

STATE OF MINNESOTA
IN SUPREME COURT

OCT 21 2002

FILED

IN RE THE UNIVERSITY OF
ST. THOMAS SCHOOL OF LAW

Case No. _____

PETITION FOR ONE-YEAR EXCEPTION
TO REQUIREMENT IN STUDENT
PRACTICE RULE 1.02(1) OF AMERICAN
BAR ASSOCIATION APPROVAL

The University of St. Thomas School of Law ("St. Thomas"), through its Dean, Thomas M. Mengler, its Associate Dean, Patrick J. Schiltz, and its undersigned counsel, on behalf of the administration, faculty, and students of St. Thomas, respectfully petition this Court to approve a one-year exception to that part of Minnesota Student Practice Rule 1.02(1) requiring, as a condition of eligibility, that a student be enrolled at a Minnesota law school "approved by the American Bar Association." In support of this request, petitioners assert the following:

1. Minnesota Student Practice Rule 1.01 permits an eligible law student, under the supervision of a member of the Minnesota bar, to "perform all functions that an attorney may perform in representing and appearing on behalf of any state, local, or other government unit or agency, or any indigent person who is a party to a civil action or who is accused of a crime, or a petty misdemeanor." One of the conditions of eligibility is that a law student must be "duly enrolled at the time of original certification in a school of law in Minnesota approved by the American Bar Association ['ABA']." Student Practice Rule 1.02(1).

2. Now in its second year of existence, St. Thomas was not eligible even to apply for provisional accreditation from the ABA until August 2002, and the earliest that St. Thomas can receive that accreditation is August 2003. Consequently, second-year students at St. Thomas are not permitted to take advantage of the valuable legal practice experiences facilitated by the Minnesota Student Practice Rules. This limitation substantially limits the opportunities of St. Thomas students to obtain public sector or legal services employment or internship opportunities and to receive training that will assist them in becoming skilled and ethical members of the Minnesota bar.

3. The Minnesota Student Practice Rules are intended to permit students to obtain valuable practice experience, under circumstances ensuring that client interests are protected. The Rules protect client interests by, among other things, requiring a student to work under the close and active supervision of a licensed Minnesota attorney and requiring a student to have completed a certain amount of study (two semesters of fulltime study) at an ABA-accredited law school. Requiring that a student be enrolled at an ABA-accredited law school serves to ensure quality legal instruction and a quality student body.

4. St. Thomas, although not yet provisionally accredited, is meeting all of the essential attributes of a quality ABA-accredited law school. In particular, St. Thomas is providing an excellent legal education to a talented, highly motivated student body.

- a. St. Thomas is part of a large, thriving, highly respected, 117-year-old university, which has established numerous successful graduate and professional programs.
- b. St. Thomas has attracted a faculty with substantial teaching experience at highly respected ABA-accredited law schools. Dean Mengler joined St. Thomas after

serving for nine years as Dean of the University of Illinois College of Law, a law school regularly rated among the best in the United States. Of the 16 full-time faculty, 14 came to St. Thomas directly from positions at other ABA-accredited law schools. Three came from Notre Dame, two from Arizona State, and one each from Emory, Illinois, Loyola New Orleans, Maryland, Missouri, William Mitchell, New Mexico, Samford (Cumberland), and South Texas. The law teaching experience of these 14 faculty ranges from 27 years to one or two years; the average teaching experience of the 14 is about 12 years.

- c. St. Thomas has established a traditional and demanding curriculum that will prepare its graduates for the many challenges of legal practice. The first-year curriculum consists of four courses in the fall semester and four in the spring. The fall courses are Civil Procedure (4 credit hours), Contracts (4), Torts (4), and Lawyering Skills I (3). The spring semester courses are Constitutional Law (4), Criminal Law (4), Property (4), and Lawyering Skills II (3). Over the course of three years, students will take a total of eight credits of Lawyering Skills. The Lawyering Skills classes provide instruction in legal research, analysis, legal writing, investigations, client interviewing, alternative dispute resolution, and client counseling. During the second and third years, students are required to pass six upper-division courses: Business Associations, Evidence, Federal Income Taxation, Jurisprudence, Lawyering Skills III, and Professional Responsibility. In addition, they are required to complete an upper-level writing requirement and a public-service requirement.

- d. St. Thomas's first two classes are academically every bit as strong as the first-year classes of a majority of fully accredited ABA law schools. The average undergraduate GPA for the founding class was 3.25. The LSAT scores for the founding class were 153 at the median, 157 at the 75th percentile, and 148 at the 25th percentile. These figures exceed those of most law schools ranked in the third or fourth tier by *U.S. News and World Report* and place St. Thomas near a number of schools ranked in the second tier.
- e. The academic credentials of the second class are even stronger. The average undergraduate GPA is 3.37. The LSAT scores are 155 at the median, 158 at the 75th percentile, and 151 at the 25th percentile. These credentials compare favorably to the credentials of students at most second-tier law schools.
- f. By way of comparison, the academic credentials of the fall 2002 entering classes at Minnesota's three other excellent law schools were reported as follows: At Hamline University School of Law, the average undergraduate GPA was approximately 3.25, and the LSAT scores were 154 at the 75th percentile and 148 at the 25th percentile. At William Mitchell College of Law, the average undergraduate GPA was approximately 3.25, and the LSAT scores were 158 at the 75th percentile and 151 at the 25th percentile. At the University of Minnesota Law School, the average undergraduate GPA was approximately 3.60, and the LSAT scores were 165 at the 75th percentile and 160 at the 25th percentile.

- g. St. Thomas has begun its existence with strong University support and on firm financial footing. St. Thomas has already raised almost \$80 million towards a goal of \$136 million.
- h. St. Thomas broke ground on a new \$34.6 million building in downtown Minneapolis in February 2002 and expects to occupy the building in time for fall 2003 classes.

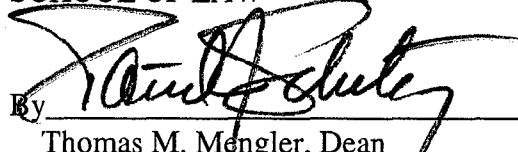
5. St. Thomas applied for provisional accreditation at the earliest opportunity, and its application for provisional accreditation is currently under active ABA review. A site inspection team from the ABA visited St. Thomas on September 29 to October 3, 2002. Members of that team were highly complimentary in discussing St. Thomas's program, and no member of the team gave any indication that he or she anticipated that St. Thomas would have any difficulty being accredited. Although St. Thomas cannot guarantee that its application for provisional accreditation will be approved, St. Thomas is not aware of another law school that has enjoyed similar advantages and yet failed to be accredited. St. Thomas is quietly confident that the ABA will grant provisional accreditation to St. Thomas in August 2003, the earliest time that such accreditation can be granted. Provisional accreditation will allow graduates of St. Thomas to take the Minnesota bar examination, as well as the bar examinations of the other 49 jurisdictions.

6. The talented second-year students currently enrolled at St. Thomas are receiving an outstanding legal education. For that reason, St. Thomas respectfully asks this Court to grant its students a one-year exception to Minnesota Student Practice Rule 1.02(1). Such an exception will allow those of St. Thomas's students who otherwise meet the requirements of the Minnesota Student Practice Rules to obtain the valuable practice experiences that students enrolled at the

other three Minnesota law schools are eligible to receive. This practice experience, in turn, will help St. Thomas students eventually to become more skilled and ethical members of the Minnesota bar.

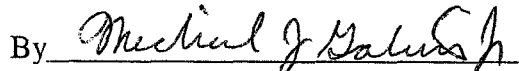
Dated: October 9, 2002

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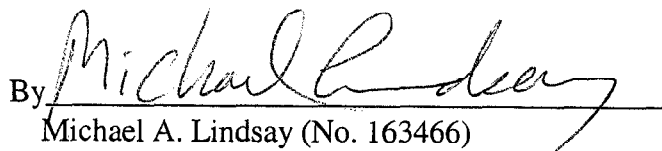
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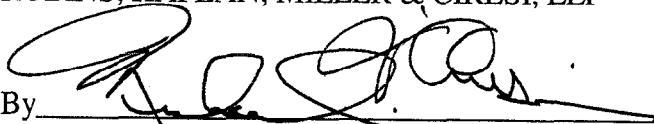
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