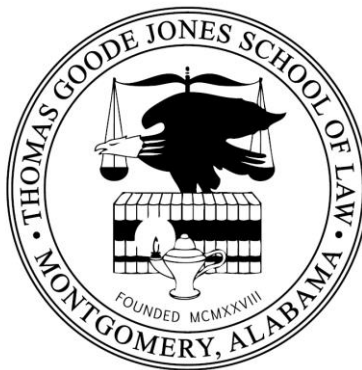


**f** FAULKNER**LAW**

THOMAS GOODE JONES SCHOOL OF LAW



# MANUAL OF POLICIES

ADOPTED BY THE FACULTY

(Chapter 7 and Appendices Omitted)

2018–2019

Faulkner University  
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# CHAPTER ONE ~ MISSION & ADMINISTRATION

## PART 1—MISSION

### § 1-101. Mission Statement.

As part of the Faulkner University community, the School of Law shares Faulkner University's mission to glorify God by embracing academic excellence and emphasizing a strong commitment to integrity within a caring Christian environment.

In its efforts to fulfill this mission, the School of Law endeavors to:

- Provide an excellent legal education in which the faculty engages students in a challenging learning experience designed to promote the students' competent and ethical participation in the legal profession;
- Promote a Christian environment that encourages all members of the law school community to use their abilities to advance the legal profession and benefit society;
- Attract, develop, and retain a highly competent and diverse faculty devoted to teaching, community service, and scholarly research and writing;
- Attract a qualified and diverse student body;
- Provide students with meaningful resources and experiences such as individual academic advising and support, career counseling, clinical, externship, and advocacy opportunities, designed to prepare them for their roles as competent and ethical members of the legal profession;
- Contribute to discussion of the relationship of faith, learning, and the law; and,
- Regularly reassess the program of legal education through on-going strategic planning to assure continual quality and improvement of the program.

*Oct. 22, 2004; Rev. Nov. 12,  
2007*

## PART 2—ACADEMIC CALENDARS

### § 1-201. Calendar for 2018–2019.

#### Academic Calendar 2018–2019

##### FALL SEMESTER 2018

August 7–10	New Student Orientation
August 10	Final registration for Fall Semester
August 10	Faculty Retreat
<b>Monday, August 13</b>	<b>Classes begin</b>
August 16-18	15th Annual J. Greg Allen Mock Trial Competition
August 17	Last day for late registration and course changes
September 3	Labor Day Holiday
September 7	Last day to drop courses
September 26-29	3rd Annual Mockingbird Challenge
October 12	Don Garner Charity Golf Tournament
October 8–17	Advising for Spring Semester registration
October 18–24	Online registration for Spring Semester
<b>Monday, November 19</b>	<b>Last day of classes</b>
November 20–28	Study Days
November 29–December 11	Final Exams

##### SPRING SEMESTER 2019

January 2	January Intersession Classes Begin
January 4	Final registration for Spring Semester
January 7	Spring Semester Classes begin
January 11	Last day for late registration and course changes
January 21	Birthday of Martin Luther King, Jr. Holiday
February 1	Last day to drop courses
February 22	Fred Gray Civil Rights Symposium
March 7–8	Online registration for Summer Session
March 18–22	Spring Holidays
March 25–April 4	Advising for Fall 2019 registration
April 4–11	Online registration for Fall Semester
April 22	Last day of classes
April 23–26	Study Days
April 29–May 9	Final Exams
May 11	Commencement

##### SUMMER SESSION 2019

May 22	Final registration for Summer Session
May 28	Classes begin
May 31	Last day for late registration and course changes

June 5	Last day to drop concentrated courses
June 11	Last day to drop standard courses
June 25	Last day of classes (Concentrated Courses)
June 28 & July 1	Final Exams (Concentrated Courses)
July 4	Independence Day Holiday
July 18	Last day of classes (Standard Courses)
July 22–25	Final Exams (Standard Courses)

§ 1-202. Calendar for 2019–2020 (Tentative).

**Academic Calendar 2019–2020  
(Tentative)**

**FALL SEMESTER 2019**

August 6–9	New Student Orientation
August 9	Final registration for Fall Semester
August 9	Faculty Retreat
<b><i>Monday, August 12</i></b>	<b><i>Classes begin</i></b>
August 15-17	16th Annual J. Greg Allen Mock Trial Competition
August 16	Last day for late registration and course changes
September 2	Labor Day Holiday
September 6	Last day to drop courses
September 25-28	4th Annual Mockingbird Challenge
October 11	Don Garner Charity Golf Tournament
October 7–16	Advising for Spring Semester registration
October 17–23	Online registration for Spring Semester
<b><i>Friday, November 22</i></b>	<b><i>Last day of classes</i></b>
November 23–December 2	Study Days
December 3–13	Final Exams

**SPRING SEMESTER 2020**

January 2	January Intersession Classes Begin
January 6	Final registration for Spring Semester
January 8	Spring Semester Classes begin
January 14	Last day for late registration and course changes
January 20	Birthday of Martin Luther King, Jr. Holiday
January 31	Last day to drop courses
March 9–10	Online registration for Summer Session
March 16–20	Spring Holidays
March 30–April 3	Advising for Fall 2020 registration
April 6–10	Online registration for Fall Semester
April 22	Last day of classes
April 23–27	Study Days
April 28–May 7	Final Exams
May 9	Commencement

**SUMMER SESSION 2020**

May 20	Final registration for Summer Session
May 26	Classes begin
May 29	Last day for late registration and course changes
June 3	Last day to drop concentrated courses
June 10	Last day to drop standard courses



June 23	Last day of classes (Concentrated Courses)
June 26 & 29	Final Exams (Concentrated Courses)
July 4	Independence Day Holiday
July 16	Last day of classes (Standard Courses)
July 20–23	Final Exams (Standard Courses)

## **PART 3—THIS MANUAL**

### **§ 1-301. Contents and Name.**

This manual shall contain policies adopted by the faculty, and shall be known as the Faculty Policies Manual.

*Sept. 21, 2004*

### **§ 1-302. Definitions.**

- (a) In this manual, unless otherwise specified, “the dean” means the dean of the law school or his or her designee.
- (b) In this manual, unless otherwise specified, “semester” means the term beginning in August and ending in December and/or the term beginning in January and ending in May. “Semester” does not include in its meaning a summer session or an interterm session.

*Sept. 21, 2004*

### **§ 1-303. Location, Captions, and Dates.**

The location of policies, their section numbers and captions, and the dates of adoption are for information only. No location, section number, or caption shall be adopted by the law faculty as a part of the policy.

*Sept. 21, 2004*

### **§ 1-304. Maintenance and Availability.**

- (a) The Dean shall keep this manual up to date.
- (b) Current copies of this manual shall be kept in the offices of the Dean and the Associate Dean for Academic Affairs.

*Sept. 21, 2004*

### **§ 1-305. Policies To Be Included.**

- (a) If a policy adopted by the faculty is not an amendment of a policy already in the manual, that policy shall be included in this manual unless the faculty passes a motion which explicitly provides otherwise.
- (b) If a policy adopted by the faculty is an amendment of a policy already in the manual, the amendment shall be inserted in this manual in place of that part of the policy which shall have been amended.
- (c) Every policy which is repealed in its entirety by the faculty shall be removed from this manual.

*Sept. 21, 2004*

**§ 1-306. Date below Each Section.**

Immediately below the text of each of its sections, this manual shall show a date determined by the following:

- (a) If the policy contained in the section has never been amended, the date shown in this manual shall be the date of the faculty meeting in which the policy was adopted.
- (b) If the policy contained in the section has been amended, the date shown in this manual shall be the date of the last faculty meeting in which the policy was amended.

*Sept. 21, 2004*

**§ 1-307. Updating.**

- (a) Promptly after the faculty has made a policy decision which Section 1-305 requires to be inserted in this manual, the dean shall provide each faculty member with the language the dean chooses to insert to reflect the faculty's decision. The dean shall have the discretion to make stylistic changes in the language of the faculty decision, to choose a caption or captions, and to choose a section number or numbers. If the faculty does not agree with any of the dean's choices, the faculty shall choose and adopt the language (and/or section number[s]) to be inserted in this manual; and thereafter the dean shall change this manual accordingly.
- (b) When any change is made in this manual, the dean shall promptly provide each faculty member with the page(s) affected (with the date of distribution shown at the bottom of each page).

*Sept. 21, 2004*

**§ 1-308. Organization.**

As it appears useful, the dean shall have the discretion to make changes in the organization of this manual, including the numbering and names of chapters, of chapter parts, and of sections. After making any such change, the dean shall promptly provide each faculty member with the page(s) affected (with the date of distribution shown at the bottom of each page).

*Sept. 21, 2004*

**§ 1-309. Modifications in Unusual Circumstances.**

It is recognized that the application of these policies, in unusual circumstances, may work an undue hardship. In such instances, the Dean shall have the discretion to ameliorate the hardship by modifying the policy as to such situation or to grant an exception thereto. Except in the case of personnel issues, the Dean shall report to the full faculty on a quarterly basis regarding any waivers or modifications.

*Oct. 1, 2004*

## CHAPTER TWO ~ CURRICULUM

### PART 1—REQUIRED COURSES FOR FULL-TIME STUDENTS

(renumbered August 1, 2017)

#### § 2-101. First Semester.

- (a) Each entering full-time student is expected to attend an introductory program during the week before regular classes begin.
- (b) Each full-time student is required to take the following courses during the fall semester of the first year of law school:
  - (1) Civil Procedure I;
  - (2) Criminal Law;
  - (3) Legal Reasoning, Writing & Research;
  - (4) Foundations of Law; and
  - (5) Torts.

*Sept. 21, 2004; Rev. Mar. 31, 2011; Apr. 22, 2015*

#### § 2-102. Second Semester.

- (a) The following are required courses and, subject to subsections (b) and (c) hereof, each full-time student is required to take them during the spring semester of the first year of law school:
  - (1) American Constitutional Order;
  - (2) Civil Procedure II;
  - (3) Contracts;
  - (4) Foundations of the Legal Profession;
  - (5) Legal Analysis & Persuasion; and
  - (6) Property.
- (b) Completing the course and receiving a grade (other than “WP” or “WF”) in Civil Procedure I is a prerequisite for enrollment in Civil Procedure II.

- (c) The receiving of credit in Legal Reasoning, Writing & Research is a prerequisite for enrollment in Legal Analysis & Persuasion.

*Sept. 21, 2004; Rev. Feb. 15, 2005; Jan. 17, 2006;  
Mar. 31, 2011; Mar. 18, 2014; Apr. 22, 2015*

### **§ 2-103. Third Semester.**

- (a) Each full-time student is required to take the following courses, normally during the third semester:

- (1) Constitutional Criminal Procedure;
- (2) Evidence; and
- (3) The First Amendment and Individual Rights.

- (b) Completing the course and receiving a grade (other than “WP” or “WF”) in American Constitutional Order are prerequisites for enrollment in The First Amendment and Individual Rights.

*Jan. 20, 2005; Rev. Jan. 17, 2006;  
Mar. 18, 2014; Sept. 16, 2014*

### **§ 2-104. Fourth Semester.**

Each full-time student is required to take the following courses, normally during the fourth semester:

- (1) Business Associations;
- (2) Professional Responsibility; and
- (3) (for all students matriculating after July 1, 2014) Sales.

*Jan. 20, 2005; Rev. Jan. 17, 2006;  
Mar. 18, 2014; Sept. 16 2014; Mar. 10, 2015*

### **§ 2-105. Fifth Semester.**

Each full-time student is required to take the following courses, normally during the fifth semester:

- (1) Remedies; and
- (2) (for students matriculating after July 1, 2014) Administrative Law.

*Sept. 21, 2004; Rev. Jan. 17, 2006; Mar. 10, 2015*

**§ 2-106. Sixth Semester.**

Each full-time student is required to take the following courses, normally during the sixth semester:

- (1) Bar Examination Skills and Strategies; and
- (2) (for all students matriculating after July 1, 2014) Federal Courts.

*Apr. 16, 2014; Mar. 10, 2015*

**§ 2-107. Second Year or Thereafter.**

During the second year or thereafter, each full-time student is required to:

- (a) take offerings that satisfy the Professional Development Requirement pursuant to Section 2-601; and
- (b) fulfill the Rigorous Writing Requirement pursuant to Section 2-501.

*Jan. 20, 2005*

**§ 2-108. Students in the Bottom Quartile.** (For all students matriculating after July 1, 2014.)

Any student whose grade point average falls in the bottom twenty-five percent (25%) of his or her class at the end of the second semester shall, in addition to the courses listed in §2-101 through §2-106 above, take the following courses:

- (1) Wills and Trusts;
- (2) Family Law;
- (3) Commercial Law: Secured Transactions.

*Mar. 10, 2015*

**§ 2-109. Curricular Pathways.**

The Dean and the Associate Dean for Academic Affairs may, with the approval of the faculty, design curricular pathways for students who have completed their first two semesters of study and wish to concentrate their studies. A student may be deemed to have completed the requirements for a curricular pathway when that student has completed twelve (12) credit hours of courses designated as being within the pathway, six (6) of which must be Professional Development courses.

*Mar. 10, 2015*

[NOTE: The following summarizes the curriculum that applied to students who matriculated prior to August 2011.

First Year, First Semester. Introductory program during the week before regular classes begin. Civil Procedure I; Contracts I; Legal Research and Writing I; Property I; and Torts I.

*First Year, Second Semester. Civil Procedure II; Contracts II; Legal Research and Writing II; Property II; Torts II; and Criminal Law. Completing the course and receiving a grade (other than "WP" or "WF") in Civil Procedure I, Contracts I, Property I, or Torts I are prerequisites for enrollment in Civil Procedure II, Contracts II, Property II, or Torts II, respectively. Receiving of*

*credit in Legal Research and Writing I is a prerequisite for enrollment in Legal Research and Writing II.*

Second Year, First Semester. Constitutional Law I and Evidence.

*Second Year, Second Semester. Business Associations; Constitutional Law II; and Professional Responsibility. Completing the course and receiving a grade (other than “WP” or “WF”) in Constitutional Law I is a prerequisite for enrollment in Constitutional Law II.*

Third Year, First Semester. Remedies.

Second Year or Thereafter. During the second year or thereafter: an offering that satisfies the Professional Skills requirement; and fulfill the Rigorous Writing Requirement pursuant to Section 2-501.]

## **PART 2—[RESERVED]**

### **PART 3—PARTICULARS OF REQUIRED COURSES**

(renumbered August 1, 2017)

#### **§ 2-301. Administrative Law (8371).**

- (a) Administrative Law is an elective course for three semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for three semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Civil Procedure I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course studies the relationship of administrative agencies to the legislative, executive, and judicial branches of the government in the American system of constitutional government, with a particular emphasis on judicial review of agency actions. The powers of administrative agencies are addressed with in-depth treatment of the rulemaking process and procedural rights in hearings before administrative agencies.

*Sept. 21, 2004; Mar. 10, 2015*

#### **§ 2-302. American Constitutional Order (Constitutional Law I) and The First Amendment and Individual Rights (Constitutional Law II) (6345, 6346).**

- (a) American Constitutional Order is a required course for three semester hours of graded credit.
- (b) The First Amendment and Individual Rights is a required course for three semester hours of graded credit.

- (c) Prerequisites for taking The First Amendment and Individual Rights are completing American Constitutional Order and receiving a grade (other than “WP” or “WF”).
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

American Constitutional Order is a three-unit required first year course introducing students to the United States Constitution. The course examines three topics of fundamental import within the American legal system: (1) federalism; (2) separation of powers; and (3) judicial review. Specific topics of coverage include federalism-based limits on state authority, the scope of Legislative powers, the scope of Executive powers, the scope of Judicial power and judicial review, the relationship between the three branches (including immunities), and limitations on federal power rooted in the Tenth and Eleventh Amendments.

The First Amendment and Individual Rights is a study of the constitutional provisions guaranteeing individual rights and freedoms. The course considers the nature and source of human rights, and includes a study of the rights of freedom of speech, freedom of the press, and freedom of religion found in the First Amendment, the guarantee of due process and equal protection found in the Fifth and Fourteenth Amendments, and issues concerning the application of these protections to the federal government and to the states.

*Jan. 20, 2005; Rev. Mar. 18, 2014; Sept. 16, 2014*

### **§ 2-303. Bar Examination Skills and Strategies (7250).**

- (a) Bar Examination Skills and Strategies is a required course for two hours of graded credit.
- (b) In publications, the description of the course shall be approximately as follows:

The course will build on what students have learned about multistate bar subjects and test taking throughout law school. The focus will be on knowledge, skill, and attitudes that have been shown to be helpful in passing the multiple-choice Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT). Included will be practice in writing bar exam essays and insight into how they are graded, practice in answering MBE-type questions, and practicing for the MPT. The course is intended to supplement and not replace the commercial review courses. The course grade will be determined based upon satisfactory completion of required assignments and a midterm and final exam that simulate the bar exam experience.

*Apr. 16, 2014; Mar. 10, 2015; Dec. 6, 2017*

### **§ 2-304. Business Associations (6344).**

- (a) Business Associations is a required course for three semester hours of graded credit.



- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course will survey the formation, management and dissolution of sole proprietorships, partnerships and corporations as well as other issues involved regarding liability of individuals, officers and the business itself. Also introduced is federal securities law as it pertains to shareholder suffrage, proxy contests, hostile takeovers, and secondary securities transactions.

*Oct. 22, 2004; Oct. 14, 2014*

**§ 2-305. Civil Procedure (5341, 5242).**

- (a) Civil Procedure I is a required course for three semester hours of graded credit.
- (b) Civil Procedure II is a required course for two semester hours of graded credit.
- (c) Prerequisites for taking Civil Procedure II are completing Civil Procedure I and receiving a grade (other than “WP” or “WF”).
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

Civil Procedure I will focus on the federal rules of civil procedure governing pleadings, pretrial motions, joinder of claims and parties, disclosure, discovery, summary judgment, judgments as a matter of law, judgments, some issues on appeal, and preclusion doctrines.

Civil Procedure II will provide an overview of the civil litigation process, followed by a focus on the federal rules governing subject matter and personal jurisdiction, venue, and the interplay between state and federal substantive and procedural law.

*Jan. 20, 2005; Rev. Oct. 12, 2007;  
Oct. 11, 2010; Mar. 18, 2014*

**§ 2-306. Constitutional Criminal Procedure (5346).**

- (a) Constitutional Criminal Procedure is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is intended to introduce students to the constitutional concepts of due process, incorporation, and fundamental rights, as these relate to the state's investigation of criminal wrongdoing. Students will explore Fourth, Fifth, and Sixth Amendment doctrines related to searches, seizures, arrests, interrogations, and right to counsel. The course may also consider relationships between limitations imposed by the Constitution and those imposed by other sources, such as statutory and common law.

*Oct. 11, 2010; Mar. 18, 2014*

**§ 2-307. Contracts (5440).**

- (a) Contracts is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

The Contracts course studies the history and development of the common law rights, duties, and remedies attendant to the making of promises. Although the order and amount of coverage may vary somewhat from year to year, it is expected that the course will address legal theories for enforcing promises or preventing unjust enrichment; principles controlling the formation, modification, and enforceability of contracts; the parol evidence rule; performance; remedies for nonperformance or threatened nonperformance; excuses for nonperformance; enforcement rights of nonparties; assignment of contract rights; and delegation of contractual duties.

*Sept. 21, 2004; Rev. Mar. 31, 2010*

**§ 2-308. Criminal Law (5362).**

- (a) Criminal Law is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is an introduction to the substantive principles of criminal law. The course examines the elements of crimes in the common law and under modern statutes, together with the history and development of the criminal law, including the various theories of criminal responsibility.

*Sept. 21, 2004; Rev. Mar. 31, 2010; Mar. 18, 2014*

**§ 2-309. Evidence (6431).**

- (a) Evidence is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.

- (c) In publications, the description of the course shall be approximately as follows:

Evidence is the study of the presentation of proof before judicial and quasi-judicial tribunals giving rise to questions regarding the admissibility of evidence. These questions are studied in the context of the examination of witnesses, competency, privilege, relevancy, the hearsay rule, judicial notice, and the presentation of scientific and demonstrative evidence.

*Sept. 21, 2004; Rev. Jan. 17, 2006; Jan. 31, 2006*

**§ 2-310. Federal Courts (8383).**

- (a) Federal Courts is an elective course for three semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for three semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) Prerequisites for taking the course are Civil Procedure I and II. Unless waived by the Associate Dean for Academic Affairs, another prerequisite for taking the course is Constitutional Law I.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines the nature and role of the federal court system within the American constitutional system of government. Particular emphasis is placed on the power of Congress to create courts and allocate jurisdiction, the power of the Supreme Court to establish federal rules of court, the relationship of federal and state jurisdiction, the application of choice of law principles in federal courts, the development of federal common law, and alternative bases of federal jurisdiction, including habeas corpus jurisdiction.

*Sept. 21, 2004; Mar. 10, 2015*

**§ 2-311. Foundations of Law (5360).**

- (a) Foundations of Law is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This required first-year course takes up important questions for the beginning law student: What is law? Where does it come from? What are its purposes? And how is it implemented in contemporary society? The course surveys the types of law in Anglo-American institutions, which include custom, legislation, administrative regulation, and judicial opinions. It examines the institutions of Anglo-American

law, especially courts, legislatures, and administrative agencies. And it surveys foundational schools of Western legal thought and influences on Anglo-American law, especially ancient Greek philosophy, the Hebrew and Christian scriptures, natural law and natural rights theories, common law jurists, English legal positivism, pragmatism and legal realism, liberty and liberalism, and analytical jurisprudence.

These inquiries are pursued through engagement with great books of the Western, and especially the Anglo-American, legal tradition, and with judicial decisions, statutes, proclamations, and other legal materials that illustrate foundational concepts. Emphasis is also placed on enduring aspects of legal practice, such as deductive logic, inductive reasoning, and inference; the meaning and importance of conscience and of due process; different approaches to textual interpretation; the relation of law to other normative concepts, such as morality and religion; its relation to sciences, such as economics; and its relation to other authorities, such as equity, executive prerogative, and judicial discretion.

*Mar. 31, 2010; Nov. 8, 2017*

**§ 2-312. Foundations of the Legal Profession (5100).**

- (a) Foundations of the Legal Profession is a required course for one semester hour of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) In publications, the description of the course shall be approximately as follows:

This required one-unit, first-year course will take up important questions for law students who are preparing to enter the legal profession: What does it mean to be a member of the legal profession? In what roles, relationships, and environments do lawyers serve? What moral values and convictions define their professional identity, call them to serve, govern their professional relationships, and inform their judgments?

This course explores the professional identity of the lawyer, examines the values that define the profession, and surveys the different roles, relationships, and environments in which lawyers serve. It introduces students to the process of becoming a member of the profession, the nature and function of professional governance, and the core responsibilities borne by all member of the profession and all officers of the court. Classroom discussion will afford students opportunities to reflect on the kind of lawyer they would like to be and to wrestle with the implications of their own moral convictions as they relate to their understanding of the law and the lawyer’s professional identity and role. This course will introduce students to a range of career pathways for lawyers, and members of the bench and bar will speak about professionalism topics and their experience in different career pathways. This course will culminate in a written submission in which each student will reflect on the important questions posed in this course and outline his or her career goals.

The course will be graded pass/fail based upon classroom participation, attendance, formative assessments, the satisfactory completion of the self-assessment project, and submission of a resume.

*Mar. 18, 2014; Dec. 8, 2015*

**§ 2-313. Legal Reasoning, Writing & Research (Legal Research and Writing I) (5339).**

- (a) Legal Reasoning, Writing & Research is a required course for three semester hours of graded credit.
- (b) The instructor of the course shall have the discretion not to give a final examination.
- (c) In publications, the description of the courses shall be approximately as follows:

In the Legal Reasoning, Writing & Research course, students learn basic skills of the legal profession. In addition to learning the basics of legal reasoning, syllogistic reasoning (IRAC), and analogical reasoning, they learn to write as lawyers write, with a focus on organization, precision, clarity, and conciseness. They also learn and practice foundational legal research skills and learn how to move from research to analysis to writing. Additionally, students learn the basics of Bluebook citation, which are necessary to the practice of law. Throughout the semester, students use these fundamental skills – reasoning, writing, and research – to write several predictive/objective memoranda addressed to a senior partner in a fictional law firm in which the class is set. Students receive instructive feedback on assignments so that students can improve their fundamental skills.

*Sept. 21, 2004; Rev. Feb. 15, 2005; Mar. 31, 2010; Apr. 22, 2015*

**§ 2-314. Legal Analysis & Persuasion (Legal Research and Writing II) (5240).**

- (a) Legal Analysis & Persuasion is a required course for two semester hours of graded credit.
- (b) The receiving of credit in Legal Reasoning, Writing & Research is a prerequisite for enrollment in Legal Analysis & Persuasion.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the courses shall be approximately as follows:

In the Legal Analysis & Persuasion course, students build on their training in basic legal reasoning, writing, and research skills. In their assignments, students write persuasively to convince a fictional court to rule in their clients favor. To develop oral advocacy skills, students participate in oral argument.

*Sept. 21, 2004; Rev. Feb. 15, 2005; Mar. 31, 2010; Apr. 22, 2015*

**§ 2-315. Professional Responsibility (7339).**

- (a) Professional Responsibility is a required course for three semester hours of graded credit.

- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course considers the ethical responsibility of the attorney as contained in the ABA Model Rules of Professional Conduct, as well as typical ethics opinions from various jurisdictions. Topics covered include the dynamics of the lawyer-client relationship, the role of the lawyer as an officer of the court, and the concept of professionalism.

*Sept. 21, 2004*

**§ 2-316. Property (5448).**

- (a) Property is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

Property covers the classification of interests in property and the doctrines and rules that govern the acquisition and management of assets. The course covers methods of acquisition, including capture, creation, adverse possession, sale, and other forms of transfer. The course then turns to the classification of interests in property, including the system of possessory estates and future interests, concurrent estates, marital interests, and the rights and responsibilities of landlord and tenant. The course concludes by examining methods of managing and governing property, including covenants and servitudes, land use regulations, and takings.

*Sept. 21, 2004; Rev. Oct. 12, 2007; Mar. 31, 2010; Feb. 4, 2011*

**§ 2-317. Remedies (7343).**

- (a) Remedies is a required course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Civil Procedure I and II, Contracts, Property, and Torts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is the study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief, as distinguished from substantive and procedural law. The four major categories of remedies addressed are damages, restitution, injunctions, and declaratory relief. Also addressed are ancillary remedies to effectuate the relief obtained, such as collecting judgments, enforcing injunctions, and reforming documents. Also studied are legal and equitable defenses, such as fraud, waiver, estoppel, unclean hands, and *in pari delicto*.

**§ 2-318. Sales (7244).**

- (a) Sales is an elective course for two semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for two semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) A prerequisite for taking the course is Contracts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

Focusing on Article 2 of the Uniform Commercial Code, this course is the study of the sale of goods, including seller's warranties, risk of loss, and remedies. The course also introduces the student to Article 2A (lease of goods) and to the international treaty dealing with the sale of goods.

Oct. 22, 2004; Oct. 13, 2015

**§ 2-319. Torts (5450).**

- (a) Torts is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

Torts is a study of civil liability for injury to property and persons. The course will introduce students to liability resulting from intentional wrongs, such as battery and infliction of mental distress; liability resulting from accidental wrongs, such as automobile negligence and medical malpractice; and strict liability, such as abnormally dangerous activities and product defects. The course places heavy emphasis on the law of negligence by examining the elements of negligence, causation and available defenses. Injuries to relations, such as defamation and privacy, may also be covered.

Sept. 21, 2004; Rev. Jan. 17, 2006; Mar. 31, 2010

**PART 4—PARTICULARS OF ELECTIVE OFFERINGS**

(renumbered August 1, 2017)

**§ 2-401. Seminars.**

- (a) A seminar provides a small group learning environment conducive to the development of lawyering skills through legal writing and class participation.

- (b) Each student will write a substantive paper following the guidelines set forth in Section 2-501. This paper may satisfy the student's Rigorous Writing Requirement.
- (c) Seminar class size limitations:
  - (1) Except as provided in subsection (c)(2) the number of students enrolled in a seminar shall not exceed twelve.
  - (2) On a class-by-class basis, the Associate Dean for Academic Affairs and the instructor of a seminar may decide that the enrollment in a seminar may exceed twelve but in no event shall enrollment exceed sixteen.
- (d) Many of the courses that may be offered as seminars also may be offered for either two or three hours of credit. If a course is offered as a seminar for three hours of credit, it must contain more rigorous requirements (not just a greater number of minutes in the classroom) than the same seminar would if it were offered for only two hours of credit.

*Jan. 20, 2005; Rev. Sept. 13, 2005*

**§ 2-402. Class Size.**

Unless otherwise authorized by the Associate Dean of Academic Affairs, a course in which fewer than 5 students have pre-registered shall not be offered.

*Nov. 5, 2004*

**§ 2-403. Courses in Curriculum Inventory.**

Courses which have been approved by the faculty but which have not been offered for two years or more shall be added to a reserve inventory. A current list of all courses in this inventory shall be maintained by the Associate Dean for Academic Affairs and available for faculty inspection at any time. Such courses may continue to be offered from time to time without additional approval being necessary.

*Oct. 22, 2004; Rev. Jan. 17, 2006; Oct. 17, 2006; July 9, 2008; Oct. 10, 2008; May 25, 2010; Oct. 10, 2012*

**§ 2-404. Advanced Criminal Procedure (8325).**

- (a) Advanced Criminal Procedure is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course will cover the procedural rules applicable to various stages in the development of a criminal case from pre-trial stages through appeal. Coverage will include statutory and other sources of procedural law outside the U.S. Constitution, and may also include rules derived from relevant federal constitutional law, to the



extent these are not treated in the Constitutional Criminal Procedure course. Topics considered include issues related to search and seizure, privileges, preliminary hearings, bail, pleas and plea bargaining, jury selection, fair trials, sentencing and judgment, double jeopardy, and post-conviction relief.

*Oct. 22, 2004; Rev. Oct. 10, 2008; Feb. 4, 2011*

**§ 2-405. Advanced Legal Analysis (6101).**

- (a) Advanced Legal Analysis is an elective course for one (1) semester hour of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

The Advanced Legal Analysis course is an eight-week elective skills development course designed to introduce students to the analytical skills and testing techniques essential for effective bar examination performance. The course covers select substantive legal topics that are routinely tested on the Multistate Bar Examination (MBE), Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT). Note: This course is highly recommended for all students, but students who scored below the specified cut score on the 1L diagnostic examination are strongly advised to take this elective course.

*Apr. 22, 2015*

**§ 2-406. Advanced Legal Research (7247, 7376).**

- (a) Advanced Legal Research is an elective course for two or three semester hours of graded credit.
- (b) Credits earned in Advance Legal Research count toward the Advanced Practicum Requirement set forth in Section 2-601.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are the receiving of credit in Legal Reasoning, Writing & Research and Legal Analysis & Persuasion.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

Taught by the professional law librarians, this course features advanced classroom and hands-on instruction. The course will cover electronic database and Internet research, case law, statutory research, federal legislative history, administrative law, law periodicals, treatises and other secondary sources, practice aids, and news and interdisciplinary research. It is recommended that this course be taken prior to or in conjunction with a seminar, law review, or employment as a faculty research

assistant. Credits earned in this course count toward the Advanced Practicum Requirement.

*Jan. 17, 2006; Rev. Nov. 14, 2006; Nov. 15, 2016*

**§ 2-407. Advanced Topics in Family Law Seminar (8272).**

- (a) Advanced Topics in Family Law Seminar is an elective course for two or three semester hours of graded credit.
- (b) The course shall be offered as a seminar. The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

Prerequisite: Family Law. This seminar provides students with an opportunity to do in-depth research into cutting edge topics in Family Law. Each student will choose a topic of interest and write a research paper that satisfies the rigorous writing requirement set forth in Section 2-501. Each student will make a presentation to the group explaining the results of her or his research during the second half of the semester. The professor limits absences and expects full participation from each student.

*Apr. 10, 2009*

**§ 2-408. Advanced Torts Seminar (8257).**

- (a) Advanced Torts Seminar is an elective course for two semester hours of graded credit.
- (b) This course shall be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course is a seminar on tort topics that provoke public debate or involve timely public issues. Various topics will be suggested, such as class action abuse and constitutional limitations on civil damages, but students are strongly encouraged to choose a topic of interest to them after consulting with the professor.

*Mar. 22, 2005*

**§ 2-408a. Advanced Trial Advocacy (#3##).**

- (a) Advanced Trial Advocacy is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement.

- (c) Prerequisites for taking the course are Evidence and Trial Advocacy or Trial Advocacy for Competition.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' advanced legal skills in the trial setting. The course emphasizes presentation of damages, jury selection, jury instructions, sentencing, presentation of expert testimony, and the use of technology.

*Nov. 8, 2017*

**§ 2-409. Animal Law (8266, 8337).**

- (a) Animal Law is an elective course for two or three hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in section 2-501.
- (c) Prerequisites for taking the course are all first year courses.
- (d) In publications, the description of the course shall be approximately as follows:

This course in animal law will introduce students to those principles, rules, and regulations—as developed by common law and from statute—that affect animals. Starting with a summary of historical origins, the course will examine such laws in their philosophical, scientific, and practical underpinnings, and from a variety of differing perspectives, exploring how the law has treated animals in the past and may treat them in the future, both locally and nationally. From the foundational (How are animals defined? Can animals have standing? Are animals property?) to the pragmatic (What procedural obstacles might confront claims made on behalf of animals? What substantive constraints might prosecuting an animal cruelty case entail?) the course will address diverse questions and answers in such areas as: contract, tort and constitutional law; protections under criminal and civil statutes; cruelty and abuse laws; legal standing for animals; treatment of laboratory animals; ownership and valuation issues; custody areas; and ethical and legal dilemmas posed by the capture, confinement, and commercial use of animals.

*May 16, 2007*

**§ 2-410. Antitrust (8331).**

- (a) Antitrust is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.

- (c) In publications, the description of the course shall be approximately as follows:

This course examines how the antitrust laws regulate the private economic behavior of market participants. The course will cover federal antitrust laws including the Sherman Antitrust Act, the Clayton Act and the Federal Trade Commission Act. The course will examine cases on topics such as monopolization, predatory pricing, vertical restraints, price fixing and territorial allocations.

*Sept. 27, 2005*

**§ 2-411. Appellate Advocacy (7360).**

- (a) Appellate Advocacy is an elective course for three semester hours of graded credit.
- (b) When offered as a three-hour course, it satisfies the Professional Skills requirement.
- (c) Prerequisites for taking the course are Civil Procedure I and II, Contracts, Legal Research and Writing I and II, Property, and Torts.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This course is an in-depth study of the appellate process, including historical and comparative viewpoints; preservation of the record on appeal; post-trial motions; appellate procedure; research and preparation of briefs; argument, including communication theory; administrative appeals; rehearing; and petitions for certiorari.

*Jan. 20, 2005*

**§ 2-412. Arbitration (8319).**

- (a) Arbitration is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) When offered as a three-hour course, it satisfies the Professional Skills requirement.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Civil Procedure I and II, Contracts, and Torts.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This course is a study of the principles and attendant laws governing the arbitration process. Students are given a history of the arbitration process and its current applications. Up-to-date case and statutory law on arbitration are discussed in light

of recent developments in the uses of this process to control contract disputes. The course will cover the ramifications of the use of arbitration as a forum choice.

*Oct. 22, 2004*

**§ 2-413. Bankruptcy (8375).**

- (a) Bankruptcy is an elective course for three semester hours of graded credit.
- (b) The prerequisite for taking the course is Contracts. Unless waived by the Associate Dean for Academic Affairs, another prerequisite for taking the course is Secured Transactions.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This is a study of: courts of bankruptcy; acts of bankruptcy; voluntary and involuntary bankruptcy; bankruptcy process, pleading, schedules, and adjudication; debts, dischargeable and not dischargeable in bankruptcy; appointment of receivers and trustees; granting and revocation of discharges in bankruptcy; administration of the bankrupt's estate; and pertinent provisions of the Uniform Commercial Code.

*Oct. 22, 2004*

**§ 2-414. Board of Advocates (8115).**

- (a) Board of Advocates is an upper-division elective course offered for one hour of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00." Each student's performance in this offering shall be evaluated by the Director of Advocacy Programs who will assign grades based upon performance criteria set forth in the Constitution and Bylaws of the Board of Advocates.
- (c) Enrollment in this offering is limited to students who satisfy the minimum membership guidelines set forth in the Constitution and Bylaws of the Board of Advocates and who receive written approval of the Director of Advocacy Programs prior to enrollment in this offering.
- (d) Students eligible for credit for this offering may not receive credit in any more than two semesters (a maximum of two semester hours of credit).
- (e) In publications, the description of this offering shall be approximately as follows:

The Law School's Board of Advocates is a student organization composed of third year law students dedicated to development of pre-trial (including client-counseling, mediation, arbitration and negotiation), trial, and appellate advocacy skills. Membership criteria and membership duties are set forth in the Charter and Bylaws of the Board of Advocates. The charter and Bylaws are available, upon request, from the Director of Advocacy Programs.

**§ 2-415. Children's Rights (8253, 8374).**

- (a) Children's Rights is an elective course for either two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Family Law is recommended as a prerequisite, but is not required.
- (d) In publications, the description of the course shall be approximately as follows:

This course focuses on the relationship between children, families, and the state, with particular emphasis on the juvenile justice system and delinquency, child abuse and neglect, foster care of dependent children, and the educational rights of disabled children. The special ethical considerations of representing children will also be covered.

*Jan. 20, 2005*

**§ 2-416. Civil Rights (8254, 8324).**

- (a) Civil Rights is an elective course for either two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course is a seminar on various aspects of civil rights including, but not limited to, issues of voting, employment, public accommodations, housing and other realms of public interest.

*Oct. 22, 2004*

**§ 2-417. Commercial Law: Sales and Negotiable Instruments (7336).**

- (a) Commercial Law: Sales and Negotiable Instruments is an elective course for three semester hours of graded credit.
- (b) A Prerequisite for taking the course is Contracts.
- (c) The course shall have a final examination.

- (d) In publications, the description of the course shall be approximately as follows:

The course studies the law governing sales of personal property, including an introduction to such supporting institutions as documents of title and letters of credit. The course also examines both the general principles applicable to promissory notes and drafts and the special rules for bank deposits and collections. Statutes considered throughout the course will include Articles 2, 3, and 4 of the UCC, and numerous federal statutes that regulate or affect payments.

*Oct. 10, 2008*

**§ 2-418. Commercial Law: Secured Transactions (7344).**

- (a) Secured Transactions is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts and Property.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers Article 9 of the Uniform Commercial Code. It deals with effectiveness of security agreements, attachment of security interests, categories of collateral, perfection and priority of security interests, rights of third parties, and enforcement of security interests in cases of the debtor's default.

*Sept. 21, 2004; Rev. Oct. 10, 2008*

**§ 2-419. Comparative Constitutional Law (8263, 8302).**

- (a) Comparative Constitutional Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines and compares the fundamental constitutional structures and institutions of the United States, Canada, France, Germany, the United Kingdom, and the European Union. Other nations' systems may also be studied depending on the interests of the students who have enrolled in the course. The course may be offered for two or three hours of credit.

**§ 2-420. Conflict Management Systems Design (82xx, 83xx).**

- (a) Conflict Management Systems Design is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course is the receiving of credit in Dispute Resolution Processes and Psychology and Dispute Resolution.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is the study of the principles for design and implementation of a conflict management system for governmental, non-profit, or corporate entities. The course materials cover the factors necessary to evaluate an organization's dispute resolution needs and design a dispute resolution system to address pre-litigation disputes.

*Nov. 15, 2016*

**§ 2-421. Conflict of Laws (8378).**

- (a) Conflict of Laws is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Civil Procedure I and II, Contracts, Property, and Torts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines the principles guiding the courts in deciding which state's law to apply when dealing with a legal controversy in which there are elements involving more than one state. The general subject of jurisdiction is considered. The remainder of the course is concerned with an analysis of choice-of-law problems.

*Sept. 21, 2004*

**§ 2-421a. Constitutional History and Theory I (to 1877) (#2##, #3##).**

- (a) Constitutional History and Theory I is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination and/or a final paper (that need not satisfy the Rigorous Writing Requirement set forth in Section 2-501),



or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501. In the instructor's discretion, methods of evaluation may differ by student in the same semester.

- (c) There are no prerequisites for this course, and students may take this course concurrently with American Constitutional Order or First Amendment and Individual Rights.
- (d) In publications, the description of the course shall be approximately as follows:

This course will survey selected topics in American constitutional history through the end of Reconstruction and selected theoretical topics in constitutional design and interpretation.

Regarding constitutional history, the course will begin by examining British constitutionalism before the Revolutionary War. It will then survey topics surrounding the creation and ratification of the U.S. Constitution, constitutional law in the early national period, and will end with the constitutional crises posed by chattel slavery, the Civil War, and post-bellum Reconstruction.

Regarding constitutional design and interpretation, the course will cover topics such as: constitutionalism, institution creation, and originalism, among others.

Readings will come from primary sources (e.g., the Articles of Confederation, the Constitution, selected Supreme Court cases, selected writings from historical figures of the time period(s) studied) and secondary sources (e.g., book(s), book chapters, and scholarly articles) about the topics and time periods studied.

*Dec. 6, 2017*

**§ 2-421b. Constitutional History and Theory II (1877–Present) (#2##, #3##).**

- (a) Constitutional History and Theory II is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination and/or a final paper (that need not satisfy the Rigorous Writing Requirement set forth in Section 2-501), or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501. In the instructor's discretion, methods of evaluation may differ by student in the same semester.
- (c) There are no prerequisites for this course, and students may take this course concurrently with American Constitutional Order or First Amendment and Individual Rights.
- (d) In publications, the description of the course shall be approximately as follows:

This course will survey selected topics in American constitutional history from the end of the nineteenth century to the present and selected theoretical topics in constitutional design and interpretation.

Regarding constitutional history, the course will begin by examining selected topics in constitutional history at the end of the nineteenth century. It will then survey topics regarding the early twentieth century, Holmes and his influence, the World War II era, the Warren Court, the individual rights revolution, and how the presidency has shaped and been shaped by the Constitution.

Regarding constitutional design and interpretation, the course will cover topics such as: textualism, interpretivism, amendment and change of the Constitution, among others.

Readings will come from primary sources (e.g., the Constitution, selected Supreme Court cases, selected writings from historical figures of the time period(s) studied) and secondary sources (e.g., book(s), book chapters, and scholarly articles) about the topics and time periods studied.

*Dec. 6, 2017*

**§ 2-422. Contract Drafting (8316, 8354).**

- (a) Contract Drafting is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement set forth in Section 2-601.
- (c) The receiving of credit in Legal Reasoning, Writing & Research and in Legal Analysis & Persuasion is a prerequisite for enrollment in this course.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) The course will be capped at 16 students.
- (f) In publications, the description of the course shall be approximately as follows:

In this course, students will learn principles of drafting business contracts, how to design and draft entire contracts, and how transactional lawyers translate a business deal into contractual provisions. Topics covered may include (1) drafting entire contracts, (2) drafting clauses for inclusion in complex contracts, (3) commenting on and editing contracts or clauses written by others, (4) drafting memoranda to clients and letters to opposing counsel, (5) writing letters of intent, and (6) creating term sheets. The course may also include simulated negotiations. Students will learn these concepts and skills through a combination of lecture, hands-on drafting exercises, formative and summative feedback from the instructor, and self-evaluation. This course is not intended to cover litigation documents.

*Jan. 20, 2005; Feb. 17, 2016*

**§ 2-423. Current Issues in Criminal Law (8252).**

- (a) Current Issues in Criminal Law is an elective course for two semester hours of graded credit.
- (b) The course shall be a seminar. The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This seminar deals with various current “hot” topic issues in Criminal law and procedure.

*Oct. 22, 2004*

**§ 2-423a. Dean Fellow (8117).**

- (a) Dean Fellow is an upper-division elective course offered for one hour of credit per year. One half credit is earned each semester served.
- (b) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”
- (c) Students must receive permission from the Assistant Dean of Students to enroll in this course.
- (d) Prerequisites for taking this offering are the first-year required courses listed in sections 2-101(b) and 2-102(a).
- (e) In publications, the description of the offering shall be approximately as follows:

This offering is for upper level law students selected by the Assistant Dean of Students. Dean Fellows have a genuine commitment to Faulkner Law, maintain at least a 2.5 cumulative GPA, and exhibit strong leadership potential. Students who are selected as Dean Fellows work directly with the Academic Success Program, under the supervision of the director of the Academic Success Program, to provide academic assistance to first year students beginning at Mini Prep and continuing until the Spring semester final examinations.

*Nov. 8, 2017*

**§ 2-424. Dispute Resolution Processes (7347).**

- (a) Dispute Resolution Processes is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.

- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This is a survey course covering all of the non-litigation dispute resolution processes. Students are required to take an active part in class exercises and role-plays.

*Jan. 20, 2005*

**§ 2-425. Education Law (8273, 8339).**

- (a) Education Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

Education Law is a study of constitutional and statutory issues that arise in public schools. Topics may include the following: racial integration; gender equality; speech protection; discipline; religious practices; parental choice; “No Child Left Behind”; and disability accommodation.

*Oct. 12, 2007, Rev. Oct. 11, 2010*

**§ 2-426. Elder Law Clinic (7375).**

- (a) The Elder Law Clinic is an elective offering for three semester hours of credit.
- (b) Taking this offering satisfies the Experiential Learning Requirement of the Professional Development Requirement.
- (c) In this offering, each student shall receive a grade of either “P,” “1.00,” or “0.00.”
- (d) The prerequisite for taking this offering is Professional Responsibility. Students are strongly encouraged to complete or take simultaneously with the Elder Law Clinic at least one of the following courses: Wills & Trusts; or Administrative Law. Students must be certified as a legal intern (3L card) to participate in the Elder Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.
- (e) A student may not take more than one clinic in the same semester. A student may not take Elder Law Clinic and a Field Placement in the same semester.
- (f) The instructor of the course shall have the discretion not to give a final examination.

- (g) In publications, this shall be the approximate description of the course:

The Elder Law Clinic provides opportunities for law students to represent and counsel low-income, elderly citizens in Montgomery, Autauga, and Elmore counties. Third Year law students counsel and represent clients with diverse legal needs: guardianships, advanced directives for health care, powers of attorney, simple wills, basic estate planning, public benefit applications, appeals from benefit denials, long-term care, elder abuse, and medical decision making. The Elder Law Clinic also provides public information programs on federal and state benefits, long-term care solutions, nursing home and skilled nursing facility standards, age discrimination, elder abuse, grandparental custody, medical decision making, and end-of-life issues. The Elder Law Clinic works in cooperation with the Central Alabama Aging Consortium, Montgomery Area Council on Aging, Brooks-Sellers One Place Family Justice Center, and Legal Services Alabama. Students must be certified as a legal intern (3L card) to participate in the Elder Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take more than one clinic in the same semester. A student may not take Elder Law Clinic and a Field Placement in the same semester.

*Oct. 17, 2006; Mar. 10, 2015*

**§ 2-427. Employment Law (8387).**

- (a) Employment Law is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is a study of the legal regulation of the employment relationship, including protection against discrimination, minimum standards of compensation and safety, systems of compensation for injured and unemployed workers, and the concept of employment at will.

*Sept. 21, 2004*

**§ 2-428. Environmental Law (8381).**

- (a) Environmental Law is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course consists of an analysis of the ends and means of environmental protection through study of statutes, administrative regulations and practices, and judicial decisions treating the protection of the environment in the United States. Topics may include statutes that regulate pollution emissions (e.g., Clean Air Act, Clean Water Act); procedural requirements (e.g., National Environmental Policy Act, California Environmental Quality Act); administrative law (e.g., standing, standards of judicial review); hazardous and toxic substances and wastes; risk assessment and management; natural resources and wildlife conservation; enforcement and liability; and environmental justice. The course may also examine the ecological, ethical, economic, scientific, and political rationales for laws protecting the environment.

*Sept. 21, 2004; Rev. Feb. 14, 2006*

**§ 2-429. Family Law (7342).**

- (a) Family Law is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts and Torts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is an overview of the legal relationships created by family associations. Particular emphasis is placed on the relationships between parents and child and between husband and wife. Other topics include the nature of marriage, separation, divorce, adoption, and emancipation.

*Sept. 21, 2004*

**§ 2-430. Family Violence Clinic (7372).**

- (a) Family Violence Clinic is an elective offering for three hours of credit.
- (b) This course is a Professional Development offering (*see* § 2-601).
- (c) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (d) Prerequisites for taking the offering are Evidence and Professional Responsibility. Students are strongly encouraged to complete or take Family Law prior to or simultaneously with the Family Violence Clinic. Students must be certified as a legal intern (3L card) to participate in the Family Violence Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.
- (e) A student may not take more than one clinic in the same semester. A student may not take Family Violence Clinic and a Field Placement in the same semester.

- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) In publications, the description of the course shall be approximately as follows:

Operating as an on-site partner of the Brooks-Sellers One Place Family Justice Center, the Family Violence Clinic provides pro bono services for victims of domestic violence. Third Year law students with limited-practice authority will represent clients in court proceedings for Protection from Abuse Orders and related matters and will interview clients, provide advice, prepare pleadings, investigate and evaluate cases. Students must be certified as a legal intern (3L card) to participate in the Family Violence Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take more than one clinic in the same semester. A student may not take Family Violence Clinic and a Field Placement in the same semester.

*Sept. 21, 2004; Rev. May 1, 2009; Oct. 13, 2015*

**§ 2-431. Federal Income Tax (7373).**

- (a) Federal Income Tax is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts and Torts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the basic laws relating to federal income taxation, including problems relating to items included in or excluded from gross income, deductions, credits, recognition and character of gains and losses from disposition of property, and timing issues.

*Oct. 22, 2004*

**§ 2-432. Field Placement Program.**

The Field Placement Program has two components: the classroom component (Field Placement Class) and the fieldwork component (Field Placement Hours). Credits earned in the Field Placement Program count toward completion of the Experiential Learning Requirement set forth in § 2-601. A student may take no more than two semesters in the Field Placement Program.

**(1) Field Placement Class (8108).**

- (a) Field Placement Class is an elective offering for one semester hour of credit.

- (b) Multiple sections may be offered in any given semester. The instructor, in consultation with students and the Associate Dean for Academic Affairs, may group students who are in similarly-situated placements and may tailor the sections accordingly.
- (c) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”
- (d) Prerequisites for taking this offering are a cumulative grade point average of at least 2.00 and the successful completion of at least 28 semester hours. Field Placement Hours (8229, 8309, 8496, 8501) is a co-requisite for taking this offering.
- (e) The instructor shall have the discretion not to give a final examination.
- (f) In publications, the description of this offering shall be approximately as follows:

Participants in the Field Placement Class supplement their placement fieldwork experience by exploring ethical, professional, and practical issues in a specific arena within the legal profession. Students in similar placements meet weekly to reflect upon and glean lessons from the fieldwork experience, focusing on professional development and the daily realities of law practice. This offering must be taken in conjunction with Field Placement Hours. Consent of the instructor is required to register for this offering.

**(2) Field Placement Hours (8229, 8309, 8496, 8501).**

- (a) Field Placement Hours is an elective offering for two (8229), three (8309), four (8496), or five (8501) semester hours of credit.
- (b) Each semester hour of credit requires 60 hours of fieldwork.
- (c) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”
- (d) Prerequisites for taking this offering are a cumulative grade point average of at least 2.00 and the successful completion of at least 28 semester hours. The Field Placement Class (8108) is a co-requisite for taking this offering.
- (e) The instructor shall have the discretion not to give a final examination.
- (f) In publications, the description of this offering shall be approximately as follows:

Participants in the Field Placement Program work under the supervision of qualified and experienced practicing attorneys and judges who provide guidance and training in professional lawyering skills. Each semester hour of credit for Field Placement Hours requires 60 hours of fieldwork. Thus, students who register for two credits of Field Placement Hours must work at least 120 hours in their field placement over the course of the semester.



This offering must be taken in conjunction with the Field Placement Class, unless the student is permitted by the instructor to omit the classroom component. Consent of the instructor is required to register for this offering.

*Jan. 20, 2015; Nov. 15, 2016*

**§ 2-433. Freedom of Expression (8262).**

- (a) Freedom of Expression is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the history and theory of the constitutional doctrine of freedom of expression. The study will center on the Speech and Press Clauses of the First Amendment. Subjects to be considered include advocacy of unlawful conduct, symbolic expression, obscenity and pornography, defamation, commercial speech, hate speech, and invasion of privacy.

*Jan. 17, 2006*

**§ 2-434. Gaming Law Seminar (8258).**

- (a) Gaming Law Seminar is an elective course for two semester hours of graded credit.
- (b) This course shall be offered as a seminar. When it is a seminar the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course is an in-depth study of the current issues relating to gambling including gaming distinctions and gambling regulations. The course will examine the inter-relationship between state and federal gambling laws. Other topics include tribal gambling, charitable gambling, the marketing of games and lotteries, internet gambling and criminality of games.

*Mar. 22, 2005*

**§ 2-435. Health Law (8247, 8384).**

- (a) Health Law is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course investigates the major legal issues arising in health care delivery, not merely physician malpractice but also corporate malpractice, economic credentialing, peer review, utilization review, quality assurance, Medicare fraud and abuse, tax exempt status for hospitals, joint ventures, managed care, antitrust, AIDS, ADA, reproductive rights, the right to die, various federal OBRA's and COBRA's, and ERISA.

*Jan. 20, 2005*

**§ 2-436. Immigration Law (8268).**

- (a) Immigration Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course will survey the fundamental concepts and recent trends in immigration law. Students will learn to navigate the complex regulatory framework and resolve basic immigration problems. This course will involve the study of constitutional, statutory, and regulatory authorities. Specific topics of study may include citizenship, admissions categories and procedure, deportability grounds and procedure, refugees and the problem of asylum, and unauthorized migrant workers in the United States.

*Oct. 10, 2008*

**§ 2-437. Independent Study (8107, 8236, 8385).**

- (a) Independent Study is an elective offering for one, two, or three semester hours of graded credit. The offering shall be taken for two or three semester hours unless it is taken as an add-on to a course, in which case it shall be taken for only one semester hour.

- (b) Prerequisites for taking Independent Study are approval of the Associate Dean for Academic Affairs, a cumulative grade point average of at least 2.75, and completion of at least 60 semester hours.
- (c) The supervising professor of each Independent Study must be a full-time member of the faculty.
- (d) A student may earn credit for only one Independent Study.
- (e) No professor may supervise more than two Independent Studies per semester.
- (f) The goals of Independent Study shall be:
  - (1) To enhance the student's research skills;
  - (2) To enhance the student's legal analysis skills;
  - (3) To enhance the student's writing skills; and
  - (4) To provide the student an opportunity to produce a writing sample that can be shown to prospective employers.
- (g) The Independent Study paper shall show evidence of thorough legal research and sound legal analysis and shall be footnoted or end-noted in a form approved by the supervising professor.
- (h) If the Independent Study paper is prepared in 12-point type and is double-spaced, the paper must be at least thirty pages in length, including footnotes or end-notes. This length shall be adjusted as appropriate for papers that are not prepared in 12-point type and/or double-spaced.
- (i) The following procedures shall apply to each Independent Study:
  - (1) The student shall apply to the Associate Dean for Academic Affairs for permission to do an independent study, and shall obtain the signed approval of the supervising professor. Before the student is given approval to do the Independent Study, he or she shall submit to the supervising professor a 100-200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
  - (2) The student shall submit an outline of the proposed paper, which the supervising professor shall examine and approve.
  - (3) Before submitting the final paper, the student shall submit at least one draft of the paper which the supervising professor shall critically examine.

- (4) Before submitting the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
- (j) If the student chooses to use the Independent Study to fulfill the Rigorous Writing Requirement, he or she must follow all procedures and fulfill all requirements for the Rigorous Writing Requirement as well as those required herein for Independent Study.
- (k) In publications, the description of the offering shall be approximately as follows:

This is independent research and production of a scholarly paper, under the supervision of a member of the faculty.

*Sept. 21, 2004*

**§ 2-438. Insurance Law (8386).**

- (a) Insurance Law is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is a study of fundamental legal principles relating to various types of first-party and liability insurance contracts, focusing on property, life, health, automobile and commercial and professional liability policies. Topics include: rules of insurance contract construction; doctrines governing applications for insurance and representations made by the applicant; statutory and administrative regulation of insurance; and various issues arising in particular types of insurance.

*Oct. 22, 2004*

**§ 2-439. Intellectual Property (8242, 8320).**

- (a) Intellectual Property is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the offering shall be approximately as follows:

This course examines procedural and substantive legal issues arising out of trade secrets, trademarks/service marks, and copyrights. The course focuses on the federal and state statutory and common law regulation of intellectual property rights while also focusing on litigation and transactional issues arising out of the registration and enforcement of intellectual property rights.

*Oct. 22, 2004*

**§2-440. International Business Litigation (8344).**

- (a) International Business Litigation is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This advanced course combines lecture and problem solving, taking a litigation approach to the study of international business transactions. The course addresses the legal and business issues facing a foreign national investing or doing business in the United States as well as United States persons engaging in business or investing abroad. Topics include: basic choice of law and choice of forum analysis; international judicial assistance (service of process and discovery abroad); enforcement of judgments internationally; alternative dispute settlement mechanisms (conciliation and arbitration); sovereign immunity; etc. The goal of the course is to give a rounded appreciation of the interplay between national and international rules which influence private international litigation.

*Oct. 11, 2010*

**§ 2-441. International Law (8251, 8328).**

- (a) International Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course is an introductory International Law course focusing on the history and development of international law, the fundamental principles of international law, and the role of international institutions. Topics include principles of international law, treaties, conventions and executive agreements, customary law, the International Court of Justice, the United Nations and other international institutions, states and individuals under international law, the Law of Armed Conflict, just warfare, and the use of force.

*Oct. 22, 2004*

**§ 2-442. Interviewing, Counseling, and Negotiation (7349).**

- (a) Interviewing, Counseling, and Negotiation is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.

- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the interviewing and counseling of clients, developing and weighing options, and negotiating on behalf of clients. Students are required to take an active part in class exercises and role-plays.

*Jan. 20, 2005*

**§ 2-443. Jurisprudence (8246, 8323).**

- (a) Jurisprudence is an elective course for two or three semester hours of graded credit.
- (b) This course may be a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

Exposing students to the philosophy of law, this course is an examination of the basic principles that underlie our legal system. It is a study of basic schools of jurisprudence, including natural law theory, legal positivism, legal realism, the critical legal studies movement, the law and economics movement, feminist legal theory, critical race theory, and the various strains of Christian legal theory. In keeping with the mission of the law school, the course will approach all of these topics from the standpoint of Biblical truth.

*Jan. 20, 2005*

**§ 2-444. Jury Selection, Voir Dire, and Jury Instructions**

- (a) Jury Selection, Voir Dire, and Jury Instructions is an elective course for one hour of graded credit.
- (b) The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This intensive, week-long course is designed to provide students with hands-on experience in the art of jury selection and jury instructions. The course will outline the many purposes of voir dire and the legal and procedural standards and rules pertaining to jury selection and jury instructions.

*Dec. 8, 2015*

**§ 2-445. Land Planning (8239, 8322).**

- (a) Land Planning is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) The prerequisite for taking the course is Property.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines the public and private planning and regulation of land. The course specifically focuses on techniques for planning the current use, future use, and intended non-use of land while covering subject matter including Smart Growth regulations, form-based zoning regulations, traditional Euclidean zoning regulations, aesthetic controls, and other regulatory controls which arise out of the planning of land. The course also examines constitutional and environmental issues facing the public and private planning and regulation of land.

*Jan. 20, 2005*

**§ 2-446. Law and Bioethics (8270).**

- (a) Law and Bioethics is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Prerequisites for taking the course are Torts, Contracts, and Property.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the intersection of topics in medical and biological science ethics and American law. Topics discussed in the class include, but are not limited to the following: end-of-life issues, medical research ethics, organ donation and transplantation issues, genetic ethics, behavior control, and reproduction issues. Class readings and discussion will focus on the tort, contract, property, and constitutional implications of these topics.

*Oct. 10, 2008*

**§ 2-447. Law and Christian Theology (8248, 8306).**

- (a) Law and Christian Theology is an elective course for two or three semester hours of graded credit.

- (b) This course may be a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This interdisciplinary course examines various Christian theological understandings of law and government. Readings for the course will come from the Bible and from the writings of Christian theologians and jurists, from ancient times to the present day. The readings will address topics such as the origins and purposes of government, the legitimacy of particular forms of government or sources of law, political activity by Christians, nonviolent and violent resistance to law, equality under law, liberty under law, and legal toleration of religious diversity. Students in this course should expect to confront and analyze a number of conflicting Christian perspectives on these issues.

*Jan. 20, 2005; Rev. Aug. 10, 2005*

**§2-448. Law and Literature (8345).**

- (a) Law and Literature is an elective course for three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have discretion not to give a final examination. When not so offered, the instructor shall have discretion to grade students in this course by a final examination or by a series of substantive papers addressing the issues covered in the course.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines the intersection of law and literature, by extensive reading and analysis of judicial opinions referencing literature and of works of literature depicting or addressing the law, lawyers, the justice system or issues of law. The course aims to heighten students' understanding of rhetoric, language and narrative structure; to explore the influence of literature on law, public policy and popular opinion; to frame the meaning of law to individuals and society; and to hone students' understanding of the role of lawyers in society.

*Oct. 11, 2010*

**§ 2-449. Law and Public Policy (8269, 8342).**

- (a) Law & Public Policy is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.



- (c) In publications the description of the course shall be approximately as follows:

Law & Public Policy examines the relationship between legal doctrine and public policy. In this course students explore the relationship between legal doctrines and policy outcomes, both intended and unintended. The course focuses upon several areas of recent legal reform in the United States, which have met with varying levels of success and which illustrate the relationship between law and policy. Within each area the course examines (1) the relevant law before and after the reform and the interpretations given to those laws by the courts; (2) the perceived problems with the initial law; (3) the goal of the reform; (4) the consequences of the subsequent change in the law.

Oct. 10, 2008

**§ 2-450. Law Review (8109, 8110, 8111, 8112, 8225, 8226, 8227, 8228, 8308).**

- (a) Students selected for membership on the staff of Law Review shall earn credit as follows:

- (1) *Junior Staff*: Credit for being on the Junior Staff shall be earned by students who are candidates for Law Review membership and who are in their first year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to Junior Staff one semester hour of credit for the fall semester and one semester hour of credit for the spring semester, except as provided in subsection (4) hereof.
- (2) *Senior Staff*: Credit for being on the Senior Staff shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to Senior Staff one semester hour of credit for the fall semester and one semester hour of credit for the spring semester, except as provided in subsections (3), (4), and (5) hereof.
- (3) *Editorial Board*: Credit for being on the Editorial Board shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to members of the Editorial Board two semester hours of credit for the fall semester and two semester hours of credit for the spring semester, except as provided in subsection (4) and (5) hereof.
- (4) *Executive Editor-Elect and Executive Editor*: The Executive Editor-Elect shall be elected during his or her first year of Law Review membership and shall serve as Executive Editor-Elect until his or her second year of Law Review membership when, unless unqualified under the criteria set forth in the Law Review Constitution and Bylaws, he or she shall ascend to the office of Executive Editor. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to the Executive Editor-Elect one semester hour of credit for the fall semester and two semester hours of credit for the

spring semester, and shall assign to the Executive Editor two semester hours of credit for the fall semester and two semester hours of credit for the spring semester.

- (5) *Editor-in-Chief*: Credit shall be earned by the Editor-in-Chief of the Law Review. Based upon performance criteria set forth in the Law Review Constitution and By-laws, the faculty advisor for the Law Review shall assign three semester hours of credit for the fall semester and two semester hours of credit for the spring semester.
- (b) For all credit earned for work on the Law Review, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) In publications, the description of the offering shall be approximately as follows:

This offering is available only to students selected for membership on the staff of Law Review. Credit is earned upon the basis of performance criteria set forth in the Law Review Constitution and Bylaws and the requirements of each office as determined from time to time by the Law Review Editorial Board.

*Oct. 21, 2004; Feb. 17, 2016*

**§ 2-451. Legal and Investigative Research (7160).**

- (a) Legal and Investigative Research is an elective course for either one or two hours of graded credit.
- (b) The receiving of credit in Legal Reasoning, Writing & Research and in Legal Analysis & Persuasion is a prerequisite for enrollment in this course.
- (c) The instructor shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers resources and tools necessary to perform legal and investigative research for free or at a low cost. Students learn methodologies for efficiently and effectively locating primary and secondary materials from websites and online databases other than Lexis Advance, Westlaw, and Bloomberg. The class introduces high quality free services, such as Casemaker, Google Scholar, and the Social Science Research Network. It also teaches proper search techniques on free services and examines methods to circumvent known problems in free research (*e.g.*, lack of citators, lack of editorial features such as headnotes, and limited searching capabilities). The course covers how to find secondary sources, case law, legislative and administrative materials, ethical opinions, sample forms and litigation documents, and public records.

*Nov. 15, 2016*

**§ 2-452. Legislation (8321).**

- (a) Legislation is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is about American legislative institutions and the processes they employ to consider and enact legislation. The material will deal specifically with the Alabama Legislature at the state level and the United States Congress at the federal level. There is an evolving recognition on the part of most law schools that the education of law students must include an awareness of the significance of statutory lawmaking and a critical understanding of legislative institutions and their processes. The course is designed to provide that knowledge and understanding.

*Sept. 21, 2004*

**§ 2-453. Mediation Clinic (7348).**

- (a) Mediation Clinic is an elective offering for three semester hours of credit.
- (b) The offering satisfies the Experiential Learning Requirement as set forth in § 2-601.
- (c) Successful receiving of credit in Dispute Resolution Processes is a prerequisite for this clinic.
- (d) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (e) The instructor of the offering shall have the discretion not to give a final examination.
- (f) A student may not take more than one clinic in the same semester effective Fall 2017.
- (g) In publications, the description of the offering shall be approximately as follows:

This is a clinical offering that contains a classroom component as well as “hands on” mediation experiences under the supervision of a faculty member. Students co-mediate disputes in District Court in Montgomery, Autauga, and surrounding counties and engage in analytical debrief sessions post-mediation. The goal of the course is to allow the students to hone their skills as mediators in courtroom settings as well as in the classroom.

*Sept. 21, 2004; Nov. 15, 2016*

**§ 2-454. Mediation Competition Team (7171, 7248).**

- (a) Mediation Competition Team is an elective course offered for one or two hours of credit.

- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) Students must receive authorization from the Director of Advocacy in order to enroll in this course.
- (d) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected by the Director of Advocacy to compete on one of the Law School’s Interscholastic Mediation teams.

*Jan. 11, 2008*

**§ 2-455. Mediation Theory and Practice (72xx, 7351).**

- (a) Mediation Theory and Practice is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) The instructor of the course shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course explores the various theories underpinning and practices basic to mediation. To establish the context for the study of mediation, students learn major non-litigated dispute resolution processes, with particular emphasis on negotiation theory and bargaining styles. The curriculum addresses the role of the mediator, core principles of mediation, mediator styles, and mediator ethics generally and under Alabama State law. The course teaches mediator techniques and skills, including how to address high emotion, psychological barriers, and party impasse. The study of the mediation process is organized into a series of stages, and basic mediation skills and techniques appropriate to each stage are identified and cultivated. Simulations and experiential exercises provide students with an opportunity to develop proficiency as mediators and to analyze appropriate roles and behavior as mediators and/or advocates in mediation taking into account legal, ethical, and public policy issues surrounding the practice of mediation.

*Nov. 15, 2016*

**§ 2-456. Moot Court Competition Team (7170, 7243).**

- (a) Moot Court Competition Team is an elective course offered for one or two more semester hours of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) Prerequisites for taking this offering are Torts, Contracts, and Legal Research and Writing I and II.
- (d) Students must receive authorization from the Director of Advocacy in order to enroll in this course.

(e) This offering satisfies the Rigorous Writing Requirement as described in § 2-501(b)(3) of this manual.

(f) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected by the Director of Advocacy on one of the Law School's interscholastic moot court teams. Students gain expertise in appellate advocacy as they prepare for the competition by researching legal issues presented and preparing an appellate brief. Students also gain experience for and participating in oral arguments at the competition.

*Aug. 4, 2006*

**§ 2-457. Nonprofit Law Clinic (7377).**

(a) Non-Profit Law Clinic is an elective offering for three semester hours of credit.

(b) Taking this offering satisfies the Experiential Learning requirement.

(c) In this offering, each student shall receive a grade of either "P," "1.00," or "0.00."

(d) The prerequisites for taking this offering are Business Associations and Professional Responsibility. Students are strongly encouraged to complete or take simultaneously with the Non-Profit Law Clinic at least one of the following courses: Employment Law; Intellectual Property; Contract Drafting; Federal Income Tax; or Taxation of Business Enterprises. Students must be certified as a legal intern (3L card) to participate in the Non-Profit Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.

(e) A student may not take more than one clinic in the same semester. A student may not take Non-Profit Law Clinic and a Field Placement in the same semester.

(f) The instructor of the course shall have the discretion not to give a final examination.

(g) In publications, this shall be the description of the course:

The Non-Profit Law Clinic is a three-credit, one semester, transactional legal clinic. It provides legal assistance to churches and other non-profit organizations that cannot afford to retain private counsel. Second and Third Year law students help non-profit organizations, nascent and established, with the process of organization and incorporation; draft and negotiate contracts; obtain tax exemption; advise on governance, communications and compliance matters; and solve related issues. The Non-Profit Law Clinic also hosts informational programs and workshops on topics such as employment law, safe church policies, intellectual property law, and the like. During the course of the semester, students will develop fundamental analytical, drafting, counseling, planning and negotiation skills in the context of live projects as well as classroom work. Students must be certified as a legal intern (3L

card) to participate in the Non-Profit Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take more than one clinic in the same semester. A student may not take Non-Profit Law Clinic and a Field Placement in the same semester.

*Jan. 20, 2015*

**§ 2-458. Pretrial Practice (8312).**

- (a) Pretrial Practice is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) Prerequisites for taking the course are Civil Procedure I and II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This is a problem-oriented course focusing on the preparation of a civil case for trial. Topics include initial interview, informal discovery, drafting of pleadings, conduct of formal discovery, motion practice, and preparation of a trial book.

*Jan. 20, 2005*

**§ 2-459. Products Liability (8393).**

- (a) Products Liability is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts and Torts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the sources, development, and limits of the law of products liability. The course examines the historical development of products liability and theories of liability rooted in negligence, contract, strict liability in tort, fraud, warranty, and statute (primarily the Uniform Commercial Code). Particular attention is given to the development of legal definitions of a “product.” The course also examines modern trends in products liability jurisprudence. Emphasis is also placed on common litigation problems encountered in products liability cases, including proper parties, proof, use of expert witnesses, and insurance considerations.

*Sept. 21, 2004*

**§ 2-460. Professional Malpractice (8255, 8317).**

- (a) Professional Malpractice is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When not so offered, the course shall have a final examination. When it is a seminar, the instructor shall have the discretion not to give a final examination.
- (c) Prerequisites for taking the course are Civil Procedure I and II and Torts. Unless waived by the Associate Dean of Academic Affairs, an additional prerequisite is Evidence.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the fundamental procedures and trial techniques followed in professional liability lawsuits, with particular emphasis placed on the law relating to medical and legal professions. This course will analyze and discuss plaintiff's rights and defenses to claims against doctors, hospitals, drug companies, lawyers, and other professionals.

*Sept. 21, 2004; Rev. Jan. 17, 2006*

**§ 2-461. Property and Economic Justice (8281, 83xx)**

- (a) Property and Economic Justice is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications the description of the course shall be approximately as follows:

This course is about the nature of economic justice and its relationship to property law. It critically examines the major schools of thought about economic justice and their critiques of property law. It considers whether property law, and law generally, should serve justice and, if so, what justice requires. It critically examines the norms and institutions of Anglo-American property law in order to consider how well they serve the demands of justice and by what means they do so, if at all. And it explores some implications of these studies for law and policy makers.

*Apr. 13, 2016*

**§ 2-462. Psychology and Dispute Resolution (82xx, 83xx).**

- (a) Psychology and Dispute Resolution is an elective course that may be offered for either two or three semester hours of graded credit.

- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisite for taking the course is the receiving of credit in Dispute Resolution Processes.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is the study of the psychological and other cognitive barriers that influence the resolution of legal and other disputes. Among other topics, the course materials explore the interplay of perception, memory and concepts of justice with decision-making and persuasion in the context of negotiation and mediation.

*Nov. 15, 2016*

**§ 2-463. Public Health Law (8290, 8348).**

- (a) Public Health Law is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course studies the role of law and government regulation in the area of public health. Among the topics addressed are the concepts of public health and public health law; the law governing the practice of public health by state, local, and federal agencies; the roles of health care professionals and institutions in public health; the means of public health regulation and promotion; the tension between public health regulation and individual rights; and the role of public health law in regulating such matters as sanitation, infectious disease, tobacco use, obesity, guns, and bioterrorism.

*May 6, 2014*

**§ 2-464. Race, Poverty, and the Death Penalty (8265).**

- (a) This course is an elective course for two semester hours of graded credit.
- (b) The course shall be taught as a seminar. The instructor shall have the discretion not to have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:



This course is an in-depth study of the interrelationship of poverty, race, and the death penalty. The course will focus particularly upon issues of ineffective assistance of counsel for indigent defendants and racial discrimination both conscious and unconscious in capital cases.

*Oct. 17, 2006*

**§ 2-465. Real Estate Practice (8330).**

- (a) Real Estate Practice is an elective course for three hours of graded credit.
- (b) The prerequisite for taking this course is Property.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

A course in the practical application of real property law covering deeds, mortgages, leases, land contracts, real estate closings, and all forms of conveyances. Drafting and analyzing of real property documents.

*Sept. 21, 2004*

**§ 2-466. Religion and the Constitution (8264).**

- (a) Religion and the Constitution is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the three Religion Clauses of the Constitution (the Religious Tests Clause of Art. VI, and the Establishment and Free Exercise Clauses of the First Amendment). The course will address the history and theory of the Religion Clauses as well as their interpretation by the U.S. Supreme Court. Students will apply constitutional law and theory to topics such as religious exercises in public schools, religiously motivated legislation, governmental funding of churches and religious schools, governmental regulation of private religious activities, political involvement by religious groups, and governmental promotion of religious ideas.

*Jan. 17, 2006*

**§ 2-467. Smart Growth Seminar (8259).**

- (a) Smart Growth Seminar is an elective course for two semester hours of graded credit.
- (b) This course shall be offered as a seminar. When it is a seminar the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course involves an in-depth examination of the use of Smart Growth regulations to plan the current use, future use, and intended non-use of land. The course focuses on the regulatory and Constitutional issues arising out of the use of Smart Growth regulations and further provides an examination of how Smart Growth regulations contrast with traditional Euclidean zoning regulations. The course involves a detailed comparison of different federal, regional, state, and local methods of engaging in Smart Growth regulation.

*Mar. 22, 2005*

**§ 2-468. Sports Law (8244, 8307).**

- (a) Sports Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Prerequisites for taking the course are Civil Procedure I and II, Contracts, Property, and Torts.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines legal issues arising from professional and amateur sports, with particular emphasis on contract disputes, tort liability, agency questions, collective bargaining, and the implications of antitrust law. The sources of the relevant law include the common law, federal and state statutes, and administrative regulations.

*Jan. 20, 2005*

**§ 2-469. Taxation of Business Enterprises (8332).**

- (a) Taxation of Business Enterprises is an elective course for three semester hours of graded credit.

- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines federal income tax laws affecting the acquisition, operation, and disposition of business enterprises and assets, with particular attention to the taxation of corporations, shareholders, partnerships and partners.

*Sept. 27, 2005*

**§ 2-470. Trial Advocacy (7368).**

- (a) Trial Advocacy is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement.
- (c) Prerequisites for taking the course are Civil Procedure I and II and Evidence.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' legal skills in the trial setting. The course emphasizes preparation of witnesses, opening statements, presentation of evidence, motions and objections, examination of witnesses, and closing arguments.

*Jan. 20, 2005; Rev. Jan. 31, 2006; Nov. 8, 2017*

**§ 2-471. Trial Advocacy for Competition (7374).**

- (a) Trial Advocacy for Competition is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) Evidence is a co-requisite.
- (d) Students enrolled will need the approval of and be selected by the instructor(s) or Advocacy Director.
- (e) The course will be capped at sixteen students.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) A student enrolled in this course is precluded from taking Trial Advocacy, § 2-464 (7368).
- (h) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' legal skills in the trial setting. The course emphasizes preparation of witnesses, opening statements, presentation of evidence, examination of witnesses and closing arguments. The purpose of this intensive trial advocacy course is to prepare students to compete in regional and national trial competitions.

*Apr. 21, 2006*

**§ 2-472. Trial Competition (7167).**

- (a) Trial Competition is an elective offering for one semester hour of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00."
- (c) Prerequisites for taking the offering are Civil Procedure I and II, Contracts, Legal Research and Writing I and II, Property, Torts, and Evidence.
- (d) The offering shall not have a final examination.
- (e) In publications, the description of the offering shall be approximately as follows:

One hour of credit may be earned by participating in this intra-school Trial Competition. Students are given a case file in early August; the competition is typically completed during the first half of the fall semester. All students prepare both sides of a case and try the case a minimum of three times. Some of the trials are held on weekends. Participating in Trial Competition makes a student eligible for being considered for selection for the law school's trial team that competes against trial teams from other law schools.

*Sept. 21, 2004*

**§ 2-473. Trial Competition Team (7169, 7242, 7371).**

- (a) Trial Competition Team is an elective offering for one, two or three semester hours of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00."
- (c) Prerequisites for taking the offering are Trial Advocacy or Advanced Trial Advocacy for Competition and selection for one of the school's trial competition teams.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected for one of the school's trial teams. They gain experience in various aspects of trial work as they prepare for and participate in competition against teams from other law schools.

*Sept. 21, 2004; Rev. Apr. 21, 2006; Oct. 17, 2006*

**§ 2-474. Wills and Trusts (7335).**

- (a) Wills and Trusts is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines: intestate succession; the essential elements and formalities for making, revoking, or altering a will; will contests; and the administration of estates. The course also explores the character, creation, validity and use of trusts; types of trusts; rights, duties and liabilities of settlors, trustees, beneficiaries, and third parties; fiduciary administration; settlement and distribution; remedies of beneficiaries; and tax, real property, and future interest considerations, including the rule against perpetuities, in connection with wills and trusts.

*Jan. 20, 2005*

**§ 2-475. Workers' Compensation (8256, 8329).**

- (a) Workers' Compensation is an elective course for either two or three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course surveys the law relevant to the practice of workers' compensation law and covers topics from forms, pleadings, procedures and appeals to issues of accidents, occupational diseases and the relationship between tort law and workers' compensation law.

*Oct. 22, 2004*

**PART 5—WRITING REQUIREMENTS**

**§ 2-501. Rigorous Writing Requirement.**

- (a) Among the requirements for the J.D. degree is the satisfactory fulfillment of the Rigorous Writing Requirement. The purpose of the Rigorous Writing Requirement is to give each student a challenging experience in legal research, problem solving, organization, legal reasoning, and legal writing. It may involve interdisciplinary work, the integration of theory and application, probing fundamental legal values, analysis of the current state of the

law, and/or advocacy of a particular position. Satisfaction of the Rigorous Writing Requirement must involve a close working relationship with the supervising professor. The receiving of credit in Legal Analysis and Persuasion is a prerequisite for fulfillment of the Rigorous Writing Requirement.

- (b) The Rigorous Writing Requirement may be satisfied in any of the following ways:
- (1) By writing a paper or other document in connection with a seminar (or other upper-level course in which each student is required to write a paper) taught by a full-time faculty member (or, with permission of the Associate Dean for Academic Affairs, by an adjunct faculty member).
  - (2) By writing any portion of an appellate brief prepared for and submitted in an inter-scholastic moot court competition for which the student is entitled to and receives a grade of “P” and course credit pursuant to § 2-450b.
  - (3) With permission of the Associate Dean for Academic Affairs, by writing a directed research paper under the supervision of a full-time faculty member.
- (c) The requirements for a paper satisfying the Rigorous Writing Requirements under (b)(1) or (b)(3) of this section are as follows:
- (1) If written in connection with a course, it shall be on some aspect of the subject matter of the course.
  - (2) It shall be a substantial paper resulting from extensive research. It shall be at least 6,500 words in length, exclusive of footnotes. Each student shall be required to submit a word count, excluding footnotes, with the final draft.
  - (3) It shall be a product of high caliber that demonstrates the student’s ability to define a research problem and to do legal analysis. It shall be properly footnoted or end-noted in a form approved by the supervising professor.
  - (4) Before the student is given approval to write the paper, he or she shall submit a 100–200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
  - (5) Prior to the student’s submission of a draft, the supervising professor shall examine and approve an outline of the proposed paper.
  - (6) Prior to the student’s submission of the final paper, the supervising professor shall critically evaluate at least one draft of the student’s work.
  - (7) If written in connection with a seminar or other course in which each student is required to write a paper, the final paper must qualify for a grade no lower than C+ or the equivalent thereof. If written as a directed research paper, the final paper

shall be of such quality that, if it were written and graded to meet a requirement of a seminar, it would receive a grade no lower than C+ or the equivalent thereof.

- (8) Prior to approval of the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
- (d) The requirements for a paper satisfying the Rigorous Writing Requirements under (b)(2) of this section are as follows:
- (1) The interscholastic moot court competition rules must permit faculty input in the writing or review of the brief.
  - (2) A member of the faculty must review drafts of the brief and provide feedback to the students.
  - (3) At the time the brief is submitted to the interscholastic moot court competition, the brief must also be submitted to the supervising faculty member.
  - (4) The supervising faculty member must certify that the brief satisfies the Rigorous Writing Requirement.
- (e) The Associate Dean for Academic Affairs may waive or modify the provisions of the Rigorous Writing Requirement for any student who attended the law school before the fall semester of 1999.
- (f) If the supervising professor approves the final paper, he or she shall complete and deliver to the Associate Dean for Academic Affairs the following certification:

I certify that \_\_\_\_\_ (name of student) \_\_\_\_\_ has written a paper that satisfies the Rigorous Writing Requirement. The student wrote the paper

\_\_\_\_\_ in connection with the course, \_\_\_\_\_; the paper qualified for a grade no lower than C+ (or the equivalent thereof).

\_\_\_\_\_ as directed research; the paper would receive a grade no lower than C+ (or the equivalent thereof) if it were written and graded to meet a requirement of a seminar.

\_\_\_\_\_ as a portion of a brief for an interscholastic moot court competition for which the student is entitled to and will receive (or has received) a grade of "P" and course credit.

\_\_\_\_\_  
Signature of Supervising Professor

\_\_\_\_\_  
Date

*Sept. 21, 2004; Rev. Jan. 31, 2006; Oct. 12, 2007;  
Dec. 7, 2007; May 6, 2014; Apr. 13, 2016*

**§ 2-502. Paper Not To Be Used for More than One Academic Purpose.**

- (a) A student who submits a paper or other writing for credit in a course or Independent Study shall not submit that paper or writing or a revision thereof or another writing on essentially the same topic (1) for credit in any other course or Independent Study or (2) for fulfillment of a condition to become a member of the Law Review staff.
- (b) A student who submits a paper or other writing for fulfillment of a condition to become a member of the Law Review staff or for fulfillment of a condition in connection with an interscholastic moot court competition, shall not submit that paper or writing or a revision thereof or another writing on essentially the same topic (1) for credit in a course or Independent Study or (2) for fulfillment of another condition in connection with membership on the Law Review staff.
- (c) The rules in this section shall not prohibit a student from submitting a paper for a course or Independent Study and simultaneously using that paper to satisfy the Rigorous Writing Requirement or the prerequisite comment for senior Law Review staff.

*Sept. 21, 2004*

**PART 6—PROFESSIONAL DEVELOPMENT REQUIREMENT**

**§ 2-601. Professional Development Requirement.** *(These changes shall be applicable to students matriculating after July 1, 2014.)*

- (a) Among the requirements for the J. D. degree is the satisfactory fulfillment of the Professional Development Requirement. The purpose of the Professional Development Requirement is to give each student a challenging experience in the development of professional skills to prepare students for the practice of law. “Professional skills” means skills that the American Bar Association has identified as necessary for effective and responsible participation in the legal profession. In order to graduate a student must complete at least six (6) credit hours of Professional Development courses, identified in subsections (b) and (c) below. Except for the Law Review Editor-in-Chief and other members of the Law Review Editorial Board and students who receive credit for inter-scholastic advocacy competitions, a student must complete at least three (3) credit hours of Advanced Practicum courses and at least three (3) credit hours of Experiential Learning courses.
- (b) The Advanced Practicum Requirement may be satisfied in any of the following courses:
  - (1) Advanced Legal Research
  - (2) Appellate Advocacy
  - (3) Interviewing, Counseling, and Negotiation
  - (4) Legal Drafting
  - (5) Pretrial Practice (civil or criminal)
  - (6) Trial Advocacy
  - (7) Trial Advocacy for Competition
  - (8) Moot Court competition team
  - (9) Mediation competition team



- (10) Trial competition team
- (c) The Experiential Learning Requirement may be satisfied in any of the following courses:
  - (1) Elder Law Clinic
  - (2) Family Violence Clinic
  - (3) Field Placement
  - (4) Mediation Clinic
  - (5) Nonprofit Law Clinic

*Jan. 20, 2005; Rev. Sept. 13, 2005; July 9, 2010; Apr. 22, 2015*

*[NOTE: The Professional Skills Requirement applicable to students matriculating before July 1, 2014 was as follows:*

**§ 2-601. Professional Skills Requirement.** *(Applicable to students matriculating before July 1, 2014.)*

*(a) Among the requirements for the J. D. degree is the satisfactory fulfillment of the Professional Skills Requirement. The purpose of the Professional Skills Requirement is to give each student a challenging experience in the development of professional skills to prepare students for the practice of law. “Professional skills” means skills that are generally regarded as necessary for effective and responsible participation in the legal profession.*

*(b) The Professional Skills Requirement may be satisfied in any of the following courses:*

- (1) Advanced Legal Research*
- (2) Appellate Advocacy*
- (3) Arbitration*
- (4) Dispute Resolution Processes*
- (5) Elder Law Clinic*
- (6) Externship*
- (7) Family Violence Clinic*
- (8) Interviewing, Counseling, and Negotiation*
- (9) Legal Drafting*
- (10) Mediation Clinic*
- (11) Pre-trial Practice*
- (12) Trial Advocacy*
- (13) Trial Advocacy for Competition*

*Jan. 20, 2005; Rev. Sept. 13, 2005; July 9, 2010]*

## **PART 7—DISTANCE EDUCATION**

### **§ 2-701. Distance Education Policy.**

#### **(a) General**

- (1) Distance Education is an educational process involving a physical separation between teacher and student. Classes in which more than one third of the instruction is outside the residential classroom are considered Distance Education classes (“DE classes”).
- (2) DE classes must be scheduled for the same required minutes per credit as for non-DE classes.

- (3) It is acceptable for the School of Law to utilize the services of a third-party vendor to develop educational content or to deliver online classes. However, the academic oversight of a DE program is ultimately the responsibility of the Dean or his designee and the Faculty. All policies of the School of Law apply to the DE program, unless otherwise directed by the School of Law.

(b) **Faculty and Interactivity**

- (1) Each DE class must include interactivity, allowing faculty and students opportunities that equal or exceed the interaction found in a traditional classroom setting. Such interactivity may be achieved through synchronous pedagogies; message boards; chat rooms; emails; and office hours. Responsiveness to students should meet traditional expectations.
- (2) Online Faculty will provide prompt feedback on student effort and performance.
- (3) Intellectual property rights between the teacher and institution should be agreed upon before a DE class begins; the allocation of rights must take into account campus policy and the unique circumstances of the preparation, nature, and delivery of the course, as well as the compensation structure for course development and teaching.
- (4) Faculty members who develop or teach DE classes must participate in mandatory distance education teaching training.

(c) **Students**

- (1) Students in the J.D. program may take up to a total of 15 distance education credits during their academic career. DE classes may not be taken during the first year or to meet first-year curriculum requirements.
- (2) Each DE class must protect, as in traditional classes, student privacy according to campus policy and legislation, including the Family Education Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) guidelines. All DE classes must be delivered from secure sites; student identification will be limited to those sites.
- (3) Each class will require students to have a secure login and password, issued through current standard student verification protocols.
- (4) Examinations must be proctored or otherwise monitored by technology with a security standard similar to that in a non-DE class. Although residential class examinations are administered in many ways, including through technology dependent on school policy and faculty preference, utmost concern and care must be provided to the security involved in the examination administration of DE classes.

- (5) All students who take DE classes should be trained and oriented in the technology used and in DE protocols, before the class begins; they must be supported during the semester when they encounter IT difficulties.
- (6) All student work that occurs in a DE class may be monitored and reviewed by the teaching faculty, program administrator, and other necessary law school personnel.
- (7) All DE students must abide by the School of Law Honor Code in all DE classes and in other relevant aspects of the DE class.

*Mar. 10, 2015*

## CHAPTER THREE ~ ACADEMIC PROGRESS

### PART 1—J.D. DEGREE

#### § 3-101. Degree Conferred upon Graduates.

The law school confers the Juris Doctor (J.D.) degree upon its graduates.

*Sept. 21, 2004*

#### § 3-102. Graduating *Summa Cum Laude*.

- (a) Students graduating with grade point averages ranked in the top three percent of each graduating class shall be designated *Summa Cum Laude*.
- (b) For purposes of § 3-102 through § 3-104, the term “graduating class” shall be defined as all students appearing on the commencement program in May of each year. Honors will be computed based on a student’s grade point average at the conclusion of the student’s penultimate semester and will be re-computed at the conclusion of the student’s final semester. If a student qualifies for honors after either period, the student will be notified of this honor and it will be recorded on the student’s transcript. Only the students qualifying for honors as of the penultimate semester will be recognized at commencement.

*Sept. 21, 2004; Rev. Feb. 13, 2007; Nov. 9, 2009*

#### § 3-103. Graduating *Magna Cum Laude*.

Students graduating with grade point averages ranked in the range of top three percent to top six percent of each graduating class shall be designated *Magna Cum Laude*.

*Sept. 21, 2004; Rev. Feb. 13, 2007*

#### § 3-104. Graduating *Cum Laude*.

Students graduating with grade point averages ranked in the range of top six percent to top fifteen percent of each graduating class shall be designated *Cum Laude*.

*Sept. 21, 2004; Rev. Feb. 13, 2007*

#### § 3-105. Requirements for Degree.

- (a) A student shall earn the J.D. degree upon satisfying the following requirements (which are not subject to variance or waiver unless otherwise provided by faculty policy):
  - (1) The successful completion of 90[\*] semester hours of offerings, which shall include successful completion of all required courses;
  - (2) Satisfaction of the Rigorous Writing Requirement, § 2-501, and Professional Skills Requirement, § 2-601;
  - (3) A cumulative grade point average of at least 2.00; and

(4) The completion of six semesters in residence (or the equivalent) if a full-time student or eight semesters in residence (or the equivalent) if a part-time student.

(b) Requirements for earning the J.D. degree, as well as the courses offered, may be changed by the faculty at any time.

[\*The 90-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

*Jan. 20, 2005; Rev. May 6, 2014; Mar. 9, 2016*

### **§ 3-106. Time to Complete Degree.**

(a) The maximum period of time for a full-time law student to complete the requirements for the J.D. degree shall be five years.

(b) The maximum period of time for a part-time law student to complete the requirements for the J.D. degree shall be six years.

*Sept. 21, 2004*

### **§ 3-107. Limit upon Credits from “Pass” Offerings.**

Of the 90[\*] credits needed for graduation, no more than 12 credits may be acquired through offerings in which the student may receive the grade of “P,” unless authorized by the Associate Dean of Academic Affairs. The total number of hours counted towards this limit is exclusive of hours accumulated in courses with a teaching component, including, but not limited to, externships, clinics, and participation on an interscholastic advocacy team.

[\*The 90-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

*Sept. 21, 2004; Rev. Nov. 5, 2004; Nov. 14, 2006;*

*Nov. 9, 2009; May 6, 2014; Mar. 9, 2016*

## **PART 2—RESIDENCY**

### **§ 3-201. Full-time Student’s Residence during a Semester.**

(a) To receive residence credit for a semester, a full-time student must (1) complete the semester enrolled for at least ten semester hours and (2) receive academic credit for at least nine semester hours.

(b) In any semester in which a full-time student fails to receive residence credit for a semester pursuant to subsection (a) hereof, the student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.

*Sept. 21, 2004*

### **§ 3-202. [Reserved].**

**§ 3-203. Full-time Student's Residence during Sessions Other than a Semester.**

- (a) Subject to subsection (b) hereof, in any session other than a semester, a full-time student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.
- (b) The total of all courses taken in summer sessions by a full-time student shall not count for more than one semester in residence.

*Sept. 21, 2004*

**§ 3-204. [Reserved].**

**PART 3—COURSE OF STUDY**

**§ 3-301. Maximum Loads.**

- (a) Full-time students may not register for more than 16 credit hours per semester and part-time students may not register for more than 11 credit hours per semester without first receiving written permission from the Associate Dean for Academic Affairs.
- (b) The preceding section notwithstanding, full-time students whose grade point average is 2.5 or higher may not register for more than 18 credit hours per semester.

*Sept. 21, 2004; Rev. Nov. 14, 2006*

**§ 3-302. Changing from Full-time, or from Part-time, Status.**

A student may change from the status of a full-time student to that of a part-time student, or from the status of a part-time student to that of a full-time student, only with the written permission of the Associate Dean for Academic Affairs.

*Sept. 21, 2004*

**§ 3-303. Changing Sections of Same Course.**

Students who wish to change sections of the same course may do so only upon written application to the Associate Dean for Academic Affairs and with the approval of the Associate Dean for Academic Affairs and the professors of the two sections.

*Sept. 21, 2004*

**§ 3-304. Full-time Student's Study during First Year.**

A first year full-time student must take those courses prescribed by the faculty and may not add or drop classes except that the student may withdraw completely from school. Nor may a first year full-time student change to part-time status during the course of a semester once begun; the student must either complete the semester as a full-time student or withdraw from school.

*Sept. 21, 2004*

**§ 3-305. [Reserved].**

**§ 3-306. Dropping Courses without Cause.**

- (a) Subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(c), a student may drop a course or courses at any time prior to the close of business on the fourth Friday of the semester (or, for sessions shorter than a regular semester, at any time prior to the close of business on the day immediately after 27% of the session's classes have met).
- (b) To drop a course, a student must submit a timely and properly completed form. A grade of "WP" will be assigned and appear on the student's transcript. The "WP" will not have any effect on the student's grade point average. The University's tuition adjustment policy will apply.

*Sept. 21, 2004*

**§ 3-307. Dropping Courses for Good Cause**

- (a) After the deadline specified in Subsection 3-306(a), subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(c), a student may be allowed to drop without academic penalty a course (or courses) for good cause shown.
- (b) "Good cause" shall be limited to well-documented, serious medical problems of the student or an immediate family member or death of an immediate family member.
- (c) A request to drop must be in writing, with all supporting documents, and must be delivered to the Associate Dean for Academic Affairs prior to the start of the scheduled final examination for the course.
- (d) The request to drop must be approved by both the Associate Dean for Academic Affairs and the instructor of the course.
- (e) If the request to drop is approved, a grade of "WP" shall be assigned and appear on the student's transcript. The University's tuition adjustment policy will apply.
- (f) If the request to drop without academic penalty is not approved, the same shall be communicated promptly to the student. If the student desires to drop despite the imposition of academic penalty, the student shall be assigned a grade of "WF". The University's tuition adjustment policy will apply.
- (g) Once the student has indicated a desire to drop a course despite the imposition of academic penalty, the student shall not be permitted to withdraw from that course by a withdrawal pursuant to Section 3-902.

*Sept. 21, 2004*

### **§ 3-308. Retaking Course.**

A student who receives a grade of 0.00 or “WF” in any required course must enroll in that same course in the first subsequent semester in which that course is offered.

*Sept. 21, 2004*

### **§ 3-309. Visiting Privileges at Another Law School.**

- (a) The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting privileges at an ABA-approved law school or program if (1) the visit would serve the best interests of both the student and Jones School of Law, (2) the petitioner’s cumulative grade point average at the law school is 2.00 or higher, and (3) either

the petitioner has a special interest in taking a concentration of courses in a defined subject matter, and the law school will not be able to offer that concentration of courses during the petitioner’s period of attendance at the law school; or

the petitioner shows that hardship will result if visiting status is not granted. “Hardship” will normally consist of compelling medical or employment circumstances in the petitioner’s family.

- (b) In all cases, the petitioner must provide the course description for each course to be taken at the other law school, and receive pre-approval of the course(s) from the Associate Dean for Academic Affairs.

- (c) Residence credit shall be granted to students on visiting status.

*Sept. 21, 2004*

## **PART 4—ATTENDANCE**

### **§ 3-401. Requirement of Attendance and Preparation.**

Students are required to attend class meetings in the courses for which they are registered, and to be prepared to participate in the class discussion.

*Sept. 21, 2004*

### **§ 3-402. Attendance for Part of Class.**

Each faculty member has absolute discretion to deem absent a student who arrives late for, or leaves early from, a class meeting.

*Sept. 21, 2004*

### **§ 3-403. Limitation on Number of Absences.**

- (a) Any student whose absences exceed 15% of all meetings in a course as specified in Section 3-404 shall have his/her final grade in the course reduced by one step for every absence over the maximum, as stated in this subsection. As used in this section “one step” is the



number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

- (b) Absences are counted from the first class meeting of the course, regardless of when a student actually registers for a course.
- (c) Once a student has been absent from more than the maximum permitted number of class meetings as specified in Section 3-404, the student shall not be permitted to drop the course pursuant to Section 3-306 or 3-307 or to withdraw from the course pursuant to Section 3-902.

*Sept. 21, 2004; Rev. Apr. 21, 2005; Sept. 30, 2011; Oct. 14, 2014*

**§ 3-404. Maximum Number of Absences Permitted.**

- (a) Each semester, the maximum number of absences permitted by the 15% rule shall be the same for all courses that regularly meet the same number of times each week for the entire semester; for each category of course, such maximum number shall conclusively be deemed the following:

	<u>15% rule</u>
Courses regularly meeting 4 times each week all semester	8
Courses regularly meeting 3 times each week all semester	6
Courses regularly meeting 2 times each week all semester	4
Courses regularly meeting 1 time each week all semester	2

- (b) For summer courses, the maximum number of absences permitted shall be 5. For the externship class, the maximum number of absences permitted shall be 2.

*Sept. 21, 2004; Rev. Jan. 31, 2006;  
Sept. 30, 2011; Oct. 14, 2014*

**§ 3-405. Instructor’s Discretion to Adopt Stricter Policy.**

A faculty member may, at his or her option, adopt a policy requiring a higher level of attendance. However, the professor may lower the student’s final course grade no more than one step per absence when the student’s absences exceed those specified in the professor’s policy. Such policy must be in writing and communicated to students at the first class of the semester. As used in this section “one step” is the number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

*Sept. 21, 2004; Oct. 14, 2014*

**§ 3-406. Procedures.**

After each class, each faculty member shall submit to the Associate Dean for Academic Affairs daily class rosters signed by all students in attendance. The Associate Dean for Academic Affairs shall record dates of absences for each student on a master class roster.

*Sept. 21, 2004*

**PART 5—STUDENT EMPLOYMENT**

**§ 3-501. Employment Limitation on Student Taking More than 12 Hours.**

A student shall not engage in remunerative employment for more than 20 hours per week (whether outside or inside the law school) in any semester in which the student is enrolled in more than 12 semester hours.

*Sept. 21, 2004*

**§ 3-502. Employment Certification by Student Taking More than 12 Hours.**

- (a) At the beginning of each semester in which a student is enrolled in more than 12 semester hours, the student shall sign a statement certifying that the student is not engaged in remunerative employment for more than 20 hours per week and that he or she will not be so engaged during the remainder of the semester.
- (b) Signing such a statement that is false is a violation of the Honor Code and shall be grounds for any sanction identified in the Honor Code, including expulsion from the law school.

*Sept. 21, 2004*

**§ 3-503. Full-time First Year Students.**

Full-time first year students are strongly discouraged from engaging in any type of remunerative employment.

*Sept. 21, 2004*

**PART 6—EXAMINATIONS**

**§ 3-601. Time for Final Examinations.**

No final examination shall be given at any time earlier than during the examination period which follows the end of the last regularly scheduled class of each session.

*Sept. 21, 2004*

**§ 3-602. Length and Content of Final Examinations.**

- (a) The final examination shall be of suitable length and complexity to serve as an accurate evaluation of scholastic achievement.

- (b) The time length of any final examination shall approximate the credit hours assigned to that particular course. However, no final examination shall exceed 3½ hours in length, with the exception of a “take-home” examination.
- (c) The final examination in courses teaching predominately subject-matter tested on the Multistate Bar Examination shall include a substantial component in Multistate Bar Examination format. Such component should include questions simulating the time pressure, complexity, length, and content of Multistate Bar Examination questions related to that course’s subject matter.

*Sept. 21, 2004; Jan. 20, 2015*

### **§ 3-603. Waiver of Requirement of Final Examination.**

The Associate Dean for Academic Affairs shall have the discretion to waive, on a case-by-case basis, the requirement of a final examination in any course designated for a final examination in Part 3 or 4 of Chapter Two.

*Sept. 21, 2004*

### **§ 3-604. Taking Examinations at Other than Scheduled Times.**

- (a) Except as provided in subsection (b) or (c) hereof, all students shall take each examination at its scheduled time.
- (b) **Before the examination.** Prior to the scheduled time for an examination, only the Associate Dean for Academic Affairs has the authority to permit a student to take an examination at a time other than its scheduled time.
  - (1) A student shall be granted a departure from the examination schedule for a conflict of examinations scheduled simultaneously. The Associate Dean for Academic Affairs shall post the final examination schedule at least three weeks prior to the last scheduled day of classes. A student claiming a conflict shall notify the Associate Dean for Academic Affairs of the conflict no later than one week after the examination schedule is posted. The Associate Dean for Academic Affairs shall promptly notify faculty members of conflicts, preserving the anonymity of the examination process. The student shall take the make-up examination at such time as shall be determined by the Associate Dean for Academic Affairs.
  - (2) A student may be granted a short delay from the examination schedule for a course or courses, provided the student or an immediate family member has a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition the Associate Dean for Academic Affairs as soon as possible before the examination and provide credible, objective evidence (e.g., a letter from a licensed medical doctor) of the nature and extent of the serious medical emergency or such evidence of the death of the immediate family member or such evidence of other exigent circumstances. If the petition is approved, arrangements shall be made with the faculty member for

the student to take a make-up examination as soon as is practical. Due to the impracticability of maintaining anonymous grading for a make-up examination, the student waives the right to claim a grievance based on arbitrary and capricious grading.

- (3) Every reasonable effort shall be made (i) to draft the academic calendar to exclude examinations on religious days of worship and holidays, and (ii) to allow a student with a religious conflict with an examination time to take such examination at another time provided that the conflict has been substantiated to the satisfaction of the Associate Dean for Academic Affairs.

(c) **After the Examination.**

- (1) If a student misses an examination without having requested relief pursuant to subsection (b) hereof, the student shall receive a grade of “0.00” for the examination unless the student petitions the Associate Dean for Academic Affairs in writing to make up the examination and the Associate Dean for Academic Affairs grants some form of relief. The Associate Dean for Academic Affairs shall not consider such a petition if the student has requested relief pursuant to subsection (b) hereof; when the Associate Dean for Academic Affairs does consider such a petition, the student shall have the burden of overcoming a presumption that the petition should be denied.
- (2) The Associate Dean for Academic Affairs may grant the student permission to make up the examination, or may provide such other relief and/or sanctions as he or she may deem appropriate under the circumstances, after consultation with the affected professor(s). Relief may only be granted under this subsection if the student or an immediate family member had a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition for permission to make up the examination by submitting to the Associate Dean for Academic Affairs a written petition as soon as possible after the examination. The petition should provide credible, objective evidence (e.g., a letter from a licensed doctor) of the nature and extent of the serious medical emergency or of the death of the immediate family member or of other exigent circumstances. The petition must also set forth why the student failed to request relief pursuant to subsection (b) hereof.
- (3) If the petition is approved and the Associate Dean for Academic Affairs grants permission to take a make-up examination, arrangements shall be made with the faculty member for the student to take a make-up examination as soon as is practical. Due to the impracticability of maintaining anonymous grading for a make-up examination, the student waives the right to claim a grievance based on arbitrary and capricious grading.

*Sept. 21, 2004; Rev. Nov. 14, 2006*

### **§ 3-605. Examinations Other than Final Examinations.**

- (a) The instructor of each class of Civil Procedure I, Criminal Law, Torts, and Foundations of Law shall give an examination during the semester. The instructor of each class shall determine the length and format of the examination for that class, what material will be covered on the examination, whether the examination will be for practice only or for credit (and, if so, how much credit), and what type of feedback the students will get after the examination.
- (b) In all classes not described in subsection (a) hereof, each instructor shall decide whether to give an examination during the semester. For any such examination, the instructor shall have control over all aspects of the examination.

*Sept. 21, 2004; Rev. Nov. 5, 2004; Mar. 31, 2010*

### **§ 3-606. Student's Post-examination Review.**

Pursuant to procedures administered by the Assistant Dean for Administration, a student shall be permitted to review his or her examination papers.

*Sept. 21, 2004*

## **PART 7—GRADES**

### **§ 3-701. Preamble.**

It is the sense of the faculty that every faculty member should be guided by responsibility and professionalism when assigning grades in any law school course. Responsibility and professionalism include, among other factors, the basic premise that a faculty member should not give students false hope by assigning favorable grades to students who demonstrate little chance of success on the bar examination and in the practice of law.

Faculty members must not be reluctant to assign a “0.00” to any student in any course when the student’s performance demonstrates either an inability to grasp basic concepts of the course or an inability to apply basic analytical reasoning skills in an examination or other performance measure of the student’s course work.

Every faculty member has an ethical obligation to adhere to the grading standards adopted by the faculty. Faculty members teaching different sections of the same course in a semester should confer with each other to make every effort to have consistency in grading for the course.

*Sept. 21, 2004*

### **§ 3-702. Grading Standards.**

- (a) The following grade distribution percentages shall be used in every course with 20 or more students with the exception of Legal Research and Writing I and II, Bar Examination Skills and Strategies, Professional Skills courses, and seminar courses.

Mandatory norms and ranges for first year courses:

<u>Grade</u>	<u>Norm</u>	<u>Mandatory Range</u>		
4.00, 3.67	10%	0	to	15%
3.33, 3.00, 2.67	40%	25	to	55%
2.33, 2.00, 1.67	40%	25	to	55%
1.33, 1.00, 0.50, 0.00	10%	5	to	15%

Mandatory norms and ranges for other courses:

<u>Grade</u>	<u>Norm</u>	<u>Mandatory Range</u>		
4.00, 3.67	15%	0	to	25%
3.33, 3.00, 2.67	45%	25	to	65%
2.33, 2.00, 1.67	35%	20	to	60%
1.33, 1.00, 0.50, 0.00	5%	0	to	15%

- (b) Except as otherwise provided in subsection (d) hereof, a faculty member shall not assign grades in a course with a mean in excess of the mean specified in subsection (c) hereof. Faculty members may, and are encouraged to, assign grades below the maximum mean when appropriate in any course.
- (c) The maximum mean grade in each of the first year, first semester courses shall be 2.50. The maximum mean grade in each of the first year, second semester courses shall be 2.70. The maximum mean grade in other courses in the curriculum shall be 3.00.
- (d) The grades of students who fail the course for non-attendance or who withdraw from the course and are assigned a failing grade shall be used in the calculation of the maximum mean. If a student withdraws from a course with the mark of “WP” but has already earned a grade in the course, that grade shall not be used in the calculation of the maximum mean.
- (e) Because of the difficulty of applying grading standards in a uniform manner in every course, the faculty and the Associate Dean for Academic Affairs should be guided by Section 3-701 and common sense when applying the grading standards specified in this section. The following are examples of application of the grading standards in special circumstances:
- (1) It is possible that a particular course has a disproportionate number of better-than-average students because of the nature of the course material or other factors. Thus, deviation from the maximum mean for a course may be appropriate when the average of the cumulative grade point averages of the students in the course is higher than the maximum mean specified by the grading standards.
  - (2) A course with very few students presents special problems in applying a maximum mean.

*Sept. 21, 2004; Rev. May 3, 2005; Jan. 31, 2006; Apr. 14, 2006;  
Aug. 7, 2007; May 4, 2010; Mar. 18, 2014; Dec. 6, 2017*

**§ 3-703. Values.**

- (a) The grades and marks assigned at the law school shall have the following values:

4.00	1.00
3.67	0.50
3.33	0.00
3.00	0.00 (WF, Withdrawn Failing)
2.67	I (Incomplete)
2.33	NC (No Credit)
2.00	P (Pass—Satisfactory)
1.67	WP (Withdrawn Passing)
1.33	

- (b) Course credit shall not be given for a grade of “0.00” or “WF”, but the numerical grade equivalent of 0.00 shall be used in calculating the student’s cumulative grade point average.
- (c) If a student receives a grade of “0.00” or “WF” in a course, the subsequent successful completion of the course shall not remove the prior failing grade from the student’s transcript, and the 0.00 for the prior failing grade shall continue to be used in calculating the student’s cumulative grade point average, except as provided in section 3-907.
- (d) Course credit shall be given for a grade of “P,” but no numerical grade equivalent shall be assigned and the grade shall not affect the cumulative grade point average.
- (e) Course credit shall not be given for a mark of “I,” “NC,” or “WP,” and the mark shall not affect the cumulative grade point average.

*Sept. 21, 2004; Rev. May 3, 2005; June 4, 2014*

**§ 3-704. Class Participation’s Effect on Grade.**

A professor may take into account the quality of a student’s class participation in determining the course grade, provided this policy is described in writing to students no later than the second class meeting. However, the maximum amount by which a student’s participation may positively or negatively influence the student’s grade is one step. As used in this section “one step” is the number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

*Sept. 21, 2004; Oct. 14, 2014*

**§ 3-705. Anonymous Grading.**

- (a) In any course in which the final grade is determined in whole or in part by a written examination, all parts of the examination shall be graded anonymously.
- (b) In any course in which students may receive credit for factors in addition to the final examination (such as written work submitted during the semester or class participation), the instructor shall make a preliminary submission of each student’s (1) examination grade (or score), (2) grade (or score) for each other factor for which credit is being given, and (3)

proportionate weighting for each factor. Using that data, the administration shall calculate each student's preliminary grade (or score) and return to the instructor all of those grades (or scores) accompanied only with the students' secret numbers. Taking into account Sections 3-701 and 3-702, the instructor shall then determine the actual grade to be assigned to each secret number.

*Sept. 21, 2004*

### **§ 3-706. "Pass" Offerings.**

The grade of "P" shall be assigned only in those offerings which are specifically designated for such grade in Parts 3 and 4 of Chapter Two. In each of those offerings, each student shall receive a grade of either "P" or "1.00" or "0.00."

*Sept. 21, 2004*

### **§ 3-707. Use of "I."**

- (a) With the approval of the Associate Dean for Academic Affairs, an instructor may assign the mark of "I" when the student is not able to complete the course work by the end of the semester due to circumstances beyond the student's control, such as a change in the law on which the student is writing a paper or a carryover of clinical casework beyond the semester.
- (b) The course work must be completed at the time prescribed by the instructor, but no later than the end of the subsequent semester.
- (c) The mark of "I" shall be replaced with an earned grade only by the instructor after the course work has been completed. A student shall not enroll in the same course taught by a different instructor in order to remove the "I."
- (d) If the course work is not completed at the time prescribed by the instructor, the mark of "I" shall be replaced with the grade of "0.00."

*Sept. 21, 2004*

### **§ 3-708. Procedures for Recording Grades.**

- (a) To ensure compliance with the grading standards specified in Section 3-702, all grades shall be submitted to the Associate Dean for Academic Affairs for approval prior to entry on the students' records.
- (b) When the grades submitted violate the grading standards, the Associate Dean for Academic Affairs shall confer with the instructor. The instructor may decide to adjust the grades to comply with the grading standards. If the instructor does not so adjust the grades, any decision to change the grades in order to comply with the grading standards shall be made by the dean upon recommendation of the Associate Dean for Academic Affairs.



- (c) An instructor shall not change any student's grade after the course grade sheet has been submitted to the Associate Dean for Academic Affairs, except for documented mathematical errors or to comply with the grading standards.

*Sept. 21, 2004*

### **§ 3-709. Procedures Governing the Appeal of a Final Grade.**

- (a) These procedures are an attempt to ensure fairness in the independent and professional judgment of faculty members with regard to the assignment of final grades for students. These procedures are intended to serve the mission of the law school through the preservation of integrity in the achievement of its academic and professional goals.
- (b) **Right to Petition.** Any student who has received a final grade in a course at the law school may initiate a grievance with regard to the grade by filing a petition with the Academic Standards Committee (referred to in this section as "the committee").
- (c) **How and When Petition Is to Be Filed.**
- (1) A petition may be filed with the committee by hand-delivering or mailing it to the Associate Dean for Academic Affairs no later than forty-five days after the final grade in question is posted. A petition filed by mailing shall be deemed to have been filed on the date of the postmark of the petition. A petition filed by hand-delivery shall be deemed to have been filed on the date of receipt.
  - (2) For purposes of calculating the forty-five day period, the day of posting the final grade shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. The committee in its discretion may for good cause shown extend the forty-five day period.
- (d) **Form of Petition.** A petition shall be addressed to the chairperson of the committee, must be signed by the petitioner, and shall state all of the following:
- (1) The name and student number of the student filing the petition;
  - (2) The title of the course in which the final grade was received;
  - (3) The name of the professor who taught the course;
  - (4) The date on which the final grade in question was posted;
  - (5) The reason(s) the petitioner believes he or she is entitled to relief in accordance with the requirements set forth in subsection (e) hereof; and
  - (6) The specific relief requested.

(e) **Requirements of a Grievance Claim.** In order for a petition to state a grievance upon which relief can be granted, it must satisfy the requirements of both subsection (1) and subsection (2) hereof. A petition states a grievance claim upon which relief can be granted if it specifies that:

(1) The petitioner has consulted or attempted to consult with and request relief from the professor involved, and the professor either (i) has refused to consult with the student, or (ii) has not been conveniently available for a period of 15 days after the grade was posted, or (iii) after consultation with the petitioner, has declined to grant relief acceptable to the petitioner;

AND

(2) The grade received was unfair, or substantially inappropriate, for one or more of the following reasons:

a. An error in computation was made in calculating the grade; or

b. The grade received was the result of arbitrary and capricious grading by the professor against the student by which the professor did not make a good faith effort to assign final grades in accordance with his or her academic judgment. In addition, if the grade was received in a course graded anonymously, in whole or in part, and the claim of arbitrariness or capriciousness relates to that part of the grade that was anonymous, there must also be an allegation of a breach of anonymity. (Moreover, the student must establish, by a preponderance of evidence, that anonymity was breached.)

(f) **Professor's Academic Judgment.** In no event shall there be an inquiry into the professor's academic judgment or prerogative and responsibility for assigning grades as his or her judgment and conscience dictate.

(g) **When and How the Committee Shall Consider Petition.** The committee shall make every reasonable effort to act on petition within a period of 15 days from the time a petition is filed, during which period the committee shall also give the affected faculty member a copy of the petition. If the petition is not acted upon for any reason within this period, the petition shall be deemed to have been denied.

(h) **Actions and Procedures Available to the Committee in Considering Petition.** The committee, after due deliberation and by majority vote, may take one or more of the following actions and allied procedures in response to a petition:

(1) *Determine that the facts stated in the petition, if true, do not state a grievance upon which relief can be granted:* in which case the committee shall write a decision to that effect and send a copy, with any dissenting opinion, to the petitioner and to the professor.

- (2) *Determine that the facts stated in the petition, if true, state a grievance upon which relief can be granted:* in which case the committee shall notify the professor whose actions are the subject of the petition and select a time when the petitioner and the professor can be present for a hearing on the petition.
- a. Both the petitioner and the professor shall be permitted to be present during the hearing, but no person shall be required to attend the hearing. The parties may make arguments, answer questions, and offer such evidence as they desire. The committee shall be the judge of the relevance and materiality of the evidence, and conformity to legal rules of evidence shall not be necessary. The committee may limit reasonably any oral presentations.
  - b. Final Action by the Committee
    - 1. In a case where the committee finds no action is appropriate, the committee shall so notify the petitioner and the professor.
    - 2. If any recommendation is made by the committee, it shall be made to the professor in writing, stating the recommendations and the reasons therefor.
      - (i) If the professor accepts the recommendations of the committee, the professor may change the disputed grade pursuant to the recommendation of the committee. A professor may acquiesce with the committee's recommendation and initiate the change of grade by forwarding a copy of the recommendation and written acquiescence thereto to the Associate Dean for Academic Affairs, who, upon receipt of same, shall effect the change of grade.
      - (ii) If the professor declines to accept the recommendation of the committee within a period of three days from receipt of the recommendation, the committee shall then issue a written decision, and provide a copy to the professor and the petitioner. The grade shall be changed only if a majority of the committee finds that the final grade was assigned for one or more of the reasons listed in (e)(2) above; in the case of such a finding, the committee shall provide copies of its written decision to the professor, the petitioner, the faculty, and the Associate Dean for Academic Affairs, who shall effect the change of grade upon receipt of the written decision.

*Sept. 21, 2004; Rev. May 16, 2007*

## PART 8—RECOGNITION OF ACADEMIC ACHIEVEMENT

### § 3-801. Dean's Honor Roll.

The Dean's Honor Roll, also commonly known as the Dean's List, is published to recognize students for their outstanding academic achievement in the immediately preceding semester. Students enrolled for eight or more hours in that semester who achieved at least a 3.33 grade point average shall be placed on the Dean's Honor Roll.

Sept. 21, 2004

### § 3-802. Academic Ranking.

- (a) Each student who matriculates at Jones School of Law shall be ranked at the end of each fall semester and each spring semester he or she completes, except as provided below in § 3-804 (c)(2), (c)(3), and (c)(4).
- (b) All rankings shall be based on grade point average.
- (c) The office of the registrar shall compose an official class ranking following each semester in conformance with the academic regulations contained herein. Students shall be entitled to request, in writing, and receive their current class rank from the registrar's office. Upon a student's graduation, a student's final class ranking may appear on his or her official transcript at the student's request. The following guidelines are to be applied:
  - (1) *First and Second Year Law Students.*  
Students will be ranked their first and second year of law school against all other students who matriculated with them.
  - (2) *Final Year Law Students.*  
No student will receive a rank during the fall semester of his or her final year. Any student who completes his or her degree requirements in August or December will not be provided an academic ranking until the following spring along with his or her graduation class.
  - (3) *Students Returning from Leave.*  
When a student returns from an authorized leave of absence, the Associate Dean for Academic Affairs shall determine and communicate in writing to the registrar with which class of students the returning student shall be ranked.  
  
The Associate Dean for Academic Affairs shall make this decision based upon which group of students most accurately reflects the class peers of the returning student. If the Associate Dean for Academic Affairs determines that no class accurately reflects a returning student's class, the associate Dean has the authority to declare that the student will not be ranked.
  - (4) *Transfer Students.*

No student who transfers into the school shall receive a class ranking from the school. Students who return to the law school to take courses after a transfer out will not be ranked upon their return to the school.

- (5) This ranking system shall be implemented beginning with the class matriculating in the fall of 2011.

*Rev. Feb. 4, 2011; Oct. 14, 2014*

[NOTE: *The following applies to students who matriculated prior to August 2011.*

**§ 3-804. Academic Rankings.**

- (a) *All full-time and part-time students who began law school at Jones School of Law shall be grouped for ranking into the following groups:*
- (1) *Students who have completed 31 hours or less.*
  - (2) *Students who have completed 32 to 67 hours.*
  - (3) *Students who have completed 68 hours or more but are not in the graduating class. For purposes of academic rankings, the term “graduating class” shall be defined as all students appearing on the graduation program in June.*
  - (4) *The graduating class. Students who complete their degree requirements in August and December will not receive a final academic ranking until the following June.*
- (b) *Academic rankings shall be based on grade point average.*
- (c) *Academic rankings shall be assigned as a number indicating the numerical class standing relative to the entire group (i.e., X of Y, where X is the student’s rank and Y is the total number of students in the group being ranked).*
- (d) *This ranking system shall be implemented at the end of the spring 2007 semester.]*

## **PART 9—INTERRUPTION OF ACADEMIC PROGRESS**

### **§ 3-901. Dismissal for Failure to Continue in the Next Semester.**

If a student completes a semester but fails to continue his or her studies in the immediately following semester, the student shall be dismissed from the law school.

*Sept. 21, 2004*

### **§ 3-902. Approved Withdrawal, and Dismissal Thereafter.**

- (a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the approving of withdrawals from the program.
- (b) Subject to the provisions of Sections 3-306 and 3-307 and Subsection 3-403(c), any student may withdraw from the law school program at any time provided a written request for complete withdrawal is approved in writing by the Dean or the Associate Dean for Academic Affairs.
- (c) Except as provided for first-year students in subsection (d) or (e) hereof, if a student receives approval to withdraw but is not granted a leave of absence, he or she must continue his or her studies in the semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.

- (d) If a student in his or her second semester receives approval to withdraw but is not granted a leave of absence, that student must continue his or her studies in the second semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.
- (e) If a student in his or her first semester receives approval to withdraw but is not granted a leave of absence, he or she shall not be dismissed for failure to continue his or her studies and may apply for readmission in any year following the withdrawal.
- (f) If a student receives approval to withdraw and later continues his or her studies, the student shall be subject to Section 3-105 as it reads at the time of the student's continuation of studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.

*Sept. 21, 2004; Rev. Jan. 31, 2006*

**§ 3-903. Leave of Absence, and Dismissal Thereafter.**

- (a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the granting of leaves of absence.
- (b) If, for good cause, a student finds it necessary to interrupt progress toward his or her degree, a leave of absence may be granted in writing by the dean or the Associate Dean for Academic Affairs, specifying the duration of the leave.
- (c) Only a well-documented request based upon extenuating circumstances beyond the control of the student (e.g., medical/psychological circumstances, death in the family, or other family crisis) shall constitute good cause. Good cause shall not include the desire to await accreditation.
- (d) A student must have a grade point average of 2.00 or higher, and must present the petition for a leave of absence to the dean or the Associate Dean for Academic Affairs.
- (e) The petition must state clearly and completely the reasons for the leave and the duration of the leave.
- (f) A leave of absence may be granted for a maximum of one year and can be approved only once during a student's matriculation at the law school.
- (g) If a student is granted a leave of absence and later continues his or her studies, the student shall be subject to Section 3-105 as it reads at the time of the student's continuation of studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.
- (h) If a student is granted a leave of absence and fails to continue his or her studies at the specified time, the student shall be dismissed from the law school.

*Sept. 21, 2004*

### **§ 3-904. Academic Good Standing.**

In order to remain in good standing, a student must:

- (a) At the conclusion of each semester, attain a cumulative grade point average of at least 2.00.
- (b) In this manual, unless otherwise specified, grade point averages shall be rounded to three significant digits. For example, a 1.995 or greater will be rounded to 2.00 but a 1.994 will be rounded to a 1.99 and not a 2.00.

*Sept. 21, 2004; Rev. Nov. 9, 2009; May 4, 2010*

### **§ 3-905. Probation, Academic Counseling, and Dismissal.**

- (a) Any first year student whose cumulative grade point average falls below 2.00 at the end of the first semester of study shall be placed on academic probation. Any first year student whose cumulative grade point average falls below 2.15 but at or above 2.00 at the end of the first semester of study shall receive academic counseling. Any student who is placed on academic probation or who receives academic counseling shall be required to meet with the Associate Dean of Academic Affairs (or his/her designee) no later than the fifth day of classes of the second semester. The Associate Dean of Academic Affairs will counsel the student concerning his/her chances for successfully completing the academic program at the law school and may require the student (either as a condition of academic probation or as part of academic counseling) to participate in any portion or portions of the Academic Success Program that the associate dean shall deem appropriate.
- (b) Any student whose cumulative grade point average falls below 2.00 at the end of the first year shall be dismissed from the law school unless the student is placed on probation under the Second Chance Program in subsection (b)(2).
  - (1) Any such student whose cumulative grade point average is below 1.67 shall be dismissed from the law school and shall not be eligible for the Second Chance Program in subsection (b)(2).
  - (2) Any such student whose cumulative grade point average is at least 1.67 may petition the Associate Dean for Academic Affairs to be placed on academic probation for one year under the Second Chance Program. If the student fails to submit a petition, or if the Associate Dean for Academic Affairs denies the student's petition, the student shall be dismissed from the law school.
- (c) Any student whose cumulative grade point average falls below 2.00 after the end of the first year may petition the Associate Dean for Academic Affairs to be placed on academic probation for up to one semester. A probationary semester shall include any summer session or intersession immediately before the probationary semester. If the student fails to

submit a petition, or if the Associate Dean for Academic Affairs denies the student's petition, the student shall be dismissed from the law school.

*Apr. 21, 2005; Rev. Sept. 12, 2008; Mar. 6, 2009; May 4, 2010; Oct. 11, 2010; Sept. 5, 2012; Mar. 18, 2014; June 4, 2014; May 4, 2016*

### **§ 3-906. Limitation on Academic Probation.**

A student may be placed on academic probation only once under section 3-905(c), except by the dean in extraordinary circumstances.

*Sept. 21, 2004; June 4, 2014; May 4, 2016*

### **§ 3-907. Grounds for Probation; Second Chance Program.**

- (a) The Associate Dean for Academic Affairs shall place a student on academic probation under section 3-905(c) only when he or she determines that (1) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher at the end of the probationary semester or session, and (2) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher in each semester thereafter.
- (b) Second Chance Program.
  - (1) The Associate Dean for Academic Affairs shall place a student on probation for one year under the Second Chance Program, *see* § 3-905(b)(2), only when he or she determines that (i) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher at the end of the probationary year, and (ii) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher in each semester thereafter.
  - (2) If a student is placed on probation under the Second Chance Program at the end of the first year, the student must repeat any course in which the student made a grade below 2.00, up to a maximum of 22 total credit hours. Upon repeating such a course, the grade that the student made when taking the course for the first time shall be replaced with a grade of "NC." The grade the student makes when repeating such a course shall be the grade used in calculating the student's cumulative grade point average. If a student would otherwise be required to repeat more than 22 total credit hours under this subsection, the Associate Dean for Academic Affairs may decide which course or courses will not be repeated due to the 22-credit-hour limitation or may, in appropriate cases, permit the student to decide which course or courses will not be repeated due to the 22-credit-hour limitation.
- (c) A student in good standing who is not participating and has not participated in the Second Chance Program may nevertheless elect, with the permission of the Associate Dean for Academic Affairs, to repeat one or more first-year courses in which the student made below a 2.00. If such a student makes this election, the grade the student earned when taking the



course the first time will be replaced by the grade earned upon repeating the course, following the same rules applied to grades under the Second Chance Program in subsection 3-907(b)(2).

*Sept. 21, 2004; Rev. Mar. 6, 2009; June 4, 2014; May 4, 2016*

### **§ 3-908. Procedures for Probation; Conditions.**

- (a) The Associate Dean for Academic Affairs shall have jurisdiction over probation decisions and shall develop policies and procedures for making such decisions.
- (b) A student shall initiate a petition for probation under section 3-905(b)(2) or (c) by preparing a written petition addressed to the Associate Dean for Academic Affairs. The petition shall describe the student's academic circumstances, state the circumstances that caused the academic deficiency, and indicate why and how the student expects to make sufficient improvement to have a cumulative grade point average of 2.00 or higher at the end of the probationary year, semester, or session.
- (c) If the Associate Dean for Academic Affairs decides to place the student on probation, the student must meet with the Director of the Academic Success Program to develop an academic success plan. In addition, the Associate Dean may attach such further conditions to the decision as he or she deems to be in the best interests of the student and the law school under the particular circumstances involved. These conditions may demand such efforts as full participation in various tutorial and academic enhancements and resources both inside and outside the law school. The conditions for probation may be varied and may be enhanced and updated in the discretion of the Associate Dean during the probationary year, semester, or session.

*Sept. 21, 2004; Rev. Mar. 6, 2009; Nov. 9, 2009; June 4, 2014; May 4, 2016*

### **§ 3-909. Deadline for Probation.**

- (a) Any probationary term must begin no later than the third regular (fall or spring) semester following the academic term in which the student's performance caused the cumulative grade point average to fall below 2.00.
- (b) If the petition is for probation in the third regular semester following the student's performance which caused the cumulative grade point average to fall below 2.00, the petition must be submitted at least three weeks before the first class of that semester.

*Sept. 21, 2004; May 4, 2016*

### **§ 3-910. Dismissal after Probation.**

If a student is placed on probation under section 3-905(b)(2) or (c) and does not achieve a cumulative grade point average of 2.00 or higher at the end of the probationary year, semester, or session, as applicable, the student shall be dismissed from the law school and shall not be eligible for reinstatement, except by the dean in extraordinary circumstances.

*Sept. 21, 2004; May 4, 2016*

**§ 3-911. Faculty procedure and authority after removal from Honor Court.**

- (a) As chief administrative officer of the law school, the Dean or his designee shall have plenary authority to discipline or dismiss from law school any student or otherwise resolve any student disciplinary matter as warranted by the circumstances. If the Dean acts under this section, he shall promptly report any action to the faculty for its review.
- (b) In the case where the Associate Dean for Academic Affairs or the faculty removes a particular case from the honor court pursuant to Art. IV, Section 4.1 of the Honor Code, the student will be provided with notice and an opportunity to be heard by the faculty. The faculty may then recommend a resolution to the Dean. This matter may be resolved in any manner the faculty recommends or the Dean sees fit. Nothing in this subparagraph is intended to or may be interpreted to conflict with or supersede the Dean's plenary authority described in § 3-911(a).

*Apr. 21, 2005*

## CHAPTER FOUR ~ ADMISSIONS

### PART 1—BEGINNING STUDENTS

#### § 4-101. Authority of Admissions Committee.

- (a) The Admissions Committee shall have exclusive and final jurisdiction over the admission of beginning students.
- (b) No person shall be admitted without the affirmative vote of a majority of the Admissions Committee.

*Sept. 21, 2004*

#### § 4-102. Admissions Goals.

A crucial part of the mission of the law school is to provide access to legal education to students with diverse backgrounds and life experiences, including those who might not otherwise have the opportunity to study law. The law school admits into its J.D. degree program applicants who have satisfied its educational prerequisites and who appear capable of satisfactorily completing its educational requirements and being admitted to the profession.

*Sept. 21, 2004*

#### § 4-103. Educational Requirements.

- (a) The law school requires for admission to its J.D. degree program a bachelor's degree, or successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by an accrediting agency recognized by the United States Department of Education.
- (b) The law school may grant conditional admission to a student who has not satisfied the educational requirement stated in subsection (a) hereof, provided that such requirement will be met before the student matriculates.
- (c) In an extraordinary case, the law school may admit to its J.D. degree program an applicant who does not possess the educational requirements of subsection (a) if the applicant's experience, ability, and other characteristics clearly show an aptitude for the study of law. The admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.
- (d) Each student who matriculates shall provide to the law school, no later than October 1 of the year of matriculation, the student's official transcripts verifying all academic credits undertaken and degree(s) conferred.
  - (1) For purposes of this section, "official transcript" means:
    - (i) a paper or electronic transcript certified by the issuing institution and delivered directly to the law school; or

- (ii) a paper or electronic transcript verified by a third-party credential assembly service and delivered directly to the law school.

With respect to electronic copies, it is sufficient for transcripts to be maintained at the law school or off-site by a third-party provider as long as the law school has access to the documents on demand.

- (2) Any student who does not provide the student's official transcripts by October 1 shall be administratively withdrawn from all law school classes on October 1 (or the first weekday after October 1) and assigned a grade of WP in each course.

*Sept. 21, 2004; Rev. May 6, 2014; May 9, 2018*

#### **§ 4-104. Law School Admission Test.**

- (a) The law school requires all applicants to take the Law School Admission Test sponsored by the Law School Admission Council. The score earned by the applicant shall play a key role in the admission decision.
- (b) For those applicants taking the Law School Admission Test more than once, the score used for admission shall be the highest of the scores earned on all tests taken.
- (c) No LSAT score older than five years shall be considered in the admission process.

*Sept. 21, 2004; Rev. June 2, 2006*

#### **§ 4-105. Applicant Previously Disqualified by Another Law School.**

- (a) The law school shall consider admitting a student who has been disqualified previously for academic reasons by another school upon an affirmative showing that the student possesses the requisite ability to succeed in the study of law and that the prior disqualification does not indicate a lack of capacity to complete the course of study at Jones School of Law. This showing shall be made by a letter from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies indicating a stronger potential for law study.
- (b) When such an applicant is admitted, the Admissions Committee shall place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

*Sept. 21, 2004; Rev. Oct. 17, 2006*

#### **§ 4-106. Applicant with LL.M. Degree.**

- (a) Each applicant to the J.D. program who has previously earned an LL.M. in an ABA-approved law school must furnish with the application a recent LSAT result.
- (b) Once admitted, except as provided in subsection (c) hereof, such student shall complete all of the law school's requirements for other students earning the J.D. degree. Except as

provided in subsection (d) hereof, such student shall not be admitted with advanced standing.

- (c) The Associate Dean for Academic Affairs may grant a waiver from re-enrolling in certain required courses successfully completed as an LL.M. student (e.g., Contracts). In such an instance, the student shall still be required to complete 90[\*] semester hours by substituting elective courses for any courses that were waived.
- (d) This policy does not preclude the Associate Dean for Academic Affairs from allowing credit consistent with ABA Standard 507.

[\*The 90-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

*Sept. 21, 2004; Rev. May 6, 2014; Mar. 9, 2016*

## **PART 2—READMITTED STUDENTS**

### **§ 4-201. Authority of Admissions Committee.**

- (a) The Admissions Committee shall have exclusive and final jurisdiction over the readmission of former students who have been dismissed or have withdrawn in their first semester.
- (b) No person shall be readmitted without the affirmative vote of a majority of the Admissions Committee.

*Sept. 21, 2004*

### **§ 4-202. Matriculation Two Years after Dismissal.**

If a student has been dismissed from the law school pursuant to Section 3-901, 3-902, or 3-903, or has been dismissed pursuant to Section 3-905 and has not been reinstated, he or she may apply for readmission to the law school. If he or she is readmitted, he or she shall matriculate only after at least two years have elapsed since the dismissal. The student shall make a showing that during the interim, he or she has undertaken work, activity or studies to indicate a stronger potential for the study of law.

*Sept. 21, 2004; Rev. Oct. 17, 2006*

### **§ 4-203. Readmission on the Basis of Current Admission Standards.**

The readmission decision shall be made by the Admissions Committee under then-current admission standards.

*Sept. 21, 2004*

### **§ 4-204. Status of Readmitted Student.**

- (a) A student who has been dismissed and who is readmitted shall forfeit all credits previously earned and shall be readmitted as a first year, first semester student.

- (b) The grade point average of a student who has been readmitted shall be based only on the work attempted since readmission. However, if the readmitted student shall have been dismissed pursuant to Section 3-905, his or her transcript shall continue to show the earlier courses attempted, the grades earned, and the dismissal.

*Sept. 21, 2004*

**§ 4-205. Statement in File.**

In each case where readmission is granted, the Admissions Committee shall sign and place in the admittee's file a statement of the considerations that led to the decision to readmit the applicant.

*Sept. 21, 2004*

**PART 3—TRANSFER STUDENTS**

**§ 4-301. Authority of Dean.**

The Dean, or the Associate Dean for Academic Affairs when the Dean so authorizes him or her, shall have exclusive and final jurisdiction over the admission of transfer students and the awarding of transfer credit.

*Sept. 21, 2004*

**§ 4-302. Transfer Only When in Good Standing.**

A student must be in good standing at the other law school at the time of transferring to Jones School of Law.

*Sept. 21, 2004*

**§ 4-303. Limitations on Transfer of Credit.**

- (a) All course work accepted for transfer must be taken either at an ABA-approved law school or in an ABA-approved program.
- (b) No more than 30 semester hours of academic credits shall be accepted for transfer.
- (c) The law school shall accept transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the other law school.
- (d) Credit for any course required for graduation from Jones School of Law shall be accepted for transfer only when the course taken shall have been comparable to the course offered at Jones School of Law.

*Sept. 21, 2004*

**§ 4-304. "P" for All Transfer Credit.**

All grades for which credit is transferred shall be entered as "P" on the student's records and shall not affect the student's cumulative grade point average.

*Sept. 21, 2004*

## PART 4—VISITING STUDENTS

### § 4-401. Authority of Dean.

The Dean, or the Associate Dean for Academic Affairs when the Dean so authorizes him or her, shall have exclusive and final jurisdiction over the extension of visiting privileges to students from other law schools for matriculation at Jones School of Law.

*Sept. 21, 2004*

### § 4-402. Limitation on Use of Credits Earned Here.

When a student has been extended visiting privileges by Jones School of Law, the credits earned here may not be applied toward a degree from this law school.

*Sept. 21, 2004*

### § 4-403. Student from ABA-approved Program, and with Appropriate Approval.

A student may be extended visiting privileges here only if he or she (a) is a student at an ABA-approved law school or program, and (b) has been approved for visiting privileges here by an appropriate official at the student's school of residence.

*Sept. 21, 2004*

### § 4-404. Visiting Privileges Only When in Good Standing.

For visiting privileges, a student must be in good standing at the student's school of residence at the time of beginning the visit here.

*Sept. 21, 2004*

### § 4-405. Best Interest of Jones School of Law.

A student may be admitted here for visiting privileges only if the visit serves the best interest of Jones School of Law.

*Sept. 21, 2004*

### § 4-406 Jones School of Law Students Earning Credit At Other Law Schools.

- (a) A student who is in good academic standing at the School of Law may earn credit at other ABA-approved law schools up to a maximum of 15 credit hours. Upon showing of a well-documented request based upon extenuating circumstances of hardship (e.g., medical/psychological circumstances, death in the family, or other family crisis), the Associate Dean for Academic Affairs may allow the student to earn up to 30 credit hours at other ABA-approved law schools. No credit may be earned at law schools that are not ABA-approved.
- (b) A student who is in good academic standing at the School of Law may participate in a summer abroad program sponsored by another ABA-approved law school subject to the credit hour limit above.

- (c) A student who wishes to earn credit at another ABA-approved law school must receive the approval of the Associate Dean for Academic Affairs prior to enrollment at the other law school.

*Oct. 11, 2010*



## CHAPTER FIVE ~ PROGRAMS & CENTERS

### PART 1—J.D.-LL.M. JOINT DEGREE IN ADVOCACY & DISPUTE RESOLUTION

#### § 5-101. Joint J.D.-LL.M. in Advocacy and Dispute Resolution.

Individuals eligible for admission include the following:

- (a) Alumni of the law school who graduated within five (5) years of application to the program
- (b) Students currently enrolled in Faulkner Law's J.D. program

*Feb. 17, 2016*

#### § 5-102. J.D.-LL.M. Joint Degree in Advocacy and Dispute Resolution—Curriculum.

The joint J.D.-LL.M. in Advocacy and Dispute Resolution is a 114[\*] credit hour program with a maximum allowance of twelve credit hours counting toward both degrees, requiring the student to successfully complete a minimum of 102[\*] credit hours. For any credit hours to count toward both degrees, a student must earn a grade of 2.00 or higher. For current J.D. candidates in the joint program, transfer credits shall be the required LL.M. courses. For alumni candidates in the joint program, transfer credits first shall be the required LL.M. courses in subsection (a) below, if any have been previously and satisfactorily completed, and if necessary the last LL.M. qualifying courses previously and satisfactorily completed, for a total of twelve transfer credits.

[\*The 114- and 102-hour requirements “apply to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirements are 112 and 100 hours.]

Grades in courses taken beyond the requisite courses and credit hours required for the J.D. shall not affect a J.D. grade point average or class ranking. The LL.M. grade point average and transcript shall be determined once a joint candidate satisfactorily completes all the J.D. requirements. There is no particular course sequencing in the joint program, except where prerequisites may be required. Joint candidates who finish J.D. requirements may elect to graduate with the J.D. degree prior to graduating with the LL.M. degree.

Candidates who have completed J.D. requirements may not receive seat preference in a course that also is available to J.D. students. Completion of the joint program requires fulfillment of the J.D. requirements articulated in the Manual of Policies Adopted by the Faculty and fulfillment of all LL.M. requirements. Courses for the LL.M. shall include the following LL.M. required courses (12 credits), LL.M. experiential learning (5 credits), and additional elective hours (7 credits):

- (a) LL.M. Required Courses
  - Arbitration (3 credit hours)
  - Dispute Resolution Processes (3 credit hours)
  - Interviewing, Counseling and Negotiation (3 credit hours)
  - Trial Advocacy or Trial Advocacy for Competition (3 credit hours)
- (b) LL.M. Experiential Learning Courses

Students must complete 5 credit hours from the following approved courses:

- Advanced Legal Research (3 credit hours)
- Appellate Advocacy (3 credit hours)
- Competition Team (Appellate, Mediation, or Trial Team—requires approval of Advocacy Director) (2 credit hours)
- Family Violence Clinic (3 credit hours)
- Field Placement/ Field Placement Course (requires approval of Externship Director) (2-3 credit hours)
- Contract Drafting (3 credit hours)
- Pretrial Practice (3 credit hours)
- Mediation Clinic (3 credit hours)

(c) LL.M. Elective Courses

Students must complete 7 credit hours of electives<sup>1</sup> from the following list or from experiential learning courses above in subsection (b):

- Administrative Law (3 credits)<sup>2</sup>
- Advanced Criminal Procedure (3 credit hours)
- Any Intersession Course<sup>3</sup>
- Any Seminar<sup>4</sup>
- Conflict of Laws (3 credit hours)
- Education Law (3 credit hours)
- Employment Law (3 credit hours)
- Family Law (3 credit hours)
- Federal Courts<sup>5</sup>
- Health Law (3 credit hours)
- Independent Study (2-3 credit hours)
- International Business Litigation (3 credit hours)
- Products Liability (3 credit hours)

*Feb. 17, 2016; Mar. 9, 2016*

**§ 5-103. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Degree Requirements.**

- (a) A student shall complete the joint J.D.-LL.M. program upon satisfying the following requirements (which are not subject to variance or waiver, unless otherwise provided by faculty policy):

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<sup>1</sup> If a student completes more than five (5) credit hours of experiential learning credit, the additional course credit will count toward the seven (7) credit hours of required elective courses.

<sup>2</sup> This elective is available for students who matriculated prior to July 1, 2014.

<sup>3</sup> Students may complete multiple Intersession Courses, not to exceed three credit hours total toward LL.M. electives.

<sup>4</sup> Students may complete multiple Seminars, not to exceed three credit hours total toward LL.M. electives.

<sup>5</sup> This elective is available for J.D. students who matriculated prior to July 1, 2014.

- (1) The successful completion of at least 102[\*] credit hours of offerings, which shall include successful completion of all requisite courses;
  - (2) A grade point average of at least 2.00; and
- (b) The faculty may change the requirements for earning the joint J.D.-LL.M. degree, as well as the courses offered, at any time.

[\*The 102-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 100 hours.]

*Feb. 17, 2016; Mar. 9, 2016*

#### **§ 5-104. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Academic Progress.**

- (a) The maximum period of time for a full-time joint candidate to complete the requirements for the J.D.-LL.M. program shall be five years.
- (b) The maximum period of time for a part-time joint candidate to complete the requirements for the J.D.-LL.M. program shall be six years.
- (c) Students enrolled in the joint J.D.-LL.M. in Advocacy and Dispute Resolution degree program who complete the J.D. degree in advance of completing the LL.M. degree requirements shall wait twelve months from their graduation date before transferring into the LL.M.-only degree format. Requests for exceptions to this policy shall be directed to the Director of the LL.M. Program only after four months have elapsed since earning the J.D. degree. The maximum time to completion stated in subsections (a) and (b) above tolls during the break required by this subsection.

*Feb. 17, 2016; May 9, 2018*

#### **§ 5-105. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Admissions.**

Admission to the joint program requires at least a cumulative law school grade point average of 2.00. The Dean shall develop admissions policies and procedures for the joint J.D.-LL.M. program.

*Feb. 17, 2016*

#### **§ 5-106. Applicability of Honor Code, Code of Conduct and other Policies to the Joint J.D.-LL.M. in Advocacy and Dispute Resolution.**

The Honor Code, Code of Conduct and other policies in this manual apply to students enrolled in the joint J.D.-LL.M. degree program, unless otherwise augmented or altered by the faculty.

*Feb. 17, 2016*

## PART 2—LL.M. DEGREE IN DISPUTE RESOLUTION

### § 5-201. LL.M. in Dispute Resolution.

Individuals eligible for admission include the following:

- (a) Alumni of the law school who graduated within five (5) years of application to the program
- (b) Students currently enrolled in Faulkner Law's J.D. program

*Jan. 31, 2018*

### § 5-202. LL.M. in Dispute Resolution—Curriculum.

The LL.M. in Dispute Resolution is a 24 credit hour program with a maximum allowance of twelve credit hours of the LL.M. degree that may be applied toward the J.D. degree, for those seeking a joint degree with the J.D. program. For any credit hours to count toward the LL.M. degree, a student must earn a grade of 2.00 or higher. For current J.D. candidates in the joint program, transfer credits shall be the required LL.M. courses. For alumni candidates in the joint program, transfer credits first shall be the required LL.M. courses in subsection (a) below, if any have been previously and satisfactorily completed, and if necessary the last LL.M. qualifying courses previously and satisfactorily completed, for a total of twelve transfer credits.

There is no particular course sequencing in the LL.M. program, except where prerequisites may be required.

Candidates for the LL.M. may not receive seat preference in a course that also is available to J.D. students. Completion of the degree program requires fulfillment of all LL.M. requirements articulated in the Manual of Policies Adopted by the Faculty, including the LL.M. Thesis Requirement. Courses for the LL.M. shall include the following LL.M. required courses (12 credits), LL.M. experiential learning courses (5 credits), and LL.M. elective courses (7 credits):

#### (a) LL.M. Required Courses

- Arbitration (3 credit hours)
- Dispute Resolution Processes (3 credit hours)
- Interviewing, Counseling and Negotiation (3 credit hours)
- Psychology and Dispute Resolution (3 credit hours)

#### (b) LL.M. Experiential Learning Courses

Students must complete 5 credit hours from the following approved courses:

- Advanced Legal Research (3 credit hours)
- Appellate Advocacy (3 credit hours)

- Competition Team (Appellate, Mediation, or Trial Team—requires approval of Advocacy Director) (2 credit hours)
- Family Violence Clinic (3 credit hours)
- Field Placement/ Field Placement Course (requires approval of Externship Director) (2-3 credit hours)
- Contract Drafting (3 credit hours)
- Pretrial Practice (3 credit hours)
- Mediation Clinic (3 credit hours)

(c) LL.M. Elective Courses

Students must complete 7 credit hours of electives<sup>6</sup> from the following list or from experiential learning courses above in subsection (b):

- Advanced Criminal Procedure (3 credit hours)
- Any Intersession Course<sup>7</sup>
- Any Seminar<sup>8</sup>
- Conflict of Laws (3 credit hours)
- Education Law (3 credit hours)
- Employment Law (3 credit hours)
- Family Law (3 credit hours)
- Health Law (3 credit hours)
- Independent Study (2-3 credit hours)
- International Business Litigation (3 credit hours)
- Products Liability (3 credit hours)

(d) LL.M. Thesis Requirement

*Jan. 31, 2018*

**§ 5-203. LL.M. in Dispute Resolution—Degree Requirements.**

- (a) A student shall complete the LL.M. program upon satisfying the following requirements (which are not subject to variance or waiver, unless otherwise provided by faculty policy):
- (1) The successful completion of at least 24 credit hours of offerings, which shall include successful completion of all requisite courses;
  - (2) The successful completion of the LL.M. Thesis Requirement;<sup>9</sup>

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<sup>6</sup> If a student completes more than five (5) credit hours of experiential learning credit, the additional course credit will count toward the seven (7) credit hours of required elective courses.

<sup>7</sup> Students may complete multiple Intersession Courses, not to exceed three credit hours total toward LL.M. electives.

<sup>8</sup> Students may complete multiple Seminars, not to exceed three credit hours total toward LL.M. electives.

<sup>9</sup> This requirement applies to students who matriculate into the LL.M. program on or after January 1, 2018, or who enrolled in the J.D. program on or after August 1, 2017.

- (3) A grade point average of at least 2.00; and
- (b) The faculty may change the requirements for earning the LL.M. degree, as well as the courses offered, at any time.

*Jan. 31, 2018*

**§ 5-204. LL.M. in Dispute Resolution—Academic Progress.**

- (a) The maximum period of time for a full-time candidate to complete the requirements for the LL.M. program shall be five years.
- (b) The maximum period of time for a part-time candidate to complete the requirements for the LL.M. program shall be six years.
- (c) Students enrolled jointly in the J.D. and LL.M. in Dispute Resolution degree programs who complete the J.D. degree in advance of completing the LL.M. degree requirements shall wait twelve months from their graduation date before transferring into the LL.M. only degree format. Requests for exceptions to this policy shall be directed to the Director of the LL.M. Program only after four months have elapsed since earning the J.D. degree. The maximum time to completion stated in subsections (a) and (b) above tolls during the break required by this subsection.

*Jan. 31, 2018; May 9, 2018*

**§ 5-205. LL.M. in Dispute Resolution—Admissions.**

Admission to the program requires at least a cumulative law school grade point average of 2.70. The Dean shall develop admissions policies and procedures for the LL.M. program.

*Jan. 31, 2018*

**§ 5-206. Applicability of Honor Code, Code of Conduct and other Policies to the LL.M. in Dispute Resolution.**

The Honor Code, Code of Conduct and other policies in this manual apply to students enrolled in the LL.M. degree program, unless otherwise augmented or altered by the faculty.

*Jan. 31, 2018*

**§ 5-207. LL.M. Thesis Requirement.**

- (a) Among the requirements for the LL.M. in Dispute Resolution degree is the satisfactory fulfillment of the LL.M. Thesis Requirement. The purpose of the LL.M. Thesis Requirement is to give each student a challenging experience in legal research, problem solving, organization, legal reasoning, and legal writing concerning an alternative dispute resolution (ADR) related topic. It may involve interdisciplinary work, the integration of theory and application, probing fundamental legal values, analysis of the current state of the law, and/or advocacy of a particular position. Satisfaction of the LL.M. Thesis Requirement must involve a close working relationship with the supervising professor.

For joint J.D. students, the receiving of credit in Legal Analysis and Persuasion is a prerequisite for fulfillment of the LL.M. Thesis Requirement.

- (b) The LL.M. Thesis Requirement may be satisfied in any of the following ways:
  - (1) By writing a paper or other document in connection with a seminar (or other upper-level course in which each student is required to write a paper) taught by a full-time faculty member (or, with permission of the Director of the LL.M. Program, by an adjunct faculty member).
  - (2) With permission of the Director of the LL.M. Program, by writing a directed research paper under the supervision of a full-time faculty member.
- (c) A paper used to satisfy the rigorous writing requirement for the JD degree, §§ 2-501 and 2-502, shall not be used in whole or in part to satisfy the requirements of this section, nor shall any paper used to satisfy the requirements of this section be used in whole or in part to satisfy the rigorous writing requirements for the JD degree.
- (d) The requirements for a paper satisfying the LL.M. Thesis Requirements are as follows:
  - (1) If written in connection with a course, it shall be on some aspect of the subject matter of the course and some aspect of an ADR-related topic.
  - (2) It shall be a substantial paper resulting from extensive research. It shall be at least 8,000 words in length, exclusive of footnotes or endnotes. Each student shall be required to submit a word count, excluding footnotes or endnotes, with the final draft.
  - (3) It shall be a product of high caliber that demonstrates the student's ability to define a research problem and to do legal analysis. It shall be properly footnoted or endnoted in a form approved by the supervising professor.
  - (4) Before the student is given approval to write the paper, he or she shall submit a 100–200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
  - (5) Prior to the student's submission of a draft, the supervising professor shall examine and approve an outline of the proposed paper.
  - (6) Prior to the student's submission of the final paper, the supervising professor shall critically evaluate at least one draft of the student's work.
  - (7) If written in connection with a seminar or other course in which each student is required to write a paper, the final paper must qualify for a grade no lower than C+ or the equivalent thereof. If written as a directed research paper, the final paper

shall be of such quality that, if it were written and graded to meet a requirement of a seminar, it would receive a grade no lower than C+ or the equivalent thereof.

- (8) Prior to approval of the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
- (e) If the supervising professor approves the final paper, he or she shall complete and deliver to the Director of the LL.M. Program the following certification:

I certify that \_\_\_\_\_ (name of student) \_\_\_\_\_ has written a paper that satisfies the LL.M. Thesis Requirement. The student wrote the paper

\_\_\_\_\_ in connection with the course, \_\_\_\_\_; the paper qualified for a grade no lower than C+ (or the equivalent thereof).

\_\_\_\_\_ as directed research; the paper would receive a grade no lower than C+ (or the equivalent thereof) if it were written and graded to meet a requirement of a seminar.

\_\_\_\_\_  
Signature of Supervising Professor

\_\_\_\_\_  
Date

*Jan. 31, 2018*

**PART 3—LAW REVIEW**

[Reserved]

**PART 4—ADVOCACY**

[Reserved]

**PART 5—ACADEMIC SUPPORT**

[Reserved]

**PART 6—ALTERNATIVE DISPUTE RESOLUTION**

[Reserved]



## CHAPTER SIX ~ ENVIRONMENT

### PART 1—HONOR CODE

#### Article I. Purposes

§1.1 The purposes of this Honor Code are the following:

- (a) To promote academic and personal flourishing of all members of the Law School community.
- (b) To preserve and protect the integrity of the Law School.
- (c) To promote the highest ethical standards among all members of the Law School community.
- (d) To ensure that grades at the Law School are administered fairly.
- (e) To ensure that students who engage in ethical violations are duly disciplined while also ensuring that students who are wrongly accused of ethical violations are exonerated.

#### Article II. Definitions

§2.1 “Code” means this Honor Code.

§2.2 “Court” means the Honor Court, which is the official representative of law students in deciding questions about violations of the Code.

§2.3 To “file with the Court” means to provide a written or electronic copy of the document to the Chief Justice, the Associate Dean of Academic Affairs, the prosecutor, and any suspected violators.

§2.4 “Instructor” is any full, associate, assistant, adjunct, or part-time professor, or any other person acting in a teaching capacity.

§2.5 “Interested faculty member” is the faculty member in whose course a violation of the Code is alleged to have occurred, regardless of whether that faculty member is the reporting party.

§2.6 “Law School” is Faulkner University’s Thomas Goode Jones School of Law.

§2.7 “Parties” include the suspected violator, the Prosecutor, Defense Counsel, and the interested faculty member, if any.

§2.8 To “publish” means to post a notice on the Law School’s bulletin board designated for announcements relating to the Code.

- §2.9** “Quorum” is achieved when five or more Justices are present for a hearing of the Court.
- §2.10** “Reporting party” is any person who reports a suspected violation of the Code. “The Report” is the report of a suspected violation.
- §2.11** “Student” is any student admitted to, or enrolled in the Law School, including a student who is part-time, transferring, transient, auditing, or visiting from any other school.
- §2.12** “Suspected violator” is any person reported as having violated the Code. Whenever the term appears in a procedural context, it also refers to the suspected violator’s counsel.
- §2.13** “Unauthorized assistance” is the assistance that either the instructor or the Code specifies to be unauthorized.
- §2.14** “Unauthorized material” is the material that either the instructor or the Code specifies to be unauthorized.

### **Article III. Violations of the Honor Code**

**§3.1** The following practices are violations of the Code:

- (a) Plagiarizing the work of another by representing, either expressly or by conduct, that the work is one’s own.
- (b) Giving, obtaining, soliciting, or offering to provide unauthorized assistance in the preparation of material to be submitted or presented in a class, law review assignment or competition, moot court assignment or competition, essay contests for which eligibility is dependent on status as a law student, or any other similar activity.
- (c) Using unauthorized materials in connection with class assignments or examinations.
- (d) Concealing or stealing library books or other library materials, or withdrawing such materials from the library without properly checking them out, or defacing such books or materials, making copies without paying for them if payment is appropriate, failure to pay library fines, computer fraud, and software copyright infringements.
- (e) Copying the work of another student during an examination or giving, soliciting, offering to give, or asking to receive or receiving any unauthorized assistance or information before or during an examination.
- (f) Obtaining or possessing an examination, assignment, answer sheet, or similar material in advance of such time as one is entitled to possess it.

- (g) Commencing or accessing an examination before the stipulated time, including reading the contents of the exam or writing any notes or outlines or continuing to write after time has expired in an examination period.
- (h) Bringing to an examination any unauthorized electronic device. Such devices include, but are not limited to, cell phones, tablets, smart watches, and computers.
- (i) Doing anything that compromises the anonymity of an examination or assignment, including but not limited to actions or writings that would reveal one's identity to the professor, unless authorized to do so by the professor. This provision shall not be construed to conflict with any provision of the Americans with Disabilities Act.
- (j) Failing to disclose to a professor that work submitted for credit was wholly or substantially done prior to the beginning of the course for which the work is being submitted (or, in the case of the rigorous writing requirement, prior to the supervising professor's approval to write the paper).
- (k) Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to an instructor or another student.
- (l) Making a material misrepresentation to the administration, faculty, or staff of the Law School or Faulkner University. This provision specifically includes, but is not limited to, signing another student's name to the class attendance roll, taking an exam for another student, or submitting an assignment for another student.
- (m) Revealing any confidential information presented during a proceeding before the Court.
- (n) Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct.
- (o) Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.
- (p) Attempting to commit any of the acts described in Subsections 3.1(a) - 3.1(o).
- (q) Knowingly failing to report a violation of the Code.
- (r) Conspiring to violate the Code.
- (s) Abusing the Honor Court process, including but not limited to:

- (i) Engaging in conduct with the intent to obstruct access to potential evidence connected with an Honor Code investigation or proceeding.
- (ii) Filing a frivolous report of an Honor Code violation with the intent to harass another student. A frivolous report is one without basis in fact.
- (iii) Attempting to intimidate or deter complainants, witnesses, or other participants in an Honor Code investigation or proceeding.
- (iv) Taking action to prevent the discovery of conduct prohibited by this Code.

#### **Article IV. Jurisdiction and Terms of the Honor Court**

- §4.1** The Court shall have jurisdiction over all alleged violations of the Code as defined in Article III above, unless the Associate Dean for Academic Affairs or a majority of the faculty vote to remove a particular case from the Court.
- §4.2** Nothing in this Code is intended to supersede the authority and responsibility of an instructor to control conduct in the classroom, to determine what factors are to be considered in assigning a grade or credit for student performance, and to determine the appropriate grade or credit to be assigned. An aggrieved student may appeal his or her grade under the Academic Policies and Procedures of the Law School.
- §4.3** Each term of the Court will begin on the first day of the summer semester of the Law School and will end the next year on the day before the summer semester begins.

#### **Article V. Members and Officers of the Court**

- §5.1** The voting members of the Court shall be seven students in good academic standing. A Chief Justice shall be elected by all students, in the spring semester for the upcoming term of the Court. The remaining student members shall be elected as follows: two at-large Justices from the third-year class elected by the entire third-year class, two at-large justices from the second-year class elected by the entire second-year class, and one Justice from each section of the first-year class to be elected by their respective sections. The two first-year members shall be elected within one month after the beginning of the fall semester; they shall become members of the Court as soon as they are elected. The remaining members shall be elected in the spring semester for the upcoming term of the Court. If no eligible person runs for Chief Justice during the spring semester elections, the remaining members of the Court shall select from among themselves a Chief Justice prior to the beginning of the summer term.
- §5.2** If during a term of the Court the position of Chief Justice becomes vacant, the remaining members of the Court shall select from among themselves a Chief Justice; the new Chief Justice shall then fill the vacancy on the Court by appointing any student in good academic standing, provided however that this appointment shall be approved by a majority of the Student Bar Association's elected officers. Any other vacancy on the Court shall be filled

by the Chief Justice's appointing a student in good academic standing who is in the student group which originally elected the member whose position has become vacant, provided however that this appointment shall be approved by a majority of the Student Bar Association's elected officers

- §5.3** A member of the faculty, appointed by the Dean, shall serve as a nonvoting member of the Court. That faculty member shall (a) provide advice, recommendations, or other assistance as deemed necessary or desirable, (b) rule on motions and objections made during proceedings of the Court, and (c) preserve all records of the Court in connection with questions about violations of the Code.
- §5.4** The Chief Justice shall (a) preside over all meetings of the Court, (b) act as the chief administrative officer of the Court, and (c) only vote to break a tie.
- §5.5** The Prosecutor is an officer of the Court who is the representative of the law students in investigating, presenting, and prosecuting alleged violations of the Code. The Prosecutor shall be a third-year law student appointed by the Associate Dean for Academic Affairs, subject to the approval of a majority of elected voting members of the Student Bar Association.
- (a) A Prosecutor may be recused from a case if the Associate Dean for Academic Affairs finds good cause for recusal.
  - (b) If the Prosecutor is recused from a case, the Assistant Prosecutor shall act as the Prosecutor for that case.
  - (c) If both the Prosecutor and the Assistant Prosecutor are recused from a case, the Associate Dean for Academic Affairs may appoint a prosecutor for the case from the student body.
- §5.6** The Assistant Prosecutor is an officer of the Court who assists the Prosecutor in investigating, presenting, and prosecuting violations of the Code. The Assistant Prosecutor shall be a second-year law student in good standing appointed by the Associate Dean for Academic Affairs, subject to the approval of a majority of elected voting members of the Student Bar Association.
- §5.7** After a determination of probable cause pursuant to Section 6.2(a), the suspected violator has the right to Defense Counsel. The Defense Counsel is an officer of the Court who is selected by a suspected violator to assist in the suspected violator's defense. A suspected violator may select as Defense Counsel either one attorney licensed to practice law in Alabama or a maximum of two second- or third-year law students. Suspected violators must be promptly apprised of their right to Defense Counsel, but they shall be entitled to proceed pro se.
- (a) If a suspected violator is represented by Defense Counsel, the Defense Counsel shall be privy to all communications with the suspected violator by the Prosecutor,

the Court, or the counsel of any other party, including being copied on all electronic communications, unless the Defense Counsel and the suspected violator waive this right in writing.

- (b) If the suspected violator is represented by Defense Counsel, the Prosecutor shall not meet in person with the suspected violator without Defense Counsel being present or without a written waiver of this right signed by the suspected violator prior to each meeting.

## **Article VI. Prehearing Procedures**

### **§6.1 Reporting Suspected Violations**

- (a) Any student who in good faith reasonably suspects that a violation of the Code has occurred shall report that suspected violation at the earliest practicable time to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).
- (b) Any other member of the Law School or University community (administration, faculty, or staff) who in good faith reasonably suspects that a violation of the Code has occurred may report that suspected violation to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).
- (c) The Prosecutor shall provide a form for reporting violations and a separate sheet for the signature of the reporting party. The Report of the suspected violation shall contain the name of the suspected violator or, if the violator's name is not known, all relevant identifying information. It shall also include a full description of the suspected violation, stating the place, date, and approximate time of occurrence. The person reporting the violation shall verify the Report by signing on the separate signature page, and the Prosecutor shall reveal his or her identity as the reporting party only to the Associate Dean for Academic Affairs except as provided herein at Subsection 6.3(a).

### **§6.2 Initial Investigation and Opportunity to Be Heard**

- (a) Upon receipt of a Report, the Prosecutor shall first provide a copy of the Report to the Associate Dean for Academic Affairs and then investigate whether there is probable cause to conclude that a violation of the Code has occurred.
  - (1) The investigation shall be conducted with the highest degree of confidentiality.
  - (2) The Prosecutor may request specific grades or academic transcripts as necessary to conduct the investigation. The Associate Dean for Academic Affairs retains discretion to approve or deny any such request.
  - (3) The Prosecutor shall inform each potential witness of the need for absolute

confidentiality.

- (4) If the Prosecutor determines that there is not probable cause, he or she shall so advise the reporting party and promptly close the case.
- (b) Upon a determination of probable cause, the Prosecutor shall provide a copy of the Report (without the signature page) to the suspected violator and afford the suspected violator an opportunity to be heard by the Prosecutor on the matter.
- (1) If the suspected violator admits all allegations of the Report, then the procedures for a Sanction Hearing set forth in Section 6.4 shall be followed.
  - (2) If the suspected violator does not admit all allegations of the Report, the Prosecutor may reassess the existence of probable cause based on any information provided by the suspected violator. If the Prosecutor determines that there is not probable cause, he shall so advise the suspected violator and the reporting party and take no further action on the Report. If the Prosecutor determines that there is probable cause, he or she shall so advise the suspected violator and the reporting party and follow the procedures for a Hearing on the Merits set forth in Section 6.3.
- (c) Prosecutorial Discretion
- (1) The Prosecutor shall have discretion to dismiss any portion of the Report or to dismiss the entire Report and close the case until a motion is filed with the Court for a hearing under Section 6.3 or Section 6.4. If the Prosecutor dismisses only a portion of the Report, the Prosecutor shall file an Amended Report.
  - (2) The Prosecutor shall have discretion to file an Amended Report to include any additional violations of the Honor Code that are discovered during the investigation at any point until a motion is filed with the Court for a hearing under Section 6.3 or Section 6.4.
  - (3) Before filing an Amended Report, the Prosecutor shall provide a written copy of the Amended Report to the suspected violator and the Associate Dean for Academic Affairs. Once filed, the Amended Report will supersede the Report for all purposes within this Code.
- (d) Until a Motion for a Hearing on the Merits has been filed pursuant to Subsection 6.3(a), the Prosecutor and the suspected violator may reach a plea bargain. Once a Motion for a Hearing on the Merits has been filed, any plea bargain must be approved by the Associate Dean for Academic Affairs. Plea bargains may include, but are not limited to, the following:
- (1) The suspected violator agrees with the Prosecutor to admit to the full Report

on the condition that the Prosecutor will recommend a particular sanction to the Court. Notwithstanding any recommendation from the Prosecutor, the Court retains discretion regarding the sanction that it recommends to the Associate Dean of Academic Affairs.

- (2) The suspected violator agrees with the Prosecutor to admit to some of the facts in the Report on the condition that the Prosecutor dismiss the rest of the Report. The Prosecutor would prepare an Amended Report and follow the procedures set forth in Section 6.4.

### **§6.3 Hearing on the Merits**

- (a) Promptly after notifying the suspected violator of the finding of probable cause, the Prosecutor shall file with the Court a Motion for a Hearing on the Merits, which shall include (i) a written complaint containing a plain statement of the facts of the alleged violation(s), (ii) the identity of the reporting party, (iii) the names of individuals needed as witnesses at the hearing on the complaint, and (iv) a request for a hearing on the Merits.
- (b) Upon filing a Motion for a Hearing on the Merits, the Prosecutor shall promptly provide to the alleged violator a list of any physical evidence within the Prosecutor's possession, custody, or control that is material to preparing the defense or that the Prosecutor intends to use during the case-in-chief, and shall allow the alleged violator the opportunity to inspect and copy any such evidence.
- (c) Promptly after receiving a Motion for a Hearing on the Merits, the Chief Justice of the Court shall hold a Scheduling Conference with the Prosecutor and the alleged violator, at which time the Chief Justice shall set a hearing date that affords the alleged violator a reasonable opportunity to attend.
- (d) Prior to the hearing, the suspected violator may, but is not required to, file with the Court a written response to the complaint. Before any such response is filed with the Court, a copy thereof shall be delivered to the Prosecutor.
- (e) At the hearing, the burden shall be on the Prosecutor to prove the allegations of violation(s) of the Code by clear and convincing evidence.

### **§6.4 Sanction Hearing**

- (a) If the suspected violator admits the allegations of the Report, the Prosecutor shall file with the Court a Motion for a Sanction Hearing, which shall include (i) a copy of the Report, (ii) the fact that the violator has admitted the allegations of the Report, (iii) a request for a Sanction Hearing, and (iv) any other fact the Prosecutor deems relevant.
- (b) Upon receiving the motion requesting a Sanction Hearing, the Chief Justice of the



Court shall schedule and hold a Scheduling Conference with the Prosecutor, the violator, and the violator's Defense Counsel (if any), at which time the Chief Justice shall set a hearing date that affords the violator a reasonable opportunity to attend.

- (c) At the Sanction Hearing, the Prosecutor shall present to the Court the Report, the fact that the violator has admitted the allegations of the Report, and any other relevant fact. The violator and the violator's Defense Counsel have the right to appear before the Court and make such statements as they choose. Article VII applies to the Sanction Hearing.

## **Article VII. Hearing Procedures**

**§7.1** Each Sanction Hearing as set forth in Section 6.4 and each Hearing on the Merits as set forth in Section 6.3 shall be closed to all persons except the Prosecutor, Assistant Prosecutor, Defense Counsel, the suspected violator, the interested instructors, the witnesses, and any person designated by the Court to assist in the conduct of the hearing. Any party may invoke the rule to exclude a witness except during the taking of his testimony.

**§7.2** In no hearing shall the Court be bound by formal rules of criminal or civil procedure or strict rules of evidence, nor does the Code attempt to establish detailed procedural rules. Each hearing shall be conducted in a manner that affords the parties a fair and reasonable opportunity to present information and make arguments relevant to the alleged violation(s) and appropriate sanction(s) when violation(s) are admitted or proved.

**§7.3** (a) Any party has a right to challenge any member of the Court for cause. Any challenge for cause shall be made in writing and filed with the Court no later than one day prior to the hearing.

(b) The Chief Justice shall make the final decision on a challenge for cause filed prior to the hearing. If the Chief Justice is challenged or is otherwise unable to rule on the pre-hearing challenge, the challenge shall be decided prior to the hearing by a majority vote of the members of the Court present at the hearing. If Court member(s) are disqualified because of the granting of challenge(s) for cause, the remaining members of the Court shall constitute the Court for the remainder of the case if a quorum of the Court remains qualified and is present for the hearing. If the Chief Justice is disqualified because of the granting of a challenge for cause, the remaining members of the Court shall elect from among themselves a presiding judge for the case in question.

(c) If the granting of challenges results in the Court's inability to achieve a quorum for a case, each vacancy for that case shall be filled promptly by the Chief Justice, or if he or she is not able to act, by the SBA President. Each of the students selected to fill a vacancy for the case shall be in good academic standing and shall be in the student group which originally elected the member whose position has been rendered vacant for the case. The hearing may be continued for a reasonable time to permit the replacement judge(s) to become familiar with the case.

- §7.4 The parties have the right to make opening and closing statements.
- §7.5 The parties have the right to examine and cross-examine witnesses.
- §7.6 The parties have the right to present any physical or demonstrative evidence, independent of witnesses, that is relevant to the case.
- §7.7 The parties have the right to present character evidence and character witnesses.
- §7.8 An electronic sound recording shall be made of the proceedings of the hearing.
- §7.9 All exhibits offered, whether received into evidence or not, shall be retained and made a part of the record of the proceedings.
- §7.10 Promptly after the hearing the Court shall deliberate to its decision. A finding of a violation of the Code requires an affirmative vote by four members of the Court that the violation has been proved by clear and convincing evidence.
- §7.11 The Court shall prepare written findings of fact with respect to whether a violation has or has not occurred. Copies of such findings shall be presented to the Associate Dean for Academic Affairs and to each of the parties in the case.
- §7.12 When a violation is admitted or found to have occurred, the Court shall provide in writing to the Associate Dean for Academic Affairs a recommendation of the sanction(s) it determines to be appropriate, together with the reasons for the recommendation.

### **Article VIII. Sanctions**

- §8.1 The Court may recommend any one or more of the following sanctions to the Associate Dean for Academic Affairs:
- (a) Expulsion.
  - (b) Suspension for a specified period of time, or an indefinite suspension with the possibility of readmission upon application for readmission to the Admissions Committee after a set period of time.
  - (c) A reduction of the grade in the course in which the violation occurred, including reduction to an “F.”
  - (d) A grade of “Incomplete” in the course in which the violation occurred.
  - (e) Cancellation of the work done in the course in which the violation occurred.
  - (f) A written reprimand, which the administration of the Law School shall have the

discretion to remove from the student's permanent record.

- (g) Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
- (h) Restitution.
- (i) Dismissal from Law Review, Moot Court, and any other office or position connected with the Law School.
- (j) Probation for a definite period of time under specified terms or conditions with consequences specified for noncompliance.
- (k) Any other appropriate sanction.

**§8.2** This Honor Code does not require the imposition of any particular sanction or range of sanctions for any of the types of misconduct described in §3.1. The decision to impose a particular sanction or a mix of sanctions is made by the Associate Dean of Academic Affairs, who may, in his sole discretion, consider the following factors as mitigating or aggravating factors:

- (a) Conscientious admissions of misconduct made by a student before gaining any knowledge that someone else may suspect that student of an Honor Code violation;
- (b) Admissions of wrongdoing made after a student has been accused of misconduct;
- (c) Whether the misconduct was intentionally or negligently committed;
- (d) The degree of harm to others and the seriousness of the conduct;
- (e) The nexus between the student's conduct and the question of character and fitness of the student to practice law;
- (f) The violator's history of misconduct or lack thereof;
- (g) The motive for the misconduct.

## **Article IX. Appeals**

**§9.1** Any interested party has the right to appeal to the Dean. Any matter may be appealed except for findings of fact. Notice of appeal must be filed with the Dean no later than three days after the party receives written notification of the sanction(s) to be imposed. The failure to file a timely notice of appeal operates as a waiver of the appeals process.

**§9.2** There will be no additional testimony permitted at the appeal. The Dean shall decide the appeal based solely upon the written documents in the case, the records of the proceedings of the Court (including the electronic sound recording), and such oral arguments of the parties as the Dean deems appropriate.

**§9.3** When the Dean has decided an appeal, he shall provide written notice to the parties of his decision. Following receipt of such notice (or the expiration of the time for filing an appeal if no appeal was filed), the Chief Justice shall promptly publish a summary of any case in which a sanction is imposed, including findings of fact as to the violation(s) of the Code and the sanction(s) imposed, provided however that the name of the parties involved shall not be revealed.

## **Article X. Miscellaneous Procedures**

**§10.1** Any document filed with the Court shall be captioned as “Faulkner Law v. [Defendant’s Name].”

**§10.2** The case number of any case shall be the date that the case was filed, followed by two digits, beginning with “01” and ascending numerically for each case filed in a particular day (Year-Month-Day ##, for example, “2016-11-30 01”).

**§10.3** A case is considered opened once a report is made to the Prosecutor pursuant to Section 6.1.

**§10.4** A Prosecutor closes the case by providing written notice of the closure to the reporting party, the suspected violator (if the suspected violator has received notice of the case), the suspected violator’s Defense Counsel (if any), and the Associate Dean of Academic Affairs. A case is automatically closed once a case has been dismissed under §6.2(a) or the appeals process under Article IX has been waived or completed.

**§10.5** A case may not be reopened without written approval by the Associate Dean of Academic Affairs. If a case is reopened, notice shall be promptly sent to the alleged violator.

**§10.6** If an alleged violation occurs, or a report is filed, at a time other than during the fall or spring semesters, and if:

- (a) both the Prosecutor and the Assistant Prosecutor are away from campus;
- (b) the suspected violator is away from campus, and is not reasonably expected to return within the two weeks following the report; or
- (c) one or more Honor Court Justices are away from campus, such that a quorum of the Court cannot be established in person;

then, in the discretion of the Associate Dean for Academic Affairs, the investigation and/or hearing procedures described in this Honor Code may be postponed up until the beginning

of the next regular semester or may proceed by using technology to secure the real-time electronic participation of physically-absent participants.

## **Article XI. Enactment of, and Amendments to, the Code**

**§11.1** The Code, and any amendment of it, shall originate either in the Court or the faculty. The originating body shall approve the Code or any amendment of it and then submit it for approval of the other body. Upon approval by the other body, it shall be submitted to the student body for final approval.

**§11.2** The Code, and any amendment of it, shall become effective upon final approval and shall govern all conduct occurring after the date of its adoption.

**§11.3** Upon final approval, the Code shall be printed and distributed to the students. The Code as amended shall be printed in each subsequent addition of the Student Handbook and provided to all students upon enrollment in the Law School. Copies of the Code shall be placed on reserve in the law library and made available in the office of the Student Bar Association.

**§11.4** If there is any conflict between the Code and the regulation of any student organization, the Code governs such regulation.

**§11.5** Final approval of the Code repeals the honor code(s) in effect at the time of such approval.

## **Article XII. Pledge**

**§12.1** On any written work done by a law student for academic credit, including examinations, the pledge provided in Section 12.2 must be included, followed by the student's entry of his signature (or anonymous number when appropriate). However, even if the pledge is not included, all such work is governed by the Code.

**§12.2** The pledge shall be as follows: "On my honor I represent that I have neither given nor received unauthorized aid on this (fill in the appropriate description)."

**§12.3** If the completed pledge does not appear on the academic work, the instructor may exercise discretion to deny credit for the work.

**§12.4** The purpose of the pledge is to provide a continuing reminder to students that they owe a responsibility of honorable behavior to themselves, to fellow students, to instructors, to the Law School, and to the legal profession.

*As originally approved by the faculty on January 23, 2004, and by the student body on March 16, 2004; as amended and approved by the faculty on January 25, 2017, and approved by the student body on April 14, 2017.*

## PART 2—NONDISCRIMINATION AND DIVERSITY

### § 6-201. Nondiscrimination.

Faulkner University's Thomas Goode Jones School of Law does not discriminate on any basis protected by federal or state law in connection with its educational policies, admissions, financial aid, employment, educational programs, or activities. The School of Law does not discriminate against any person on the basis of sexual orientation. However, sexual conduct outside marriage is inconsistent with the University's religious traditions, values, affiliation, and purpose. Therefore, in accordance with ABA Standard 211, the School of Law does not knowingly employ individuals who engage in such conduct; the School of Law also expects its students to avoid using the law school's (or University's) facilities, resources, or names to advocate such conduct. Also, in accordance with Standard 211, the School of Law exercises a preference in employment of faculty and staff for those qualified applicants who are members of the Church of Christ whose lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Church of Christ. In cases where no qualified applicant is a member of the Church of Christ, the School of Law exercises a preference in employment for those whose religious beliefs and lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Church of Christ.

*Sept. 21, 2004; Rev. Dec. 15, 2008*

### § 6-202. Diversity.

It is the policy of the law school to employ, retain, or admit faculty members, staff, and students on the basis of individual merit. However, the law school believes that diversity in the faculty, staff, and students is directly related to the value of its educational mission. The benefits to be derived, especially in the context of the study of law, mandate that special care be taken to achieve a high level of diversity among faculty members, staff, and students. Aspiring lawyers who have been exposed to diverse views will bring to the bar an enhanced appreciation of their unique role in society and their special responsibilities in the administration of justice for all people. The law school's commitment to diversity, however, is informed by its mission statement and its affiliation with Faulkner University.

*Sept. 21, 2004*

## PART 3—ACADEMIC FREEDOM

### § 6-301. Principles.

The well being of an academic institution and of society in general can be maintained only if individuals and groups exercise their responsibility and freedom to search for the truth and to speak the truth as it is discovered. As members of a collegial community, members of the faculty, administrators, and students of the law school must extend to one another the trust and respect which create the appropriate environment for the exercise of academic freedom. The faculty hereby adopts the “1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of University Professors. It reads as follows:

“The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties, but research for pecuniary return should be based upon an understanding with the authorities of the institution.

“The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

“The teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.”

*Sept. 21, 2004*

### § 6-302. Speech regarding Gender or Sexuality.

The free and open discussion of issues or theories relating to sexuality or gender in an academic or professional setting, when appropriate to the subject matter, will be presumed not to constitute sexual harassment even if it offends or embarrasses an individual.

*Sept. 21, 2004*

## **PART 4—STUDENT ORGANIZATIONS**

### **§ 6-401. Minimum Grade Point Average for Officers.**

- (a) Subject to subsection (b) and (c) hereof, no student whose cumulative grade point average is less than 2.30 may hold an office in an organization approved by the law school. A student who does not meet this requirement forfeits his or her office immediately.
- (b) A first-year SBA Senator or Honor Court Justice may complete his or her term of office should he or she finish the fall semester with a grade point average less than a 2.30.
- (c) This section does not impair the right of a particular organization to require a higher grade point average as a prerequisite for holding office.

*Sept. 21, 2004; Rev. Feb. 13, 2007*

### **§ 6-402. Former Students Not Eligible.**

Former students are not eligible for membership in an organization approved by the law school for students.

*Sept. 21, 2004*

## **PART 5—POLICIES**

### **§ 6-501. Policy on the Use of Alcohol.**

Law students should be aware that their actions reflect on their professional reputation. One's professional reputation does not begin upon graduation from law school but from the outset of his or her law school career. The law school encourages students to think and act responsibly if engaging in the use of alcohol.

The law school prohibits students and student organizations from providing or arranging for the provision of alcoholic beverages at events or functions sponsored by any student organization. An event or function invoking the name of the law school or the name of any student organization defines sponsorship. Arranging for the provision of alcoholic beverages includes any "deals" made with licensed vendors to provide a special discount to event attendees.

Concerns regarding students' abuse of alcohol or other controlled substances should be reported to the Assistant Dean for Student Services. Counseling is available to law students through the Alabama Lawyer Assistance Program sponsored by the Alabama State Bar. The program director is Jeanne Marie Leslie. Her contact number is 334-834-7576 (24-hour Confidential Phone, 334-224-6920) and her e-mail address is [jeannemarie.leslie@alabar.org](mailto:jeannemarie.leslie@alabar.org).

*Dec. 7, 2007*



## **§ 6-502. Professional Courtesy and Behavior Policy.**

In accordance with the mission statement emphasizing a strong commitment to integrity within a caring Christian environment, the law school expects its students to conduct themselves in a professional, dignified, and respectful manner and avoid inappropriate conduct. Students are also expected to respect the views and personal dignity of other members of the law school and university community.

A non-exhaustive list of inappropriate conduct includes:

1. Severe or pervasive use of obscenities or the use of profane, degrading, abusive, or threatening language or gestures.
2. Disrupting the activities or functions of the law school or university, or any class, library, academic, or co-curricular activity.
3. Making a material misrepresentation to the administration, faculty, or staff of the law school or university. Misrepresentations prohibited by section 3.1(k) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
4. Publishing or circulating false information that is damaging to the reputation of any member of the law school or university community.
5. Failing or refusing to comply with the reasonable instruction of any clearly identified law school or university official who is performing his or her duties.
6. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering or using, without authority, the property of the law school and university or the property of others located on the premises of the law school and university or related to a law school and university activity. Practices prohibited by section 3.1(d) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
7. Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to a faculty member or another student.
8. Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct, including but not limited to the unauthorized practice of law, lack of candor to appropriate authorities, and untruthfulness.
9. Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.

10. Directly or indirectly discouraging, harassing, retaliating against, or attempting to influence improperly any administrator, faculty member, witness, person reporting a violation, or other person involved with the Administrative Discipline process or Honor Code process, or refusing to cooperate in any investigation or proceeding pursuant to such processes.
11. Behavior that adversely reflects on or affects the law school and university community, mission, or reputation.

The law school encourages students to apprise themselves of the Alabama State Bar's Code of Professional Courtesy which illustrates how lawyers should conduct themselves in the practice of law. Students should begin practicing these concepts while in law school.

*Sept. 14, 2009*

### **§ 6-503. Administrative Discipline Policy**

The Dean, or the Dean's designee, has full authority to enforce law school policies. If an alleged policy violation is reported, a student or student organization is entitled to a hearing with the Dean or the Dean's designee as soon as practicable. However, appropriate protective measures may be taken prior to a hearing. Sanctions for policy violations may include:

1. Expulsion
2. Suspension for a specified period of time.
3. Disciplinary probation.
4. A written reprimand, which the administration of the law school shall have the discretion to remove from the student's permanent record.
5. Community service.
6. Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
7. Restitution.
8. Dismissal from Law Review, Moot Court, and any other office or position connected with the law school.
9. Any other appropriate sanction.

This list of sanctions is not all-inclusive, and sanctions are not listed in any particular order. One or more sanctions may be imposed in response to one or more policy violations at the discretion of the Administration at any time. The sanction selected depends on the nature and severity of the

violation. Prior violations or mitigating factors may be considered when imposing sanctions under this policy.

Violations of policies in the “policy statements” section of the Student Handbook will be regarded as “non-academic” violations and addressed by the Administrative Discipline Policy. If an academic violation should be suspected during investigation of a non-academic violation, then the academic violation shall be addressed by the Honor Code and its procedures. The non-academic violation shall be addressed by the Administrative Discipline Policy and its procedures. In the event of any overlap between the Honor Code and the Administrative Discipline Policy, the matter will be treated as non-academic and addressed under the Administrative Discipline Policy and its procedures. In no event shall a single infraction subject a student to both the Administrative Discipline Policy procedures and the Honor Code procedures.

*Sept. 14, 2009*