



UNIVERSITY OF SOUTH DAKOTA School of Law

Curriculum Guidebook

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I. Program of Study

The University of South Dakota School of Law is accredited as a full-time program leading to a juris doctor degree upon completion of 90 semester hours of courses in six full-time semesters. Students enter the School of Law in the fall of each year.

In order to qualify for the juris doctor degree, a student must complete six semesters or their equivalent in residence. A semester in residence is a fifteen-week semester during which a student enrolls for at least 12 credit hours and completes at least nine of these hours with passing grades. The equivalent of a semester in residence is obtained by a combination of at least six credits earned in the summer in courses for which Law School credit is awarded and a summer externship, provided that the combination yields at least 12 credit hours and the student completes at least nine of these hours with passing grades. Enrollment for the purpose of this rule must be continuous throughout the semester. An exception to this policy will be given if the student's receipt of failing grades in courses previously taken would require the student to take more than 18 hours in a subsequent semester in order to make up the difference in six semesters. In that event, one additional summer or semester will be allowed for completion of 90 hours.

Students in the Flex-time Program, described below, have up to five years to complete the 90 credit hours needed for the juris doctor degree.

A. First-Year Curriculum

The first-year curriculum is designed to give students a broad understanding of the American legal system and the role of law in society. The required first-year courses expose students to the fundamental principles of legal analysis. The traditional first-year curriculum also provides a foundation for the study of a variety of complementary subjects during the second and third years.

Fall Semester

Civil Procedure I	3
Contracts I	2
Criminal Law	3
Fundamental Legal Skills I	3
Property I	2
Torts I	2
Fall credit hours:	15 credits

Spring Semester

Civil Procedure II	3
Contracts II	3
Criminal Procedure	3
Property II	2
Fundamental Legal Skills II	2
Torts II	3
Spring credit hours:	16 credits

Students must complete all courses in the first year.

B. Upper Division Curriculum

Four required courses complete the Law School's core curriculum and are usually taken during the second year. Upper-division students also take elective courses in areas of interest to them. The upper class curriculum offers opportunities to develop and refine practice skills and to apply accumulated legal learning by resolving practical problems. Third-year students may enroll in the extern program to acquire practical experience in a law firm or governmental agency.

1. Upper Division Required Courses

Constitutional Law (2nd year course)
Evidence (2nd year course)
Legal Profession (2nd year course)

*Select one code course:

Commercial Law
Federal Income Tax
Secured Transactions

*Select one skills course:

Discovery Practice
Legislation
Mediation
Trial Techniques
Negotiation & Settlement
SD Drafting & Legal Practice

*Students must complete at least one of the above listed code courses for a minimum of three credits; and at least one of the skills courses for a minimum of two credits. Other code and skills courses may be taken as electives.

2. Upper Level Writing Requirement

Each student shall complete an “upper level writing requirement” in order to be qualified to graduate from The University of South Dakota School of Law. This requirement may be satisfied one of two ways.

The first way is by enrolling in and satisfactorily completing a “W” course during one semester of the student's second or third year of Law School. One or more such courses shall be offered each fall and spring semester, but not during the summer term. “W” courses will be identified on the schedule of courses by the presence of a “W” (writing required by professor as part of course) or “W/O” (writing requirement component at option of the student) near the number of the course on the schedule. The substance of the writing requirement of each “W” course will be determined by the professor teaching the course, who will also grade the written work. The requirement will be fulfilled by a substantial written product (a minimum equivalent of 25 double-spaced, typewritten pages) based on significant independent legal research by the student. At least two separate drafts must be submitted to the professor for the “W” requirement to be satisfied. The professor shall report satisfactory completion of the “W” component of the course separately to the Registrar in order for the Registrar to indicate on the student's record completion of the requirement for graduation. The percentage of the course grade allocated to the paper is at the discretion of the professor subject to syllabus notice requirements. The student must achieve a passing grade for both the paper and any separate course work in order to complete the writing requirement. Students do not earn additional credit for “W” courses because of the writing involved.

The second way the upper level writing requirement may be satisfied is by taking Advanced Research with the express agreement by the professor that the Advanced Research is to be taken in satisfaction of that requirement. The paper must be the equivalent of at least 25 pages double-spaced in length and be based on significant independent legal research by the student. At least two separate drafts must be submitted to the professor for the “W” requirement to be satisfied by Advanced Research. The agreement to use Advanced Research to satisfy the “W” requirement must be clearly indicated on the form submitted by the student and signed by the professor to initiate the Advanced Research.

The third way the upper level writing requirement may be satisfied is by writing an appellate brief under the supervision of a faculty member. The brief must be the equivalent of at least 25 pages double-spaced in length. It must be based on significant independent legal research by the student. It may be on an issue that the student previously researched for a brief submitted with another student in a moot court competition. At least two separate drafts must be submitted to the faculty member for the “W” requirement to be satisfied by this option.

3. Upper Division Elective Courses

The upper division electives are generally offered every year or every other year. Each spring, the Law School publishes a list of the courses that will be offered in each semester of the next two years. As a result, students can plan their curricular choices for the balance of their law school career. The two-year course offerings are listed on the School of Law Website under the heading “Academics.” Course descriptions are listed on pages 16-19 of this Guidebook.

C. Flex-Time Program

The University of South Dakota School of Law has adopted a flex-time program into its traditional curriculum which permits certain well-qualified students to take less than the normal load of credits each semester and to graduate with a juris doctor degree within five years instead of three years. The program is not intended to affect the traditional curriculum or the course schedules, nor to increase the number of students in the Law School.

Instead, the program was implemented in order to admit a limited number (approximately five students per year) of well-qualified students who could not otherwise attend law school on a full-time basis. The Law School does not offer evening or weekend courses.

1. Flex-Time Program Requirements

The juris doctor degree requires completion of 90 credits. Students in the flex-time program must complete all degree requirements within five years.

Students enrolled in the flex-time program are required to take 15 or 16 credits, including Civil Procedure I & II and Fundamental Legal Skills I & II, in their first year of study and the remainder of the full-time first-year curriculum in their second year of study. Students in good standing at the end of the first year of law study (two years in the flex-time program) may be permitted to take one or more courses in the summers.

Flex-time students may apply to transfer to the full-time program after completion of the first year of law studies (two years in the flex-time program) in good standing. Following such a transfer, the former flex-time students must complete four additional semesters and one summer term of at least six credit hours. Flex-time students who are not in good standing at the end of the first year of law studies (two years in the flex-time program) are subject to the dismissal and probation provisions of the Law School's *Academic Rules and Student Policies*, available for review at www.usd.edu/law.

Students who begin as flex-time students will never be ranked with full-time students, even if a flex-time student transfers to the full-time program. Instead, flex-time students will be given a "qualified ranking," based on grade point average against the class with which they began so that they have the necessary information to share with prospective employers. The ranking will be divided in quintiles. Flex-time students may participate in co-curricular activities after they have completed 30 hours of law school credit.

2. Sample Flex-Time Program Curricular Plan

First-Year Student (4 semesters)

First semester	
Torts I	2
Civil Procedure I	3
Fundamental Legal Skills I	3
Total:	8 credits
Second semester	
Torts II	3
Civil Procedure II	3
Fundamental Legal Skills II	2
Total:	8 credits (16 credits total)
Third semester	
Criminal Law	3
Contracts I	2
Property I	2
Total:	7 credits (23 credits total)
Fourth semester	
Criminal Procedure	3
Contracts II	3
Property II	2
Total:	8 credits (31 credits total)

Second-Year Student (31 credits+; 3 semesters)

Fifth semester	
Evidence (required course)	3
Elective	2-4
Elective	2-4
Total:	8 - 11 credits

Sixth semester	
Legal Profession (required course)	3
Elective	2-4
Elective	2-4
Total:	8 - 11 credits

Seventh semester	
Constitutional Law (required course)	4
Elective	2-4
Elective	2-4
Total:	8 - 12 credits

Third-Year Student (58 credits+; 3 semesters)

Eighth semester	
Code Course (required course)	3-4
Elective	2-4
Elective	2-4
Total:	8 - 12 credits

Ninth semester	
Elective	4
Elective	4
Total:	8 credits

Tenth semester	
Elective	4
Elective	4
Total:	8 credits

Flex students must take a minimum of 8 credits in each semester after completion of the first-year curriculum (two years in the flex program). Flex students may also take 3 to 7 credits each summer, depending on course offerings. Course offerings during the summer sessions are very limited. Students must take at least 5 credits in a semester or summer session in order to qualify for federal financial aid.

II. Curriculum Choices

A. Co-Curricular Activities

In addition to classroom work, the School of Law offers students a number of co-curricular activities in which to participate. Each of these is designed to emphasize and hone various legal skills, as well as to provide avenues for competition, scholastic credit and achievement.

1. Alternative Dispute Resolution Board

The South Dakota Alternative Dispute Resolution Board is devoted to educating Law School students on the practical aspects of law. Its members enjoy a unique opportunity to develop and perfect the skills of negotiating and counseling on behalf of a client. The Client Counseling and Negotiation Board is comprised of 12 members who host an intra-school competition each semester. In addition, Board members are given the opportunity to compete against law students from across the nation in regional and national competitions.

Board members also coordinate client-intake opportunities for students in conjunction with Legal Services. Board members earn academic credit for their active participation in competitions and helping other teams prepare for competition. In order to be eligible for membership on the Alternative Dispute Resolution Board, all interested students must participate in an intra-school competition hosted each semester.

2. South Dakota Law Review

South Dakota Law Review is a journal of critical commentary on current legal issues with a state, national, and international circulation. Published three times per year, the Law Review contains articles by leading members of the legal profession, as well as student notes and comments. Students involved in the Law Review develop their research and writing skills while earning academic credit. A student Board of Editors is responsible for all

editorial work. Students are selected for Board membership during their second year on the basis of their writing, leadership, and dedication to the success of the Review.

3. South Dakota Moot Court Board

The South Dakota Moot Court Board is dedicated to developing the art of appellate advocacy. Its members enjoy a unique opportunity to refine their skills of appellate brief writing and oral advocacy. The Moot Court Board is comprised of six third-year and six second-year students. Board members compete against law students from across the nation at tournaments around the country. Recent teams of the Law School's Moot Court Board placed in the top four in the nation at the prestigious New York City Bar tournament and won the regional ABA moot court competition.

In order to be eligible for membership on the Moot Court Board, all interested first-year law students must participate in the Law School's annual Sam Masten Intramural Moot Court Competition. The Intramural Competition culminates with a final round before a distinguished panel, usually comprised of justices of the South Dakota Supreme Court.

4. Trial Advocacy Competition

Participation in trial advocacy competitions requires a commitment of time and offers unique educational opportunities to hone skills for courtroom presentation. Team members compete with students from other law schools. One credit per semester is earned by a student who participates in at least one tournament, with a maximum of two credits for a student who participates for two years and who participates in at least two trials.

Special Academic Requirements for Journals and Boards

A cumulative grade point average of 75 is required for participation, selection, and continuation in any co-curricular activity. Students are not permitted to serve on more than one co-curricular activity board, with the exception of Trial Advocacy. Co-curricular members of boards and staffs may receive pass/fail credit for participation. The faculty advisor for each Journal or Board approves the award of credit. A student may not receive more than four credits for co-curricular participation.

B. Areas of Curricular Emphasis

Two areas of emphasis are identified. Instruction in these areas is informally structured and encompasses curricular, co-curricular, and extracurricular opportunities for enhancement. A list of courses in these areas appears in the **Course Tracks**.

1. Natural Resources and Environmental Law

The Natural Resources and Environmental Law track encompasses up to 13 elective courses (37 credits). The Law School also offers a dual degree program with Vermont Law School. Students enrolled in this program will receive a Master of Studies in Environmental Law as well as the juris doctor degree.

All law students are invited to join the Environmental Law Society. Students may compete annually in the Pace Environmental Law Moot Court Competition in New York. Internships in environmental law, either for credit through a Law School externship or in paid summer positions, have been provided through such agencies as the Environmental Protection Agency and the South Dakota Department of Game, Fish and Parks.

2. Indian Law

The Indian Law Program offers students an opportunity to learn about the unique legal concerns confronting American Indians on reservations and in tribal life. Prominent professors direct this program and offer courses on topics such as Indian Law and Indian Jurisdiction. Eleven more electives (up to 32 credits) and an opportunity to extern in Indian country (6 credits) complete this curriculum. The Law School hosts the biennial Indian Law Symposium and supports the Native American Law School Advisory Committee and the Native American Law Students Association. The Institute of American Indian Studies is located on The University of South Dakota campus.

C. Extern Education Program

The Law School's Extern Education Program is a credit-based program offered in the summer semester to students who have completed the second year of law school. An externship offers the student a direct personal experience in the lawyering process, client responsibility and applied legal ethics by involving the student in the actual practice of law under the South Dakota Supreme Court Rules of Student Practice and the corresponding rules of the United States District Court. The summer externship consists of two weeks of classroom instruction and nine weeks of field-supervised externship placement. Six pass-fail credits are awarded for the summer externship.

1. Externship Program Policy

The student must not only adhere to the demands required by the supervising attorney and the law firm concerned, but must also be available to participate in the irregular requirements of assisting in client needs and court calendars. Students do not observe academic holidays. Courses (other than those offered within the externship) and other academic or curricular obligations are inconsistent with the demands of the externship. Accordingly, registration for other law courses, including advanced research, is not authorized during participation in the Externship Program.

D. Devising a Student's Upper-Division, Elective Course Curriculum

The USD School of Law offers a flexible curriculum after the first year. The **Upper Division Required Courses** are identified on page 2 of this Guidebook. Beyond the required courses, course selection presents upper division students with choices. Various factors can be expected to inform each student in devising an individual curriculum, including the desirability of pursuing a broadly-based or a more focused course of study.

Students who anticipate a particular career track or who have a special interest in certain areas of legal study should consider the **Curricular Tracks** in making informed course selection decisions. Students who prefer to pursue a broader based course of study should consider the suggestions made in **A Diversified Curriculum** before determining what elective courses to take. One basis for the categorization in such a diversified curriculum is the primary analytical focus of various courses. The decision to include any individual course in any single category or in multiple categories is somewhat subjective. Nonetheless, students may find the categories helpful in selecting courses that will provide instruction on a variety of legal disciplines and develop the range of skills necessary to practice law and serve society. The course listings in **A Diversified Curriculum** and in the **Curricular Tracks** are offered as suggestions. They are intended to inform, rather than to dictate student course selection.

E. A Diversified Upper-Division Curriculum

Note that many of the courses listed below appear in more than one category. Upper division students who wish to pursue a diversified curriculum are advised not to "double count" any such courses. For example, a student who decides to take Business Associations as one of the courses that covers subjects tested on the Multi-State Essay Exam should not count Business Associations as one of the survey courses; a student who decides to take Commercial Law in order to fulfill the "Code Course" requirement should not count Commercial Law as one of the other survey courses.

Courses Covering Subjects Tested on the Multi-State Essay Examination

Suggested Minimum Number of Courses to Take in This Category: 4

Business Organizations I
Business Organizations II
 Subjects covered: Agency, Partnership, Corporations
Commercial Law
 Subjects covered: Sales, Commercial Paper
Conflict of Laws
Family Law
Secured Transactions
Trusts & Wills

This category is included for two reasons. First, students may want this information to help assure their course selection provides a platform on which they can build in preparing for the licensure exam of the profession. Second, the subjects covered in these courses may be important for reasons relating to why they are tested on the Multi-State Essay Exam. One reason for that decision is that these subjects cover matters that are within the common body of knowledge of all lawyers. Moreover, courses addressing these subjects expose students to basic conceptual building blocks that are used in all areas of the law and in other Law School courses. Finally, a knowledge of these subjects provides a common language and vocabulary with which lawyers and judges communicate on a daily basis. Credits hours for some courses may vary in different years.

Along with other required courses in the Law School curriculum, these courses cover all the subjects on the Multi-State Essay portion of the South Dakota Bar Examination. Students who anticipate taking a bar exam in any other state should consult the Bar Exam Information site www.ncbex.org for further information regarding what subjects are tested on the essay portion of other states' bar exams.

Survey Courses Addressing a Variety of Legal Topics

Suggested Number of Courses to Take in This Category: 3 - 4

Business Organizations I & II
Children and the Law
Elderlaw
Employment Law
Environmental Law
Family Law
Insurance
Federal Income Tax
Health Law and Policy
Remedies
Trusts & Wills
Water Law

Survey Courses with an Emphasis on the Relationship Between Law and Government

Suggested Number of Courses to Take in This Category: 1- 2

Administrative Law
Advanced Criminal Procedure
Constitutional Rights Selected Issues
Federal Jurisdiction
First Amendment Rights
Legislation
Indian Law
Public International Law

Survey Courses with an Emphasis on Statutory Analysis

Suggested Number of Courses to Take in This Category: 1 - 2

Administrative Law
Business Entity Taxation
Commercial Law
Commercial Law Selected Issues
Debtors' and Creditors' Rights
Environmental Law
Federal Income Tax
Federal Securities Regulation
Legislation
Secured Transactions

Survey Courses with an Emphasis on Abstract Analysis

Suggested Number of Courses to Take in This Category: 1 - 2

Conflict of Laws
Constitutional Rights - Selected Issues
Federal Jurisdiction
First Amendment Rights
Indian Law
Jurisprudence
Legislation
Public International Law

1. Courses with an Emphasis on Skills Training

Suggested Number of Courses to Take in This Category: 1 - 2

Business Planning
ADR Board
Estate Planning
Externship Program
Legislation
Mediation Moot Court Board
Negotiation and Settlement
South Dakota Law Review
SD Drafting & Legal Practice
Trial Advocacy Board
Trial Techniques

Advanced and Other Special Topics Courses

Suggested Number of Courses to Take in This Category: 1 – 2

Advanced Civil Procedure
Advanced Criminal Procedure
Advanced Research
Advanced Torts
Contemporary Legal Problems
Introduction to Intellectual Property
International Business Transactions
Modern Real Estate Transactions
Patent Law

F. Course Tracks

Some students may desire to focus their studies and activities in a particular area of law. For these students, the Law School offers curriculum and career planning advice in the form of curricular tracks. Curricular tracks are provided in the following areas: business, civil litigation, commercial law, constitutional law, criminal law and procedure, employment law, estate planning, Indian law, natural resources and environmental law, real estate, and tax law.

The catalogue of curricular tracks was compiled by the Law School's Curriculum Committee. Upon invitation from the Committee, faculty members suggested courses that students might consider taking in order to acquire a fuller understanding of particular areas of the law.

Courses listed under each track are designated as either *core* (essential to an understanding of the specified area), *highly recommended*, or *recommended*. The course listings are suggestive rather than prescriptive. They are provided to inform students of courses that might be most useful in acquiring an understanding of particular areas of the law; they do not prescribe an invariable curriculum for students who anticipate becoming specialists.

1. Business Law

Core

Business Organizations I
Business Organizations II
Business Planning
Federal Income Tax
Federal Securities Regulation
Secured Transactions
Trusts and Wills

Select one course from each of the following groups:

Group 1

Employment Law
Environmental Law
Indian Law

Group 2

Commercial Law
Insurance
International Business Transactions

Group 3

Conflict of Laws
Remedies

Highly Recommended

Business Entity Taxation
Modern Real Estate Transactions

Recommended

Administrative Law
Commercial Law: Selected Issues
Debtor and Creditor Rights
Trial Techniques
Negotiation and Settlement

2. Civil Litigation

Core

Advanced Civil Procedure
Federal Jurisdiction
Insurance
Negotiation & Settlement
Remedies
SD Drafting & Legal Practice
Trial Techniques
Substantive courses covering topics of
litigation
Substantive courses which include
litigation or practice components

Highly Recommended

Externship

Recommended

Conflict of Laws
Constitutional Rights
Debtor and Creditor Rights
Moot Court Board
or
ADR Board

3. Commercial Law

Core

Business Organizations I
Business Organizations II
Commercial Law
Commercial Law: Selected Issues
Debtor and Creditor Rights

Federal Income Tax
Remedies
Secured Transactions
International Business Transactions

Highly Recommended

Federal Securities Regulations
Insurance

Recommended

Administrative Law
Conflict of Laws
Modern Real Estate Transactions
Negotiation and Settlement
Trial Techniques

4. Constitutional Law

Core

Administrative Law
Constitutional Law
First Amendment Rights

Highly Recommended

Advanced Criminal Procedure
Constitutional Law: Selected Issues
Constitutional Rights
Federal Jurisdiction
Indian Law

Recommended

Advanced Civil Procedure
Conflict of Laws
Education and the Law
Remedies
Trial Techniques

5. Criminal Law and Procedure

Core

Administrative Law
Advanced Criminal Procedure
Indian Law
Trial Techniques

Highly Recommended

Family Law

Recommended

Business Organizations I
Business Organizations II
Federal Income Tax
Federal Securities Regulations

6. Employment Law

Core

Administrative Law
Business Organizations I
Business Organizations II
Employment Law
Federal Income Tax
Remedies

Highly Recommended

First Amendment Rights
Insurance
Elderlaw
Legislation
Negotiation and Settlement

Recommended

Debtor and Creditor Rights
Family Law
Health Care Law and Policy
Secured Transactions

7. Estate Planning

Core

Estate Planning
Federal Income Tax
Elderlaw
Trusts and Wills

Highly Recommended

Business Entity Taxation

Recommended

Business Organizations I
Business Organizations II
Business Planning
Conflict of Laws
Family Law
Modern Real Estate Transactions

8. Indian Law

Core

Administrative Law
American Indian Natural Resources
Environmental Law
Advanced Research (Indian Law topic)
Indian Law
Secured Transactions
Externship (placement in Indian Law)

Highly Recommended

Advanced Criminal Procedure
Family Law
Negotiation and Settlement
Trial Techniques

Recommended

Business Organizations I
Business Organizations II
Conflict of Laws

9. Environmental Law

Core

Administrative Law
Environmental Law
Trial Techniques

Highly Recommended

Federal Jurisdiction
Natural Resources
Advanced Research
(Environmental Law topics)
Remedies

Recommended

Business Organizations I
Business Organizations II
Conflict of Laws
Federal Income Tax
Indian Law
(if anticipating practice in state
having substantial Indian
population)

10. Real Estate

Core

Business Organizations I
Business Organizations II
Debtor and Creditor Rights
Federal Income Tax
Modern Real Estate Transactions
Remedies
Secured Transactions
Trusts and Wills

Highly Recommended

Environmental Law
Indian Law
Employment Law

Recommended

Conflict of Laws
Negotiation and Settlement

11. Tax Law

Core

Business Organizations I
Business Organizations II
Business Planning
Business Entity Taxation

Estate Planning
Federal Income Tax
Trusts and Wills

Highly Recommended

Modern Real Estate Transactions
Secured Transactions

Recommended

Conflict of Laws
Federal Securities Regulation
Negotiation and Settlement

G. Interdisciplinary Courses

Second- and third-year law students may take up to six credit hours in other divisions of the University and apply them to the 90 credit hours required for the juris doctor degree. The School of Law extends this privilege so that a law student may broaden his or her education by the pursuit of new disciplines. Students desiring to exercise this option may register for one of the courses on the list below without obtaining special approval. Students wishing to take a course not on the list must submit their request, course description and reason in writing to the Office of the Dean for approval *before registration*. Approval will not be granted for courses on topics which are covered by courses offered in the School of Law, such as administrative law, constitutional law, and business law.

Only in exceptional circumstances will a student be permitted to receive law credit for more than one interdisciplinary course per semester. As an exception, a student will be allowed to receive six credits of approved non-law courses to be taken in the summer. Students with less than a cumulative grade point average of 75 are ineligible to take courses outside the Law School. Interdisciplinary non-law course grades are not used in computing a student's cumulative grade point average.

In addition, law credit will not be given for courses taken *prior* to entry to Law School, or in a *previous* academic period while in Law School if approval was not obtained. Law students must obtain a grade of "C" or better in the approved graduate course in order to receive law school credit.

Law students must complete an interdisciplinary form provided by the Office of the Dean in order to receive law credit if the course is not on the list below. It is the student's responsibility to obtain from the outside instructor permission to take the interdisciplinary course.

Law students taking approved interdisciplinary courses in other schools of the University are subject to the rules and regulations of the college or school governing the program and courses they are taking. In addition, admission to these courses will be governed by the regulations of the department or school in which the student takes the course. Students must pay applicable tuition and fees for these courses.

On-Line Credit

The Law School will give credit to no more than three credit hours of on-line courses that meet the following conditions. First, those credit hours must be for a law course offered by an ABA approved (accredited) law school and be a course that The University of South Dakota School of Law does not offer; or, the credit hours must be for a required course for a joint degree program in which the student is enrolled. Second, the student must obtain permission from the Dean's office to take the particular course. The on-line course substitutes for credit hours on a credit hour by credit hour basis taken outside the School of Law as otherwise allowable elsewhere in these rules. That is, credits taken on-line do not expand the number of credit hours taken outside the Law School that may be counted toward hours required for completion of the J.D. Students must pay applicable tuition and fees for these courses.

Approved Interdisciplinary Courses

School of Business:

ACCT 720	Seminar in Cost Accounting
ACCT 731	Seminar in Tax Planning & Practice
ACCT 740	Advanced Accounting Theory
ACCT 750	Contemporary Topics in Auditing
ACCT 760	Accounting in Government & Non-Profit Orgs
ACCT 780	Advanced Accounting
ACCT 781	Managerial Accounting
BADM 710	Financial Administration
BADM 720	Quantitative Analysis
BADM 722	Advanced Information Systems for Business
BADM 760	Production

BADM 761	Organizational Theory & Behavior
BADM 762	Business & Its Environment
BADM 770	Marketing Administration (joint degree ONLY)
BADM 780	Administration Policy
BADM 794	Research Seminar
ECON 782	Managerial Economics

College of Arts & Sciences:

ENGL 703	Advanced Theory of Composition
ENGL 710	Comparative Literature
ENGL 723	Old English
ENGL 724	Medieval Literature
ENGL 725	Sixteenth-Century Studies
ENGL 726	Seventeenth-Century Studies
ENGL 727	Eighteenth-Century Studies
ENGL 733	Nineteenth-Century Studies
ENGL 734	Twentieth-Century Studies
ENGL 745	American Romanticism
ENGL 755	Western Regional Literature
ENGL 783	The Writing of Fiction & Poetry
ENGL 786	Literary Criticism
ENGL 795	Practicum in English (for new TA's)
ENGL 800	Seminar: Bibliography & Research
HIST 780	Historiography
HIST 782	Research Seminar in History
HIST 791	Readings in History
HIST 792	Advanced Topics in History
HIST 798	Thesis
POLS 504	Local Government Admin & Politics
POLS 505	Urban Politics
POLS 506	Government & the Economy
POLS 516	State Legislative Issues
POLS 524	Planning: Principles & Techniques
POLS 526	Public Policy Analysis & Program Evaluation
POLS 529	Courts & Judicial Politics
POLS 532	The American Presidency
POLS 536	Campaign & Democracy Seminar
POLS 538	Lawmakers & Lawmaking (U.S. Congress)
POLS 711	Seminar in American Political Institutions
POLS 721	Seminar in Public Administration
POLS 722	Budgetary & Fiscal Management
POLS 723	Public Personnel Management
POLS 724	Organization & Management
POLS 731	Seminar in Public Law
POLS 751	Seminar in International Relations
POLS 765	Research Methods in Political Science
POLS 766	Analytical Techniques in Public Management
POLS 769	Administrative Thought & Ethics
POLS 788	Professional Report*
POLS 798	Thesis Seminar*

*Requires joint approval of Political Science Department and the School of Law

PSYC 705	Seminar in Learning, Memory, & Cognition
PSYC 707	Seminar in Sensation and Perception
PSYC 711	Seminar in Physiological Psychology
PSYC 722	Seminar in Developmental Psychology
PSYC 741	Seminar in Social Psychology
PSYC 764	Seminar in Personality Theories
PSYC 771	Research Design and Statistics I
PSYC 772	Research Design and Statistics II

PSYC 777	Seminar in Statistical Topics
PSYC 798	Master's Thesis Research
SPCM 754	Managerial Communication

School of Education:

AHED 730	Junior/Community College
CGPS 761	Introduction to Counseling
EDAD 701	Introduction to Educational Administration
EDAD 712	School District Administration
EDAD 720	Special Education Law for School Admin
EDAD 731	School of Business Administration
EDAD 740	School Community Relations
EDAD 820	School Personnel Administration
EDFN 710	History of Education
EDFN 720	Philosophies of Education
EDFN 730	Current Issues/Problems in Education
EDFN 740	Comparative Education
ELED 773	Elementary School Curriculum
SEED 740	Secondary School Curriculum

H. Joint Degree Program

The School of Law offers a joint degree program leading to the *juris doctor* degree and a master's degree (concurrently) from The University of South Dakota in three years in the following disciplines:

School of Business

JD/Master of Professional Accountancy

JD/Master of Business Administration

Cross-Disciplinary Studies

JD/Master of Science in Administrative Studies

School of Education

JD/Master of Arts in Education Administration (Non-certified)

College of Arts & Sciences

JD/Master of Arts in English

JD/Master of Arts in History

JD/Master of Arts in Political Science

JD/Master of Public Administration

JD/Master of Arts in Psychology (Non-certificated)

Admission to the joint degree program is a formal process which requires approval from the School of Law, admission to the participating master's program, and is conditioned upon a cumulative grade point average of at least 75 upon completion of the first year of Law School or a subsequent semester.

Students admitted to this program take courses concurrently leading to both degrees. Students who defer Law School graduation until the master's degree is completed may receive *up to* nine credit hours toward the 90 credit hours required for the *juris doctor* degree. Each master's program determines the amount of law credit it will accept for its degree, so the amount may vary. Law students may not receive law credit for more than one course each semester outside of the School of Law without permission of the Associate Dean. If students do not complete the requirements for the master's degree by the time of their graduation from the School of Law, only six hours of the credit earned toward the master's degree will be counted toward law school graduation requirements. Students must pay applicable tuition and fees for these courses.

Although law students may not begin the joint degree program until successfully completing at least the first year of law school with a cumulative GPA of 75, applicants to the School of Law may simultaneously apply for admission to any master's program approved as a joint degree program. Students not simultaneously applying to the School of Law and to a master's program may apply to the joint degree program until the end of their fifth semester in the School of Law.

Application and acceptance to a master's program is the applicant's responsibility. Classes taken in a master's program prior to matriculation in the School of Law will not receive Law School credit. Only those courses approved as a graduate course for this program will qualify for law credit.

Law students must have a cumulative grade point average of 75 to be admitted to and continue in the joint degree program. Non-law courses taken in the joint degree program are not used in computing a student's cumulative grade point average. Law students must obtain a grade of "B" or better in the approved graduate course in order to receive Law School credit.

Law students interested in the joint degree program should visit with the School of Law Associate Dean and the respective joint degree advisor in the school or college, as noted at the end of each program description.

I. Joint Degree Program Curricular Information

1. School of Business

JD/Master of Business Administration

The Master of Business Administration program is designed to meet the needs of modern businesses for broadly educated management personnel who possess a generalized point of view, adaptability to changing environments and a high degree of analytical skill. The emphases in this program are on decision making, problem solving, understanding the role of business in society, and developing the leadership ability and social responsibility to progress to positions of executive responsibility. A *juris doctor* combined with business administration may lead to careers in business law, corporate counsel, banking, and health care administration, among others. Students interested in this program who do not have the undergraduate preparation may be able to complete this preparation during summer sessions or in an additional semester of graduate work.

Once enrolled in the joint degree program, up to nine hours of the approved graduate courses may be used to fulfill the requirements for the *juris doctor* degree. Up to nine hours of approved law credits may be used to fulfill the requirements for the Master of Business Administration degree.

Students wishing to be accepted for the Master of Business Administration program must apply to the School of Business and meet their requirements. Law students interested in this program should visit with Dr. Angeline Lavin at the School of Business.

JD/Master of Professional Accountancy

The Master of Professional Accountancy degree is designed to provide specialized training in accounting and related fields for those who wish to prepare for a career in public accounting, industry, government service, or accounting education.

Once enrolled, up to nine hours of the approved graduate courses may be used to fulfill the requirements for the *juris doctor* degree. Up to nine hours of approved law credits may be used to fulfill the requirements for the Master of Public Accountancy degree.

Students wishing to be accepted for the Master of Public Accountancy program must apply to the School of Business and meet their requirements. Law students interested in this program should visit with Professor Jon Carpenter, MPA director, in the School of Business.

2. Cross-Disciplinary

JD/Master of Science in Administrative Studies

The Master of Science in Administrative Studies degree is a cross-disciplinary program which provides the primary tools and managerial skills necessary to perform administrative and leadership roles within organizations. The course work focuses on practical application, theory, and decision-making strategies for analyzing and successfully addressing typical situations inherent in work environments.

Once enrolled, up to nine hours of the approved graduate courses may be used to fulfill the requirements for the *juris doctor* degree. Up to nine hours of approved law credits may be used to fulfill the requirements for the Master of Science in Administrative Studies degree.

Law students interested in this program should visit with Professor Anthony Molina or Holli Novak, program assistant, in the Graduate School.

3. College of Arts and Sciences

JD/Masters of Public Administration

This program is a strictly professional degree program and is especially designed for those desiring a public service career. Joint degrees in law and public administration are especially in demand at the highest policy making levels where both administrative and legal skills are essential. Such skills may lead to employment in national, state, and local governmental agencies (executive, legislative or judicial) and in such areas as planning, personnel, financial administration and public relations.

The Master of Public Administration requires 40 credit hours, including 28 hours of core course work, a minimum of nine hours of electives in an option area, and a three-hour internship. For law students enrolled in this joint program, the 40 required credit hours for the master's degree include nine hours of law courses plus three hours of an internship, and nine hours of political science courses are also counted for the *juris doctor* degree. Thus, 21 hours of course work do "double duty" in this program. The remaining credits must be obtained through the master's program.

Law students interested in this joint program should visit with Professor Michael Card in the Department of Political Science, College of Arts and Sciences.

JD/Master of Arts in Political Science

Public service careers are among the opportunities available to those who have a combination of law and political science training. These opportunities include employment in national, state and local governmental agencies (executive, legislative and judicial) and in such areas as planning, personnel, financial administration and public relations.

For law students enrolled in this joint degree program, the 33 required credit hours for the Master of Arts in Political Science may include up to nine credit hours of law courses, and nine hours of political science courses may also be counted for the *juris doctor* degree. Full admission to the MA program includes several requirements: an entrance exam (the LSAT may be substituted for the GRE), minimum undergraduate GPA of 3.0, and at least 12 credit hours of undergraduate political science credit. All MA students take 33 credit hours, a comprehensive exam and two required courses in research and reading. Thesis students take six credit hours of thesis and six credit hours of classes outside of POLS, but related to their field. Non-thesis students take nine hours of classes outside POLS. The department offers an MA in three fields of Political Science: international relations, American politics and public policy, and public law.

Law students interested in this joint program should visit with Dr. Rich Braunstein, Director for Graduate Studies.

JD/Master of Arts in History

Historians with legal training are exceedingly rare, and there is an increasing number of career opportunities in public service for those who have this interdisciplinary background. These include employment in national and state government agencies and private industry in such areas as energy, environment, civil rights and Indian law. The Department of History and the School of Law are cooperating to make this unique training available to students.

Nine hours of the approved history courses may be used to fulfill the requirements for the *juris doctor* degree. Under the Master of Arts in History Plan A degree program, a 30-credit hour program, 12 hours of law credit will be applied toward the master of arts degree. Under the Master of Arts in History Plan B degree program, a 32-credit hour program, 14 hours of law credit will be applied toward the master of arts degree.

More specifically, the Master of Arts in History, Plan A, includes 9 credit hours of history core (Research Seminar, Reading Seminar, and Historiography), 6 credit hours of theses, a minimum of 3 credit hours of history electives, and 12 credit hours of law, for a minimum of 30 credit hours.

The Master of Arts in History, Plan B, includes 9 credit hours of history core (Research Seminar, Reading Seminar, and Historiography), a minimum of 11 credit hours of history electives, and 12 credit hours of law, for a minimum of 32 credit hours.

Inquiries regarding this joint program should be addressed to the Director of Graduate Studies in the Department of History, Dr. Robert Hilderbrand.

JD/Master of Arts in English

In order to become a lawyer, the student must acquire a command of written English adequate to the tasks of researching, preparing and presenting briefs. The specialist in English language and literature is trained in written exposition and argumentation through the study and critical analysis of the best literary models. Career opportunities for students with interdisciplinary training in both English and law exist in both government agencies and private industry. The Department of English and the School of Law are cooperating to make this unique training available to students.

Law students pursuing this program must fulfill the following English Department requirements:

- a. Complete at least 15 hours of graduate level English courses, including two 700-level courses and a minimum of four thesis hours
- b. Comply with the area distribution for the Master of Arts in English
- c. Write examinations as required for the Master of Arts in English
- d. Write a thesis
- e. Complete an oral examination defending the thesis
- f. Comply with the Graduate School requirements for filing a program of study and an application for degree

In addition, they may:

- g. Submit a maximum of nine hours of law courses for credit toward the Master of Arts in English

Graduate Seminars offered by the Department of English are concerned with one or more topics drawn from the periods or genres specified for the seminar. They are open only to graduate students. Each student enrolled in a seminar must:

- a. Devote at least three hours per week to recitation, discussion or lectures for fifteen weeks
- b. Investigate in depth at least one topic relevant to the subject of the seminar
- c. Produce at least one formal written report of the investigation and defend its merits to the professor and other members of the seminar
- d. Achieve a familiarity with the work of the major authors and with that of their critics and scholars
- e. Complete other requirements as the professor may specify, such as tests and examinations

Law students interested in this joint program should visit with the chair of the English Department or Professor John Dudley in the College of Arts and Sciences.

JD/Master of Arts in Psychology (non-certificated)

A number of career opportunities are emerging at the interface of the disciplines of law and psychology. Persons trained in both law and clinical psychology may be exceptionally well qualified to work in the fields of professional ethics, individual rights, community relations, family law and child advocacy. There also appear to be opportunities for lawyers with a background in social psychology to make special contributions in constitutional law and in such technical areas as jury selection. Other opportunities exist in the fields related to human factors psychology (e.g., personnel selection, industrial relations, product safety and environmental issues). Law students with advanced training in the classic experimental psychology areas of sensation, perception, learning and memory can gain many valuable insights in jurisprudence and in the problems of testimony. Since both psychology and law deal with human behavior, the joint JD/MA Program in Law and Psychology on the campus of The University of South Dakota provides a unique interdisciplinary educational opportunity for individuals interested in incorporating graduate training in general psychology into their legal training.

Initial inquiries concerning the joint JD/MA program in law and psychology should be addressed either to the Associate Dean of the Law School or with the Chair of the Department of Psychology. Students may simultaneously apply to the joint program but must complete one full year of study at the School of Law prior to beginning graduate studies in psychology. All candidates for admission into the Master of Arts in Psychology program must have fulfilled the admissions requirements for graduate study in psychology as outlined in the University's graduate catalog. Specific deficiencies of preparation must be remedied before the joint degree program can be undertaken. Representatives of the graduate psychology faculty will review applications and make a recommendation for admission to the entire psychology faculty. Decisions will be based on candidate qualifications relative to other applicants to the psychology graduate programs and on the availability of a faculty member to serve as the student's major/research advisor. Students in the joint program will be eligible for graduate assistant positions in the Law School but will not be eligible for graduate assistant positions through the Psychology Department.

Once admitted to the joint program, a student must complete the first year at the Law School with a 75 average or better and may thereafter pursue both programs simultaneously under the guidance of the academic advisory committee. This advisory committee is appointed by the Chair of the Psychology Department and consists of two members appointed from the Department of Psychology (one of whom serves as chairperson/major research advisor) and one member appointed from the Law School. The student, together with the academic advisory committee, will then develop an individualized program of study for the joint degree program. Designated at that time will be the specific law courses to be offered for the degree in psychology and the specific psychology courses to be recommended for acceptance by the Law School. If the student and committee concur on the relevance of specific courses to the overall plan of study, any courses offered by the Law School may be accepted for degree credit in psychology, up to the limit of nine semester hours. Similarly, up to nine hours taken in psychology may be counted toward the juris doctor degree.

It is important for students to understand that the Master of Arts in Psychology exists only in conjunction with the pursuit of a juris doctor degree. The University's Department of Psychology does not offer a terminal Master of Arts in Psychology independent of this joint program. Thus, students seeking admission to the joint program should have as their goal the enrichment of their law studies/career or the pursuit of a doctorate degree in psychology beyond the joint degree program.

Receipt of a Master of Arts in Psychology is contingent upon satisfactory completion of requirements for the juris doctor degree. Receipt of the juris doctor degree is not contingent upon satisfactory completion of the Master of Arts in Psychology program. Upon satisfactory completion of this joint program, the graduate may apply to continue toward the Ph.D. in doctoral programs available within the Department of Psychology at The University of South Dakota. Applicants for doctoral study will be evaluated using the same criteria applied to all other applicants to these doctoral programs. Students should be aware that there are joint JD/Ph.D. programs in universities outside the state of South Dakota which lead to a career as a forensic psychologist. The USD joint program is not a JD/Ph.D. program, nor does it provide forensic psychology training.

For the purposes of the joint JD/MA program, the Master of Arts in Psychology requires 33 hours of graduate work, six of which are acquired through the completion of a master's thesis and nine of which are acquired through approved law courses. Law students interested in this joint program should visit with the chair of the Department of Psychology in the College of Arts and Sciences.

4. School of Education

JD/Master of Arts in Educational Administration (non-certificated)*

The Master of Arts in Educational Administration provides law students with the opportunity to become knowledgeable in the field of elementary through post-secondary education as a discipline for possible legal work with boards of education, school districts, legislation pertaining to education, school finance, administration and the organizational structure of education. The program also allows students to gain greater perspective in the field of education for their role in school and community activities as lay citizens interested in education, and for leadership roles as school board members and as lay and citizen members of school communities during their professional careers.

The joint program also enables participants to develop a philosophical and historical perspective of education from a local, state, national and international level, and to become familiar with recent and current issues, as well as problems and changes in the field. In most instances, law students will be involved in courses and experiences with other master's candidates who have different backgrounds, preparation and professional goals allowing an exchange of ideas and learning which will enhance the professional development of both groups.

The Master of Arts in Educational Administration requires completion of 32 credit hours. The School of Education will accept 12 semester hours of law credits. The remaining 20 semester hours must be taken in the School of Education.

Thesis Option: Law students desiring to write a thesis may do so after consultation with their advisors. The master of arts thesis replaces the five elective credits and constitutes four semester hours of graduate credit. This plan requires 31 credit hours.

Law students interested in this joint program should visit with Professor Mark Baron, division chair, in the School of Education.

J. Dual Degree in Environmental Law

Students from The University of South Dakota School of Law may take advantage of one of the nation's largest environmental law curricula through a distinctive Dual Degree program with Vermont Law School. The University of South Dakota School of Law, while providing its students with an excellent background in the field of natural resources and environmental law, offers expanded educational opportunities to its students in conjunction with Vermont Law School's Master of Environmental Law and Policy (MELP) degree program.

The Dual Degree program enables qualified law students from The University of South Dakota to earn two degrees: a J.D. from USD and an MELP from Vermont Law School. The Dual Degree program is composed of courses taught at Vermont's summer session and courses offered by distance learning from Vermont during the regular academic year, or a combination of summer session and distance learning courses and internships. Students must pay applicable tuition and fees for these courses.

1. The Master of Environmental Law and Policy Degree

The Environmental Law Center of Vermont Law School, founded in 1978, has the largest graduate environmental law program in the country. The program emphasizes student engagement with real-world problems and the development of responsive environmental policy. The Center administers the MELP degree program, as well as the Master of Laws (LL.M.) in Environmental Law degree program for attorneys.

Vermont Law School's MELP is an interdisciplinary academic program in environmental law, policy, ethics, and science. It provides a solid foundation for law students who wish to specialize in environmental law, as well as for attorneys and other environmental professionals seeking to broaden their expertise. The program is adaptable to a variety of career objectives in the public and private sectors.

The MELP curriculum offers more than 50 courses taught by lawyers, scientists, policy-makers, and other preeminent teachers in environmental law. MELP students may focus on particular areas of environmental law study, such as Law and Ecology, International Environmental Law, Pollution Prevention and Abatement, or Ethics and Environmental Justice, or choose a broad based approach.

MELP candidates are required to take Administrative Law, Environmental Law, Land Use Law, and Ecology. In addition, students must choose a course in each of a number of distributional categories designed to expose them to both the substantive content of environmental law and the processes by which law and policy are created and implemented.

2. Earning a Dual Degree

The University of South Dakota first-year law students initially seek approval to participate in the Dual Degree program from their Law School's Office of the Dean. Approved students then apply to Vermont Law School for the MELP part of the Dual Degree early in the spring semester of their first year of law school. If accepted, they register for courses later in the semester. Dual Degree students attend the nine-week summer session at Vermont Law School during the summer between their first and second years of law school. In the second and third years of law school, they complete additional environmental law courses via distance learning from Vermont Law School. Students may also combine distance learning courses with an approved internship at an organization or law firm involved with environmental work. Vermont Law School will work with South Dakota to arrange for and supervise an appropriate internship. Dual Degree students share the remaining credits required for their J.D. degree with the MELP degree, thus reducing the overall MELP credit requirement.

3. The Dual Degree Progression

11 credits: MELP courses taken in Vermont Law School's summer session after the first year at USD; must include Ecology and Alternative Dispute Resolution.

10 credits: MELP courses taken via distance learning at USD during second and third years of law school at USD, or courses and up to six credits from an internship.

9 credits: Environmental courses taken at the School of Law for JD credit and shared with MELP requirements.

30 credits total

4. Financial Arrangements

Dual Degree students pay tuition for the JD degree to USD, which includes the nine credits shared with the MELP degree. Students pay Vermont Law School on a per-credit basis at the prevailing tuition rate plus a \$65 graduation fee.

III. Course Descriptions

A. First-Year Courses

Civil Procedure 706/756 (6 hrs)

Topics include subject matter jurisdiction, personal jurisdiction, pleading, discovery, adjudicatory devices, joinder of parties and claims, the principles of res judicata (rules of preclusion) and related topics. Emphasis is placed on the Federal Rules of Civil Procedure and the South Dakota variations of those rules.

Contracts 702/752 (5 hrs)

A study of the fundamentals of contract law, including the bases for enforcing promises, manifestation of mutual assent by offer and acceptance or otherwise, formal requirements, policing measures, remedies for breach of contract, interpretation, performance, breach, excuse for non-performance, and (time permitting) third party beneficiary contracts. Relevant provisions of the Uniform Commercial Code are emphasized.

Criminal Law 704 (3 hrs)

A study of the theory and principles of criminal law through analysis of the elements of the major offenses and corresponding defenses.

Criminal Procedure 754 (3 hrs)

An examination of basic criminal procedure, with emphasis on constitutional requirements.

Fundamental Legal Skills I: Predictive Writing & Research 707 (3 hrs)

Students develop fundamental writing, researching, and analytical skills during the first semester. Students learn to research and synthesize legal authorities; organize research; analyze statutory, common-law, and other authorities; predict outcomes on various legal issues through a series of written assignments; and, communicate those outcomes to legal and non-legal audiences. The first semester is limited to predictive writing, including multiple drafts of office memoranda and client correspondence. Research instruction includes traditional print and fee-based and non-fee-based computerized resources.

Fundamental Legal Skills II: Persuasive Writing & Research 757 (2 hrs)

Students continue developing fundamental writing, researching, oral communication, and analytical skills in the second semester in the context of persuasion. Students research legal authorities and develop their legal and factual case from a realistic record on appeal. Students focus on written and oral advocacy, including production of multiple drafts of an appellate brief and presentation of oral arguments in the Sam Masten Intramural Moot Court Competition, amongst other persuasion projects.

Property 703/753 (4 hrs)

A study of the structure and concepts of the law of property, both real and personal, including tenure, transfer systems, land use controls, landlord-tenant, and future interests.

Torts 701/751 (5 hrs)

A study of the law of civil wrongs arising from interference with persons, things and intangibles.

B. Second- and Third-Year Courses**Administrative Law 805 (3 hrs)**

A study of the law controlling the administrative operations of the government. Subjects include the creation and powers of administrative agencies, adjudication, rulemaking, hearings and procedures, jurisdiction, constitutional limitations, and judicial review.

Alternative Dispute Resolution Board 812 (1 hr)

The Alternative Dispute Resolution Board is devoted to educating law students on the practical aspects of law. Its members enjoy a unique opportunity to develop and perfect the skills of negotiating and counseling on behalf of a client. Academic credit is awarded on a pass-fail basis.

Advanced Criminal Procedure 875 (3 hrs)

An upper division course which addresses the problem of complex criminal activity and the legal system's response to it. Topics include RICO, the role of attorneys, drug enforcement, and post-conviction remedies.

Advanced Legal Writing 818 (2 hrs)

Students will build on the predictive and persuasive writing skills they started developing in Fundamental Legal Skills. Students may participate in a variety of writing projects, including advanced brief writing in the pretrial and trial settings and/or memorandum writing. In this course, students will focus on honing a strong writing process that will carry through to legal practice in all types of legal writing and will learn advanced objective and persuasive writing techniques.

Advanced Research 877 (1-2 hrs)

Students who have completed their first year of work in the Law School may arrange for a member of the faculty to supervise a course of study and research concerning a topic of special interest to the student. No more than two credit hours may be earned in any summer or semester. No student may complete more than four projects, and a total of no more than eight credit hours may be earned on this course towards graduation.

Advanced Torts 888 (3 hrs)

A study of the protection of economic and dignitary interests in the law of torts and selected problems in tort theory and practice, including contribution and indemnity, settlement of multi-party claims, and non-common law solutions to injury problems.

Antitrust Law & Consumer Protection 859 (2 hrs)

A study of the laws regulating economic competition and collaboration in our free enterprise system, with an emphasis on such key federal statutes as the Sherman, Clayton, and Federal Trade Commission Acts, and state unfair trade practice and consumer protection laws. Subjects include civil and criminal enforcement actions by the United States and the Federal Trade Commission, as well as private treble damages and state parens patriae suits

in the context of such practices as illegal mergers and acquisitions, price-fixing, monopolization, vertical foreclosure and exclusive dealing, and group boycotts. A focus of the course will be the different phases of such suits, including pre-trial investigations and procedures (such as depositions), as well as the actual trials.

Arbitration 880 (1 hr)

This course is a practical skills and general survey course. Students will be expected to actively participate in the group's learning through class discussion adequate preparation of assigned readings, statutes and cases. Mock arbitration materials and scenario will be practiced.

Business Entity Taxation 887 (2 hrs)

This course is an introductory survey of the federal income tax aspects of the formation, distribution and liquidation of corporations, limited liability companies and partnerships. Emphasis is given to practical tax planning issues which arise in the general practice of law. **Prerequisite: Federal Income Tax.**

Business of Law, The 826 (2 hrs)

This course introduces law students to the legal services marketplace and examines how lawyers sell their services in today's competitive and diversified economy. It is offered in the belief that law school graduates are often naïve about the economic and business realities of career selection and practice; and, for better or worse, law and medicine have undergone a transformation from professionalism to commercialism. Each student is required to draft and present her/his personal "business plan," with a five-to-seven-year forecast and a secondary "safety-net" strategy. Guest lecturers will be recruited from law firms, trust offices, corporate legal divisions and government agencies. Law office management is an important part of the course.

Business Organizations I 801 (3 hrs)

An introduction to the study of organizational law with strong emphasis on business organizations. This course covers fundamental aspects of Agency but most of the course concerns the organization and operation of corporations from both litigation and planning perspectives. Approximately three class periods throughout the semester introduce students to very basic business concepts and terms. It assumes no prior knowledge of business. Organizational law has been called the law of "private constitutions" and organizations are, at base, a means to accomplish goals larger than the individual. Finally, organizations are ubiquitous in society.

Business Organizations II 802 (3 hrs)

This course is a continuation of Business Organizations I. It revisits an agency topic or two in depth before turning to general partnerships. It then covers other unincorporated organizations including the popular limited liability company (LLC) and the limited partnership (LP). Unincorporated entities are a unique mixture of statutory and contract law. **Prerequisite: Bus. Org. I**

Business Planning 841 (3 hrs)

A skills oriented course involving common business situations as they develop through various stages of a business. It examines such topics as formation of a partnership or corporation, issuance of debt or stock (state and SEC related practices), and other transactions. Business law and tax issues are analyzed and resolved typically using a problem-based format. Documents needed to effectuate the changes are analyzed. Small group techniques are used whenever possible to increase student involvement. Current developments in business law are explored. **Prerequisites: Business Associations (soon to be Business Orgs I and Business Orgs II – Bus Orgs II can be concurrent) and Federal Income Tax; Business Entity Taxation highly recommended.**

Children & the Law 840 (3 hrs) This course examines both civil and criminal laws pertaining to children and the legal system. Attention is given to the historical development of children's rights, and the roles of the attorney, the juvenile court, the state agencies and social workers, and other resources involved in dealing with children. The respective rights and obligations of the state, the parents, and children also are examined in relation to each other.

Commercial Law 833 (4 hrs)

This course covers Articles 2, 3 and 4 of the Uniform Commercial Code. Topics discussed include contract formation, warranties, risk of loss, check forgery and alteration, countermanded checks, and checks drawn on insufficient funds.

Conflict of Laws 828 (3 hrs)

A study of the problems associated with resolution of disputes having multi-jurisdictional elements or contacts and conflicting rules of decision. Principal emphasis is placed on choice of law; other topics considered are constitutional limitations on choice of law and enforcement of foreign judgments.

Constitutional Law 810 (4 hrs)

A study of the United States Constitution and its application to cases arising throughout the course of American history. Among the areas studied are the powers of the national government, the powers of state governments, separation of powers, due process, fundamental rights, equal protection of the laws, and jurisdictional requirements.

Constitutional Law - Selected Issues 814 (2 hrs)

The course will address current and continuing issues in American Constitutional law and doctrine. We will address one or more topics. Some of which include: theories of Constitutional interpretation; the powers of Congress; Federalism and Federal-State government relationships; the powers of the Presidency and Separation of Powers; the Judicial Selection and Confirmation Process; the history of American constitutional theory; the Second Amendment. **Prerequisites: Constitutional Law, First Amendment Rights.**

Constitutional Rights - Selected Issues 842 (3 hrs)

A study of litigation of constitutional issues. Topics include such matters as special procedural problems, availability of remedies, attorney's fees, developing evidence, state constitutions, and constitutional theory. **Prerequisite: Constitutional Law.**

Contemporary Legal Problems (CLP) 862 (1-4 hrs)

Courses addressing discrete legal topics and offered on an experimental basis.

Debtor and Creditor Rights 854 (3 hrs)

The first portion of the course treats debtor-creditor rights and remedies under state law, including pre-judgment remedies, enforcement of judgments, remedies of secured creditors, and lender liability. The second portion of the course includes a survey of general bankruptcy concepts and an examination of the United States Bankruptcy Code, with special emphasis on Chapters 7, 11, 12, 13.

Deposition Practice (Renamed Discovery Practice)/CLP 862 (2 hrs)

The course will cover the principal methods of formal discovery -- interrogatories, requests for production of documents, depositions, and requests for admission. The emphasis will be on the practical uses of each discovery tool and there will be opportunities for in-class exercises.

Disability Law/CLP 862 (2 hrs)

This course will survey the laws applicable to individuals with disabilities, including a discussion of who is protected under disability law and what protections are available in the areas of employment, public accommodations, governmental services and programs, higher education, education, housing and independent living, and health care and insurance.

Education & the Law 885 (2 hrs)

The course is designed to identify and explore current and developing legal issues in education. Topics include the relationships among the state, public and private educational systems; legal problems encountered in elementary, secondary and higher education; student issues; parent and teacher rights and responsibilities; collective bargaining; and the impact of federal programs in the areas of privacy and education to the handicapped.

Elderlaw 837 (3 hrs)

This course addresses age discrimination in employment. It also addresses income maintenance, health care, housing, guardianship, health care decision-making, elder abuse, neglect and crime. Students are required to provide assistance to the elderly community and draft memorandums describing the field experience. Assistance in Medicare appeals, Social Security evaluations, and the establishment of guardianships are examples of work performed by students in this course.

Employment Discrimination 874 (2 hrs)

This course addresses local, state, and federal legal devices available to combat discrimination in the public and private workplace. Although constitutional remedies are also considered, the main emphasis is on statutory remedies for discrimination.

Employment Law 865 (3 hrs)

A genre survey of employment law topics including the private employment contract, the Fair Labor Standards Act, and Workers' Compensation Acts. Other selected topics may include an overview of one or more of the following: labor law, discrimination or harassment law, OSHA, public sector employment law, or immigration.

Energy Law 870 (3 hrs)

The course considers the challenge of addressing the increase in energy demand within a carbon-constrained world. It studies the use of coal, oil, gas, nuclear, wind, solar, hydro, and biofuels. Participants will consider electricity generally, cogeneration, transmission line expansion, human exposure, and environmental factors in considering a sound energy policy that meets society's energy needs.

Environmental Law 878 (3 hrs)

This course will survey the legal protection of the environment in the United States. Topics covered will include the foundations of environmental law, principles of administrative law and practice, environmental federalism, the National Environmental Policy Act, and the specific legal regimes regulating toxic substances, wastes, water pollution, and air pollution.

Estate and Gift Tax 871 (2 hrs)

A study of the taxes imposed upon the gratuitous transfer of property during life and at death.

Estate and Trust Administration 813 (2 hrs)

A study of guardianships and the administration of estates and trusts, with emphasis on statutes regulating the conduct of fiduciaries. **Prerequisite: Trusts & Wills.**

Estate Planning 881 (3 hrs)

This course covers drafting of documents as well as the personal, financial, and tax planning necessary to carry out client intentions regarding the disposition of wealth. **Prerequisite: Trusts & Wills.**

Evidence 823 (3 hrs)

A study of the rules of evidence, their origin, development and use, with particular emphasis on the federal rules.

Externship 844 (6 hrs)

Third-year students who have completed two years of law school serve in legal externships (according to applicable court rules) in the practice of law. Legal externs acquire practical experience in the lawyering process, professional responsibility, and applied legal ethics. They also participate in informal dialogues on matters relating to the practice of law with judges, lawyers, and other prominent practitioners in their respective fields of expertise. Attorneys outside the Law School work with the externship coordinator in supervising students in the externship course.

Family Law 853 (3 hrs)

A survey of the applicable laws concerning marriage, divorce, division of property, alimony, child support, paternity, custody, adoptions, termination of parental rights, modification of decrees, and enforcement techniques. Although the course surveys the differing approaches undertaken by the various states, emphasis is placed on the laws of South Dakota.

Federal Income Tax 824 (3 hrs)

An introduction to federal taxation. Primary consideration is given to principles and policies relating to the taxation of individuals, including procedure, income, deductions, gains and losses, assignment and accounting aspects of income taxation. The Internal Revenue Code and Regulations are emphasized.

Federal Jurisdiction 808 (3 hrs)

A study of the federal judicial system, including cases arising under the laws of the United States, diversity of citizenship, jurisdictional amount, removal of cases from state to federal courts, abstention, process, venue, and appellate jurisdiction.

Federal Securities Regulation Law 834 (3 hrs)

Securities Regulation provides a basic overview of the law of securities. It emphasizes the sale, distribution, and resale of securities, focusing on the Federal Securities Act of 1933 as it applies in the context of the general practice of law. Other topics discussed include the preparation of the registration statement, the basic liability provisions of federal securities laws, and the state regulation of securities. **Prerequisite: Bus Orgs I.**

Financial Analysis for Lawyers/CLP 862 (2 hrs)

This course is designed to teach the most important analytical methods in a manner that will be accessible to those with no prior quantitative training or background in the subjects covered. We will cover principles of accounting, finance and statistics and, as time permits, economic analysis of the law and principles of contracting. **Prerequisite: No more than 3 credits of accounting prior to law school.**

First Amendment Rights 876 (3 hrs)

An advanced course dealing with the fundamental freedoms of speech, press, association, and religion. In addition to considering the historical background, the course focuses on recent cases and developments in the definition and scope of rights and remedies, as well as problems of technology and demography. **Prerequisite: Constitutional Law.**

Health Care Law and Policy 864 (3 hrs)

A survey course that has incorporated traditional "Law and Medicine" materials with contemporary "Law and Policy" analyses of the American Health Care System. The course examines provider- dominated health care, its transformation from professionalism to commercialism, and the role of economic policy, medical politics, and the law in its formation. Law students are exposed to an industry that consumes significant levels of legal services and has fostered the emergence of health law specialization. It provides a virtual laboratory for the application of the law of insurance, torts, contracts, and tax, with special emphasis on antitrust law.

Immigration Law 839 (1 hr)

This course will survey legal sources and policy perspectives that shape US immigration law. In regard to immigration procedure, the course will focus on family-based immigration with some attention to employment-based immigration. It will also examine issues of the relationship between criminal law and immigration law.

Indian Gaming & Economic Development 849 (2 hrs)

This course examines federal, tribal and state laws involved in the development and operation of gaming enterprises in Indian country. The course will survey the historical background of Indian gaming and further examine the modern legal and regulatory schemes governing the operation of Indian gaming, focusing primarily on the Indian Gaming Regulatory Act.

Indian Law 883 (3 hrs)

An introduction to Indian law by studying the history of federal policy toward American Indians, the federal-tribal relationships, tribal sovereignty and states' rights, tribal self-government, jurisdiction in Indian country, tribal economic development, the rights of individual Indians, Indian land, water rights, and fishing and hunting rights.

Insurance 851 (3 hrs)

A study of the law relating to the formation of insurance contracts, governmental regulation of the business of insurance, first party insurance, and third party insurance, the evolving notion of "bad faith" in the insurance setting, interpretation of insurance policies, claims processes, risk management, and the concept of insurable interest.

International Human Rights Law 867 (2 hrs)

A study of the substantive human rights set forth in treaties and the practice and procedures of the United Nations bodies and regional systems established to protect these rights. The course will deal with civil and political rights as well as economic, social and cultural rights.

International Business Transactions 838 (2 hrs)

This course considers selected problems in international business and trade, surveying some of the many issues encountered in private international transactions and emphasizing the options available to counsel engaged in the "preventive" practice of law. Major areas explored include (1) international trading in goods, (2) regulation of international trade, (3) transfers of technology, (4) establishing foreign means of production or distribution through "licensing" or "franchising" operations, (5) direct investment in foreign means of production or distribution "onshore" in another country, and (6) the resolution of international disputes.

Introduction to Intellectual Property Law 860 (2 hrs)

This course provides a foundation of basic copyright, trademark, and trade secret law. It also provides the conceptual legal structure and framework for more advanced study. It is possible that the course may also examine selected topics in more detail to foster appreciation for the depth of intellectual property law in general.

Legal Profession 857 (3 hrs)

A study of the development of the legal profession, the organized Bar, and its current status and activities. Areas of emphasis include the code and canons of professional responsibility and related problems, the codes of trial and judicial conduct, and the public responsibilities of a lawyer.

Legislation 827 (2 hrs)

This course examines the legislative process, the relationship between the common law and statutes, statutory interpretation and public policy. It will focus primarily on the theoretical and practical aspects of statutory interpretation, including overall theories of interpretation, the canons of statutory interpretation, and the use of legislative history. In addition, legislative drafting is a necessary and practical advocacy skill. Thus, the intent of the course is to explore the various facets of the legislative process, including drafting legislation, reviewing legislative implementation and interpretation, and public policy considerations of these processes.

Media & Communications Law 858 (3 hrs)

This course will examine an array of ways in which the law affects those individuals and entities involved in the media and communications industries. It will involve aspects of intellectual property, including copyright and trademark law. It will study the legal and constitutional issues that affect journalists and those involved in the news media. It will address the regulatory environments faced by the broadcast, cable and internet mediums. And it will examine how the law of torts affects those in the media and communications industries. Of continuing relevance to this course will be the application of first amendment doctrines to those entities and individuals involved in the media and communications industry.

Mediation 850 (3 hrs)

This course examines the theories and processes of resolving legal disputes through mediation. Students will develop the practical skills required for the effective practice of mediation as mediators and as representatives of parties through simulation exercises. This course also addresses the ethical responsibilities of lawyers involved in mediation in either role.

Military Law/CLP 862 (2 hrs)

This course studies the U.S. Armed Forces military legal system. Students will acquire an understanding of specific substantive areas which include constitutional law as it relates to the armed forces, history of the development of the military legal system, military criminal and civil legal jurisdiction, the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial, the tort claims process, the War Powers Act, law of armed conflict (to include Geneva Conventions), and judge advocate operations. Significant court decisions are explored to support course goals.

Modern Real Estate Transactions 872 (2 hrs)

A detailed examination of real estate acquisition, disposition and financing. Subjects may include arranging the transaction, assurance of title through title insurance or the abstract-attorneys opinion, temporary and permanent financing, lien types and priorities, methods of foreclosure, income tax considerations, condominium and other communal arrangements, leases and commercial development.

Moot Court 809 (1 hr)

Members of the South Dakota Moot Court Board prepare appellate briefs and present oral arguments in regional and national Moot Court competitions. Academic credit is awarded on a pass-fail basis.

Natural Resources Law I – 863 (3 hrs)

This course is the first of two semesters which together will survey the laws and policies governing the use, allocation, and preservation of various natural resources, including both commodity (land, water, timber, minerals, and energy) and non-commodity (wildlife, preservation lands, and recreation) resources. Topics covered in this first semester will include the intellectual, constitutional and legal foundations of natural resource law, the varying state and private ownership regimes which guide and constrain its implementation, and the legal frameworks governing the commodity resources of rural lands and water.

Natural Resources Law II/CLP – 862 (3 hrs)

This course is the second of two semesters which will survey the laws and policies governing the use, allocation, and preservation of various natural resources, including both commodity (land, water, timber, minerals, and energy) and non-commodity (wildlife, preservation lands, and recreation) resources. Topics covered in this second part will include, but not be limited to, the legal frameworks governing public lands and the resources of timber, minerals, wildlife, and recreation. **Prerequisite: Natural Resources I.**

Negotiation and Settlement 882 (3 hrs)

This course is designed to enhance the future lawyer's interpersonal skills by emphasizing the lawyer's role as interviewer, counselor, negotiator, and drafter in the litigation context. Problem cases drawn from a variety of legal and personal settings are used to develop these skills through faculty observation and critique.

Patent Law 861 (2 hrs)

An introduction to the basic concepts of patent law. Topics may include patentability, the patenting process, rights, infringement, and ownership and transfer.

Public International Law 807 (3 hrs)

This is a survey course designed to provide a general overview of the structure and workings of the international legal system and some of the principal topics and problems in the field. Topics discussed will include the nature of international law, sources of international law, the interrelation of international and domestic law, the law relating to the use of force, jurisdiction, state responsibility, sovereign immunity, and human rights.

Remedies 825 (3 hrs)

An analysis of civil remedies available in the American judicial system. The course is designed to familiarize students with damages, equitable remedies, and restitution.

Rights of Indigenous Peoples 884 (3 hrs)

This course examines developments in international human rights law and institutions that concern indigenous peoples worldwide, while seeking to understand those developments in relation to the domestic law and policies of the United States and selected other countries. This course will endeavor to provide students with an exposure to the theory and practice of international human rights law as it concerns indigenous peoples, as well as with a critical assessment of related trends at the domestic level.

Secured Transactions 832 (3 hrs)

A study of transactions in which an interest in collateral is taken to secure debt. Article 9 of the Uniform Commercial Code is emphasized.

South Dakota Law Review 806 (1 hr)

Students on the Board of Editors are responsible for soliciting, editing, and publishing lead articles, student notes and comments, and book reviews. They also manage the Law Review and coordinate the activities of the second- and third-year students who write for the Review. Students who write a publishable comment earn two hours of credit. Students who write a publishable case note earn one hour of credit. Editors may earn one hour of credit per semester for performing editorial duties. No student may receive more than four hours credit for Law Review.

South Dakota Drafting & Legal Practice 869 (3 hrs)

This course is limited to third-year students, unless special permission is granted to second-year students. This course is a skills-based course that focuses on typical practice areas students will encounter in South Dakota, although all students entering the practice of law will benefit without regard to geographical restrictions. The course begins with substantive presentations by respected South Dakota practitioners and judges in various areas of law and is followed by instruction in and practice drafting legal documents that students will regularly create upon entering the practice of law. This course serves to integrate the substantive and theoretical knowledge students have gained during law school with additional practical information and skills.

Trial Advocacy Competition 811 (1 hr)

Participation in trial advocacy competitions requires a commitment of time and offers unique educational opportunities to hone skills for courtroom presentation. Team members compete with students from other law schools. One credit per semester is earned by a student who participates in at least one tournament, with a maximum of two credits for a student who participates for two years and who participates in at least two trials.

Trial Techniques 855 (3 hrs)

The course requires student participation in discrete exercises, including jury voir dire, opening and closing statements, and direct and cross examination. At the conclusion of the course, student teams participate in mock trials which are videotaped in their entirety and critiqued by the course instructor. **Prerequisite: Evidence.**

Tribal Courts & Tribal Law/CLP 862 (1 hr)

The course will deal with a number of tribal law issues as they are raised and litigated in tribal courts.

Trusts & Wills 803 (4 hrs)

A study of the law of intestate succession, wills, trusts, and future interests, with emphasis on drafting to avoid common law restrictions.

Water Law 830 (3 hrs)

This course examines the procedures and rules by which society allocates and protects its most crucial natural resource -- water. The focus is on current legal and policy issues and the history of water development and politics in the United States. The larger framework examines the tension between public and private rights in water. Water law lies at an intersection of tort, property, administrative, constitutional, state and local government, public lands, Indian and environmental laws, and imparts a fuller appreciation of each of these fields. Because water policymakers around the world study closely the experience of the American West, water law is de facto a fundamental case study for international law.

IV. Two-Year List of Course Offerings

Course Offerings for the 2011-2012 and 2012-2013 academic years are available at www.usd.edu/law under Academics on the navigation bar.