

**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 | |

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| 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

6

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

| | | |
|----------------|--------------------------------|----------|
| <u>LAW 818</u> | <u>Academic Skills Lab II</u> | <u>2</u> |
| <u>LAW 860</u> | <u>Applied Legal Reasoning</u> | <u>3</u> |

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 has adopted a new grading policy, requiring professors to give grades in a manner consistent with their colleagues. This was deemed essential after it became apparent that there was a serious divergence in approach to grading, with some professors being far more (or far less) generous with grades than others. This has generated some problems demanding attention. (1) The hard graders have dragged down the GPAs of our students overall, which is perceived to have created difficulties for our graduates in the job market. As Univ. of Idaho law graduates' GPAs have been lower than the GPAs of students coming out of most other law schools, it has been harder for our students to compete. (2) Students in one of the locations (Boise v. Moscow), taking the same courses, were being treated

unequally in terms of class rank (because, for example, if the professor teaching Contracts in Moscow is more generous than the professor teaching Contracts in Boise, the Moscow students will have higher GPAs than the Boise students). As class rank is a vital credential for law graduates, the result is not only unfair, but deeply divisive in our two-location college. Finally, (3) it appeared that students were taking certain classes because they knew they could get a good grade in them, and avoiding others whose professors were more stingy with grades. The new grading policy will not only normalize the grading (setting mandatory average grade ranges), but will result in somewhat higher grades and GPAs overall. At the same time, the College of Law (like all law schools) are under increasing scrutiny and pressure not to graduate students who are incapable of passing the bar exam. (The emphasis 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. If GPAs are going up at Univ. of Idaho, it is imperative that we also raise the minimum GPA for good standing and for graduation, to ensure that we don't generate significant numbers of graduates who are unlikely ever to be qualified to practice law.

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, and now permits up to 30 credits from "distance" classes to be counted toward the J.D. degree. The College of Law faculty was reluctant to simply apply the new ABA limit, and voted to expand the 15-hour limit to 21-hours instead. Just because we can allow up to 30 credits doesn't mean we should, particularly as concerns have been raised about possible compromises to the educational experience for students when distance technology is used. But with half the law school (and faculty) in Boise, we felt it was important to relax the limit somewhat – we depend heavily on distance education to offer our students in both locations a varied curriculum. Much of the downside of distance education is minimized by the way the College of Law approaches it, as all of our distance classes are conducted "live" – i.e. synchronously – with students in both locations, and professors who teach these courses are expected to go to the other location at some point in the semester to teach a couple of lectures from that site.

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."

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

A. Business Law and Entrepreneurship Emphasis

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.

| | | |
|--|--|-----|
| 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 |
|---------|---------------------------------------|

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 has adopted a new grading policy, requiring professors to give grades in a manner consistent with their colleagues. This was deemed essential after it became apparent that there was a serious divergence in approach to grading, with some professors being far more (or far less) generous with grades than others. This has generated some problems demanding attention. (1) The hard graders have dragged down the GPAs of our students overall, which is perceived to have created difficulties for our graduates in the job market. As Univ. of Idaho law graduates' GPAs have been lower than the GPAs of students coming out of most other law schools, it has been harder for our students to compete. (2) Students in one of the locations (Boise v. Moscow), taking the same courses, were being treated unequally in terms of class rank (because, for example, if the professor teaching Contracts in Moscow is more generous than the professor teaching Contracts in Boise, the Moscow students will have higher GPAs than the Boise students). As class rank is a vital credential for law graduates, the result is not only unfair, but deeply divisive in our two-location college. Finally,

(3) it appeared that students were taking certain classes because they knew they could get a good grade in them, and avoiding others whose professors were more stingy with grades. The new grading policy will not only normalize the grading (setting mandatory average grade ranges), but will result in somewhat higher grades and GPAs overall; accordingly the minimum grades and GPA for this emphasis need to be raised. 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

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.

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

Select one of the following Tracks: 6

Economic Development Track ¹

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 |
| LAW 945 | Community Property |
| LAW 984 | Real Estate Transactions (Max 3 credits) |

Family Law Track ¹

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 | Domestic Violence and the Law |
| LAW 985 | Immigration Law and Policy |

Governance Track ¹

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 |

Natural Resource Management Track ¹

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 Track¹

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

- ¹ 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.

Rationale: The College of Law has adopted a new grading policy, requiring professors to give grades in a manner consistent with their colleagues. This was deemed essential after it became apparent that there was a serious divergence in approach to grading, with some professors being far more (or far less) generous with grades than others. This has generated some problems demanding attention. (1) The hard graders have dragged down the GPAs of our students overall, which is perceived to have created difficulties for our graduates in the job market. As Univ. of Idaho law graduates' GPAs have been lower than the GPAs of students coming out of most other law schools, it has been harder for our students to compete. (2) Students in one of the locations (Boise v. Moscow), taking the same courses, were being treated unequally in terms of class rank (because, for example, if the professor teaching Contracts in Moscow is more generous than the professor teaching Contracts in Boise, the Moscow students will have higher GPAs than the Boise students). As class rank is a vital credential for law graduates, the result is not only unfair, but deeply divisive in our two-location college. Finally, (3) it appeared that students were taking certain classes because they knew they could get a good grade in them, and avoiding others whose professors were more stingy with grades. The new grading policy will not only normalize the grading (setting mandatory average grade ranges), but will result in somewhat higher grades and GPAs overall; accordingly the minimum grades and GPA for this emphasis need to be raised. 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.

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

D. Natural Resources and Environmental Law Emphasis

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.

| | | |
|---------------------------------------|---|----|
| 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 has adopted a new grading policy, requiring professors to give grades in a manner consistent with their colleagues. This was deemed essential after it became apparent that there was a serious divergence in approach to grading, with some professors being far more (or far less) generous with grades than others. This has generated some problems demanding attention. (1) The hard graders have dragged down the GPAs of our students overall, which is perceived to have created difficulties for our graduates in the job market. As Univ. of Idaho law graduates' GPAs have been lower than the GPAs of students coming out of most other law schools, it has been harder for our students to compete. (2) Students in one of the locations (Boise v. Moscow), taking the same courses, were being treated unequally in terms of class rank (because, for example, if the professor teaching Contracts in Moscow is more generous than the professor teaching Contracts in Boise, the Moscow students will have higher GPAs than the Boise students). As class rank is a vital credential for law graduates, the result is not only unfair, but deeply divisive in our two-location college. Finally, (3) it appeared that students were taking certain classes because they knew they could get a good grade in them, and avoiding others whose professors were more stingy with grades.

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