TO: First-Year Students
FROM: Professor Kip Cornwell, Chair, Academic Credentials Committee, on behalf of the faculty
RE: Changes to Academic Standing and Dismissal Rules for fall 2020

After careful consideration, the law school faculty has voted to change our academic standing and dismissal rules for the 2020-2021 academic year only, in light of the adoption of mandatory Pass/D/Fail this spring. These changes are two-fold: first, an extension of the 2.0 rule; second, the application of the mandatory curve for required first-year courses (other than Professional Responsibility) to Constitutional Law.

Extension of the 2.0 rule

Our academic standing rules provide that a student is subject to dismissal if his or her cumulative grade-point average is below 2.00 after having earned between 16 and 37 credits. The 16-to-37 credit calculation excludes summer and winter classes. In calculating a student’s GPA for purposes of the 2.0 rule, summer and winter classes are excluded, as well as Lawyering I and II. This policy is predicated on the fact that, by the end of the spring semester of their first year, weekday students would have received letter grades that count towards the 2.0 rule in the following classes:

1L weekday, entering full-time: Torts (4), Contracts (5), Civ Pro I (3), Civ Pro II (2), Criminal Law (3), Property (5), and Professional Responsibility (2), for a total of 24 graded credits

1L weekday, entering with a reduced course load: Contracts (5), Civ Pro I (3), Civ Pro II (2), Criminal Law (3), and Property (5), for a total of 18 graded credits.

By the third semester, weekday students have generally earned enough credits that the 2.0 no longer applies.

Because weekend students take fewer credits, the 2.0 rule generally applies to them through their third semester. By that time, weekend students would have received letter grades that count towards the 2.0 rule in the following classes: Torts (4), Contracts (5), Civ Pro I (3), Civ Pro II (2), Criminal Law (3), and Property I (2), Appellate Advocacy (2) and Con Law I (3), for a total of 24 credits.

Because of the P/D/F system to be used this term, graded credits that count towards the 2.0 rule will change as follows in the first year:
- 1L weekday, entering full-time: 14 (versus 24, in other years)
- 1L weekday, entering with a reduced course load: 10 (versus 18, in other years)

For weekday students, the change in graded credits that counts towards the 2.0 rule in their first three semesters will be as follows: 17 (versus 24, in other years)

Our dismissal standards are not arbitrary; they are based on years of data and experience that indicate that students who fail to achieve a grade-point average of 2.0 after completing a significant number of credits in foundational classes are highly likely to have difficulty passing the Bar exam. To that end, we have decided to extend the 2.0 rule from 37 to 47 credits (excluding Lawyering I and II and summer and winter classes) for students who entered law school in fall 2019. Based on this change, the 2.0
rule will apply to weekday students through their third semester and weekend students through their fourth semester.

Constitutional Law

Under our academic standing rules, students are subject to dismissal if they earn 8 or more credits of D+, D or F in at least 3 of the following foundational classes: Lawyering I, Lawyering II, Torts, Civil Procedure (weekday), Civil Procedure I (weekend), Civil Procedure II (weekend), Contracts, Criminal Law, Property (weekday), Property I (weekend), Property II (weekend), Constitutional Law (weekday), Constitutional Law I (weekend), and Constitutional Law II (weekend). Professors are required to give grades of D+, D or F in all of the above except Lawyering and Constitutional Law.

By the end of the first year, weekday students entering full-time will typically have taken 22 credits in 6 classes in which grades of D+ or lower are mandatory. This year, that number will shrink to 12 credits in 3 classes. For weekday students entering with a reduced course load, that number will shrink from 18 credits in 5 classes to 8 credits in 2 classes. For weekend students, credits to which mandatory Ds apply in the first two years will be reduced from 22 credits in 7 classes to 15 credits in 5 classes.

As with the 2.0 rule, the application of a grading curve with mandatory grades of D+ or lower in foundational classes is meant to identify students who struggle to achieve success in law school. This allows faculty and administrators to intervene to support these students and help them become more successful. If these students continue to earn unsatisfactory grades with these supportive measures in place, data and experience indicates that they are very unlikely to succeed in passing the Bar and securing gainful employment.

To enable the law school to identify those students in need of additional academic support and services, the mandatory curve will apply to Constitutional Law next year for all students. While the number of credits subject to a grading curve with mandatory Ds will remain lower for students entering in fall 2019 than those who have preceded them, it will allow the faculty and administration to better identify those students who are struggling so that we can assist them to be successful or, where appropriate, to reconsider the pathway forward. Please note that the difference between the curve to be applied to Constitutional Law next year is identical to the curve that is ordinarily applied in that course with respect to grades in the top four categories: A+/A; A-/B+; B; and B-/C+. The elective curve allows the remaining 10% to 25% to be assigned, at the professor’s discretion, to grades of C or below; the mandatory curve requires grades of C/C- for 10% to 25% and grades of D+ or lower for 5% to 15%.

These decisions were extremely hard for the faculty and were arrived at only after significant consideration. Ultimately, the faculty has a fiduciary duty to ensure that we accept and advance students who will succeed in completing law school and passing the Bar. The decisions were driven by a need to balance the extraordinary circumstances and stresses of this semester, with the desire to return to normalcy and fulfilling our duty to students next semester. We have many resources available to those of you who have questions, and suggest you call any one of the following should you desire to discuss how these policies might impact you, and how you might go forward successfully: Dean Cascarano, Dean Foerst, Prof. Newcombe and Prof. Foy.