments, reasoning, and analysis, both in writing and in oral communication.”

The additional six credits of required courses (one credit for all students, five credits for at risk students) are part of an integrated proposal to help students succeed both during law school and in taking the bar exam. These six credits are in the form of three classes, two in the first year and one in the final year (see course approval forms included with this submission): Academic Skills Lab I (1 credit), Academic Skills Lab II (2 credits), and Applied Legal Reasoning (3 credits). The first course would be required of all students in the fall of their first year, and takes the place of an existing voluntary program designed to help students learn how to be effective law students. The second course is required of at risk students in the spring of their first year and expands on the tools and strategies offered in the first course. And Applied Legal Reasoning is required of at risk students in their final semester, immediately prior to sitting for the bar exam, and will help them learn how to apply the knowledge they have gained to solving problems. Together, this integrated approach places the College at the forefront of efforts nationwide to better prepare students to be successful at that final step before entering the legal profession. Bar passage rates are a key aspect of our accreditation review, and are of course an indirect measure of our success at training students to become lawyers. Nationally, law schools are increasingly paying attention to gaps in their curriculums that leave students unable to apply the skills they have learned, and this integrated proposal is our effort to ensure all students are receiving the training the need to be successful entering the legal profession.

This integrated approach directly addresses four of the College’s five learning outcomes: Knowledge of law and legal institutions, legal analysis and reasoning, oral and written communications skills, and problem solving.

Change in how we communicate experiential learning courses: the American Bar Association requires law schools to provide experiential learning opportunities to all students. The ABA has created criteria for identifying what constitutes an experiential learning course, and the College periodically reviews all of its courses to identify which courses qualify. In addition, as faculty adjust their methodologies or approaches, more courses can be added to the list. Traditionally, the College has submitted a list of these courses for inclusion in the University Catalog, updating it in an ad hoc, irregular fashion as courses and approaches change. However, it has become apparent that the process for adding or subtracting items from this list delays implementation of new experiential learning opportunities and might impede flexibility or creativity in exploring new approaches. Consequently, the faculty are requesting that the list of experiential learning courses be managed internally, where it can be amended immediately as necessary. It will be maintained in the Law Student Handbook, which is our students’ primary source of information regarding classes and law school requirements. Under the ABA criteria, the determination of what constitutes an experiential learning course is within the discretion of the faculty, and this proposal changes none of the procedural or substantive requirements for making that determination. It simply allows us to more quickly communicate to our students how they can satisfy this particular requirement.