

**College of Law
Proposed Catalog Changes
Effective Summer 2020**

1. Make the following changes to the **J.D. in Law**:

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	2
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
Select 6 credits from the 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 Litigation & Appellate Clinic~~
- ~~LAW 997~~ ~~Mediation Clinic~~
- ~~LAW 998~~ ~~Tax Clinic~~

Plus six credits from the list of experiential learning courses approved by the College of Law Faculty and provided in the Law Student Handbook

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For students in the fourth quartile the following courses are required; the courses are optional for other students with permission:

- LAW 818 Academic Skills Lab II (to be taken in the student’s second semester of J.D. study) 2
- LAW 860 Applied Legal Reasoning (to be taken in the student’s final Spring semester of J.D. study) 3

A maximum of 21 distance credits may be applied toward the J.D. No more than 6 distance credits applied toward the J.D. may come from courses outside the College of Law unless earned pursuant to an approved concurrent degree program.

To qualify for the J.D., the candidate must have a UI grade-point average of 2.30 or better. The GPA required for good academic standing is 2.30.

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

~~47-~~

Total Hours

~~52~~

48-

53

Courses to total 90 credits for this degree.

Geographical Areas: Moscow, Boise

Rationale: The College of Law will be implementing a new grading policy, effective in the Fall of 2020. The law faculty voted to hold themselves to this new policy to ensure that grades are evenhandedly given across its various courses, and particularly across its two locations (Moscow and Boise). The new policy will guard against grade inflation and rein in professors who are giving grades significantly harsher than their colleagues. Evenhanded grading is important to combat divisive and invidious sentiments that naturally arise between the two locations, particularly because class rank—a key data point in the post-graduation job search—may be

adversely affected for students in one location, if the professors there are less generous in their grading than the professors in the other location. The General Counsel advised the College of Law that it should memorialize this new grading policy in its Bylaws, but it is not necessary that it be included in the Catalog, and therefore not within the jurisdiction of the University Curriculum Committee. See FSH 1640.91 A. Moreover, the current grading system, as described in the Catalog (see <https://catalog.uidaho.edu/colleges-related-units/law/#gradingtext>) is unchanged by the College of Law's new grading policy. Nonetheless, the College of Law anticipates that the grades given under the new policy will be somewhat higher than when the minimum grade levels were set for graduation and for good academic standing. To correct for this, the College of Law proposes raising the minimum standard as laid out above (a cumulative 2.3 grade point average overall).

It is critical that the College of Law maintain high standards for good academic standing and for graduation. It (like all law schools) is under increasing scrutiny and pressure not to graduate students who are incapable of passing the bar exam. (The concern, embodied in the relevant accreditation criteria, is that law schools should not be admitting students with poor prospects for success on the bar, that it is unethical to take the students' tuition money for three years and award them a degree when they have little reasonable prospect of ever becoming lawyers.) In recent years, law schools with low bar pass statistics have had their accreditations threatened, and in some cases revoked (forcing several to close their doors entirely). The College of Law needs to maintain and enforce minimum standards to ensure that it avoids such accreditation difficulties, and it believes that raising the minimum GPA for graduation and for good academic standing from 2.0 to 2.3 is important for that reason. It is worth noting that the American Bar Association, the College of Law's accrediting body, is scheduled to visit the College of Law in Spring 2021 to conduct its once-every-ten-years inspection and evaluation.

As for Distance Education credits, the College of Law had previously applied a limit of 15 such credits that could be counted toward graduation, which was set not by the College of Law but by its accrediting body, the American Bar Association. Last year, the ABA relaxed this rule to allow more credits. The College of Law relies heavily on distance education, as half its students are in Boise, and the other half in Moscow. The College of Law cannot afford to duplicate its full curriculum in both locations, so a specialized course or seminar offered in one location is simply unavailable in the other location unless distance technology is used. The College of Law minimizes much of the downside of distance education by requiring that our distance classes are conducted "live" – i.e. synchronously – with students in both locations. Also, professors who teach these "distance" courses are expected to go to the other location at some point in the semester to teach some of their lectures from that site. The expansion of the use of distance education is nonetheless controversial, and in a compromise, the faculty voted to impose a limit of 21 distance credits, even though the ABA now allows up to 30.

Because we cannot control the manner of delivery of distance education at other institutions, and even in other Colleges at UI, we propose to limit the total number of allowable "distance" credits from outside the College of Law to six, "unless earned pursuant to an approved concurrent degree program."

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Finally, at the UCC meeting of December 2, 2019, concerns were raised about the courses that are required of students in the bottom quartile. More specifically, it was not clear when the courses would be required, or whether they would be required anytime a student fell into the bottom quartile. To clarify this, the College of Law proposed adding some language to make clear that Academic Skills Lab II is a course designed for students in their second semester of law school. Only those students who are in the bottom quartile after their first semester of law school are required to take that course. Applied Legal Reasoning is a bar preparation course and should be taken in the student's last Spring semester if they are in the bottom quartile going into that semester.

2. Make the following changes to the **J.D. in Law – Business Law and Entrepreneurship Emphasis**:

A. Business Law and Entrepreneurship Emphasis

[In addition to the requirements for the J.D., students in the Business Law and Entrepreneurship emphasis must complete the following requirements:](#)

Students pursuing this emphasis must earn a minimum grade of 'C+' in each course taken to satisfy Business Law & Entrepreneurship emphasis requirements, plus a cumulative ~~2.50~~2.80 grade point average over all courses used to satisfy Business Law & Entrepreneurship emphasis requirements.

[Required Courses:](#)

LAW 919	Business Associations	4
LAW 925	Property Security	3
LAW 930	Taxation	3-4
Select one paper class from the following:		4
LAW 981	Critical Legal Studies Journal	
LAW 982	Law Review	
LAW 983	Directed Study	
Select one skills class from the following:		2-3
LAW 912	Civil Mediation	
LAW 917	Negotiation and Appropriate Dispute Resolution	
LAW 932	Estate Planning	
LAW 978	Entrepreneurship Law Clinic	
LAW 994	Economic Development Clinic	
LAW 998	Tax Clinic	
Select one of the following groups of courses:		12

Group A, Commercial Law Track

LAW 923	Payment Systems
LAW 924	Sales

Select 6 credits from the following:

LAW 854	Corporate Taxation
LAW 907	Administrative Law
LAW 926	Bankruptcy
LAW 927	Partnership and LLC Taxation
LAW 984	Real Estate Transactions
LAW 990	Consumer Law

Group B, Enterprise Organization Track

Select 12 credits from the following:

LAW 851	Advanced Torts
LAW 854	Corporate Taxation
LAW 903	Introduction to Intellectual Property
LAW 907	Administrative Law
LAW 908	Workplace Law
LAW 910	Antitrust
LAW 920	Securities Regulation
LAW 921	Accounting for Lawyers
LAW 922	Trademarks and Trade Dress
LAW 924	Sales
LAW 927	Partnership and LLC Taxation
LAW 984	Real Estate Transactions
LAW 992	White Collar Crime

Group C, Intellectual Property and Technology Law Track

LAW 903	Introduction to Intellectual Property
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Select two classes from the following:

LAW 922	Trademarks and Trade Dress
LAW 931	Patents
LAW 980	Copyrights

Select 5 credits from the following:

LAW 907	Administrative Law
LAW 910	Antitrust
LAW 918	Internet Law

LAW 922	Trademarks and Trade Dress	
LAW 931	Patents	
LAW 980	Copyrights	
LAW 989	Mass Media Law	
Total Hours		28-30

Courses to total 90 credits for this degree

Geographical Areas: Moscow, Boise

Rationale: The College of Law will be implementing a new grading policy, effective in the Fall of 2020. The law faculty voted to hold themselves to this new policy to ensure that grades are evenhandedly given across its various courses, and particularly across its two locations (Moscow and Boise). The new policy will guard against grade inflation and rein in professors who are giving grades significantly harsher than their colleagues. Evenhanded grading is important to combat divisive and invidious sentiments that naturally arise between the two locations, particularly because class rank—a key data point in the post-graduation job search—may be adversely affected for students in one location, if the professors there are less generous in their grading than the professors in the other location. The General Counsel advised the College of Law that it should memorialize this new grading policy in its Bylaws, but it is not necessary that it be included in the Catalog, and therefore not within the jurisdiction of the University Curriculum Committee. See FSH 1640.91 A. Moreover, the current grading system, as described in the Catalog (see <https://catalog.uidaho.edu/colleges-related-units/law/#gradingtext>) is unchanged by the College of Law’s new grading policy. Nonetheless, the College of Law anticipates that the grades given will be somewhat higher than when the minimum grade levels were set for the College’s emphasis programs. To correct for this, the College of Law proposes raising these minimum standards as laid out above (earn nothing lower than a C+ in each course taken to satisfy the Business Law & Entrepreneurship emphasis requirements, plus a cumulative 2.80 grade point average over all courses used to satisfy Business Law & Entrepreneurship emphasis requirements).

We have also struck a couple of courses from the list of available courses for the emphasis because they are no longer offered, and we do not expect them to be offered again in the foreseeable future.

3. Make the following changes to the **J.D. in Law – Native American Law Emphasis**:

C. Native American Law Emphasis

[In addition to the requirements for the J.D., students in the Native American Law emphasis must complete the following requirements:](#)

Students pursuing this emphasis must earn a minimum grade of 'C+' in each course taken to satisfy Native American Law emphasis requirements, plus a cumulative ~~2.50~~2.80 grade point average over all courses used to satisfy Native American Law emphasis requirements.

Required Courses:

LAW 949	Native American Law	3
LAW 928	Tribal Nation Economics and Law	3
or LAW 979	Native American Natural Resource Law	

Plus completion of the requirements from one of the following course tracks. Substitution from UI and WSU graduate courses allowed for one course in each track with pre-approval of Native American Law Emphasis Advisor. 6

Economic Development Track [±]

Select 6 credits from the following:

LAW 903	Introduction to Intellectual Property
LAW 907	Administrative Law
LAW 908	Workplace Law
LAW 910	Antitrust
LAW 919	Business Associations
LAW 921	Accounting for Lawyers
LAW 923	Payment Systems
LAW 925	Property Security
LAW 926	Bankruptcy
LAW 927	Partnership and LLC Taxation
LAW 930	Taxation
LAW 931	Patents
LAW 932	Estate Planning
<u>LAW 933</u>	<u>State Debtor-Creditor Law</u>
LAW 945	Community Property
LAW 984	Real Estate Transactions (Max 3 credits)

Family Law Track [±]

Select 6 credits from the following:

LAW 913	Family Mediation
LAW 940	International Human Rights
LAW 941	Wills, Estates, and Trusts
LAW 963	Family Law
LAW 964	Children and the Law
LAW 965	Elder Law

[LAW 968](#)

LAW 985

[Domestic Violence and the Law](#)

Immigration Law and Policy

Governance Track [±]

Select 6 credits from the following:

LAW 904

Federal Courts

LAW 907

Administrative Law

LAW 908

Workplace Law

LAW 912

Civil Mediation

LAW 916

Public International Law

LAW 917

Negotiation and Appropriate Dispute Resolution

LAW 934

Land-Use Law and Planning

[LAW 944](#)[State and Local Government Law](#)

LAW 959

Critical Legal Studies

LAW 960

Conflict of Laws

[LAW 961](#)[Jurisprudence](#)**Natural Resource Management Track [±]**

Select 6 credits from the following:

LAW 906

Natural Resource Law Seminar

LAW 934

Land-Use Law and Planning

~~LAW 937~~~~Wildlife Law and Policy~~

LAW 938

International Environmental and Water Law

LAW 939

Law, Science, and the Environment

LAW 942

Water Law I

LAW 946

Water and Energy Policy Seminar

LAW 947

Environmental Law

LAW 948

Public Lands and Resources Law

LAW 951

Environmental Policy

LAW 969

Water Law II

Self Directed Track [±]

Six credits in courses pre-approved by the Native American Law Advisor emphasis advisor

Total Hours

12

Courses to total 90 credits for this degree

[±] ~~Students must complete one of these tracks. Substitution from UI and WSU graduate courses allowed for one course in each track with pre-approval of Native American Law Emphasis Advisor.~~

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We have also struck Wildlife Law & Policy from the list of available courses for the emphasis because it is no longer offered, and we do not expect it to be offered again in the foreseeable future.

4. Make the following changes to the **J.D. in Law – Natural Resources and Environmental Law Emphasis**:

D. Natural Resources and Environmental Law Emphasis

[In addition to the requirements for the J.D., students in the Natural Resources and Environmental Law emphasis must complete the following requirements:](#)

Students pursuing this emphasis must earn a minimum grade of 'C_±' in each course taken to satisfy Natural Resources and Environmental Law emphasis requirements, plus a cumulative ~~2.50~~2.80 grade point average over all courses used to satisfy Natural Resources and Environmental Law emphasis requirements.

Required Courses:

LAW 907	Administrative Law	3
LAW 971	Lawyering Process Seminar	2
Select 10 credits from the following:		10
LAW 852	Natural Resource and Environmental Law Field Course	
LAW 855	Water Law Practicum	
LAW 906	Natural Resource Law Seminar	
LAW 934	Land-Use Law and Planning	
LAW 937	Wildlife Law and Policy	
LAW 938	International Environmental and Water Law	
LAW 939	Law, Science, and the Environment	
LAW 942	Water Law I	
LAW 946	Water and Energy Policy Seminar	
LAW 947	Environmental Law	
LAW 948	Public Lands and Resources Law	
LAW 951	Environmental Policy	
LAW 969	Water Law II	
LAW 979	Native American Natural Resource Law	
LAW 994	Economic Development Clinic	
WR 506	Interdisciplinary Methods in Water Resources	
Total Hours		15

Courses to total 90 credits for this degree**Geographical Areas:** Moscow, Boise

Rationale: The College of Law will be implementing a new grading policy, effective in the Fall of 2020. The law faculty voted to hold themselves to this new policy to ensure that grades are evenhandedly given across its various courses, and particularly across its two locations (Moscow and Boise). The new policy will guard against grade inflation and rein in professors who are giving grades significantly harsher than their colleagues. Evenhanded grading is important to combat divisive and invidious sentiments that naturally arise between the two locations, particularly because class rank—a key data point in the post-graduation job search—may be adversely affected for students in one location, if the professors there are less generous in their grading than the professors in the other location. The General Counsel advised the College of Law that it should memorialize this new grading policy in its Bylaws, but it is not necessary that it be included in the Catalog, and therefore not within the jurisdiction of the University Curriculum Committee. See FSH 1640.91 A. Moreover, the current grading system, as described in the Catalog (see <https://catalog.uidaho.edu/colleges-related-units/law/#gradingtext>) is unchanged by the College of Law’s new grading policy. Nonetheless, the College of Law anticipates that the grades given will be somewhat higher than when the minimum grade levels

were set for the College's emphasis programs. To correct for this, the College of Law proposes raising these minimum standards as laid out above (earning nothing lower than a C+ in each course taken to satisfy the Natural Resources and Environmental Law emphasis requirements, plus a cumulative 2.80 grade point average over all courses used to satisfy Natural Resources and Environmental Law emphasis requirements).

We have also struck a couple of courses from the list of available courses for the emphasis, because they are no longer offered, and we do not expect them to be offered again in the foreseeable future.