

# Chapter 4 – Academic Regulations

2024-2025 – Effective August 19, 2024

## 4.1 Degree Requirements, Course of Study, and Course Load

### 4.1.01 Degree Requirements

Capital University Law School confers the degree of Juris Doctor (J.D.) after a student has passed a sufficient number of courses to have earned 89 credit hours. In order to graduate, a student must maintain a 2.0 cumulative grade point average. Credit hours are earned only for courses in which a student is awarded a grade of “D” or better, the grade “S” (satisfactory), or the transcript designation of “K” (transfer credit).

### 4.1.02 Required Courses

Certain subjects are deemed so fundamental for a complete understanding of American jurisprudence that they are required for graduation. Students must pass each of these courses to satisfy the graduation requirement. In addition, selected students must complete mandatory student support courses to graduate. See section 4.1.04. First and second-year courses specifically required for graduation are listed below and must be taken in the year and the semester prescribed below or at the earliest possible time.

FULL-TIME DIVISION			
First Year			
Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Contracts I	3	Contracts II	3
Torts I	3	Torts II	2
Property I	3	Property II	3
Legal Analysis Research and Writing I	2	Legal Analysis Research and Writing II	2
Criminal Law	3	Civil Procedure: Rules	3
Integrated Core Competencies	1	Integrated Core Competencies	1
<b>Fall Semester Credits</b>	<b>15</b>	<b>Spring Semester Credits</b>	<b>14</b>
<b>TOTAL CREDITS 29</b>			
Second Year			
Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Constitutional Law I	3	Constitutional Law II	3
Civil Procedure: Jurisdiction	3	Evidence	4
Criminal Procedure	3	<b>Spring Semester Credits</b>	<b>7</b>
<b>Fall Semester Credits</b>	<b>9</b>		
<b>TOTAL CREDITS 16</b>			
Second Year or Third Year			
<u>Courses</u>	<u>Credits</u>		
Professional Responsibility	2		
Legal Drafting	2		

## PART-TIME EVENING DIVISION

### First Year

Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Contracts I	3	Contracts II	3
Torts I	3	Torts II	2
Property I	3	Property II	3
Integrated Core Competencies	1	Integrated Core Competencies	1
<b>Fall Semester Credits</b>	<b>10</b>	Legal Analysis Research and Writing I	2
		<b>Spring Semester Credits</b>	<b>11</b>

### Summer Semester

<u>Courses</u>	
Criminal Law	3
Legal Analysis Research and Writing II	2
<b>Summer Semester Credits</b>	<b>5</b>

**TOTAL CREDITS 26**

### Second Year

Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Constitutional Law I	3	Constitutional Law II	3
Civil Procedure: Jurisdiction	3	Civil Procedure: Rules	3
Evidence	4	Criminal Procedure	3
<b>Fall Semester Credits</b>	<b>10</b>	<b>Spring Semester Credits</b>	<b>9</b>

**TOTAL CREDITS 19**

### Third Year or Fourth Year

<u>Courses</u>	<u>Credits</u>
Professional Responsibility	2
Legal Drafting	2

## PART-TIME DAY DIVISION

### First Year

Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Contracts I	3	Contracts II	3
Torts I	3	Torts II	2
Legal Analysis Research and Writing I	2	Legal Analysis Research and Writing II	2
Criminal Law <sup>1</sup>	3	Civil Procedure: Rules <sup>2</sup>	3
Integrated Core Competencies	1	Integrated Core Competencies	1
<b>Fall Semester Credits</b>	<b>12</b>	<b>Spring Semester Credits</b>	<b>11</b>

**TOTAL CREDITS 23**

<sup>1</sup> Part-time day students may take this course in their third year.

<sup>2</sup> Part-time day students may take this course in their second year.

Second Year			
Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Property I	3	Property II	3
Constitutional Law I	3	Constitutional Law II	3
Civil Procedure: Jurisdiction	3		
<b>Fall Semester Credits</b>	<b>9</b>	<b>Spring Semester Credits</b>	<b>6</b>
<b>TOTAL CREDITS 15</b>			

Third Year			
Fall Semester		Spring Semester	
<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Criminal Procedure	3	Professional Responsibility	2
		Evidence	4
<b>Fall Semester Credits</b>	<b>3</b>	<b>Spring Semester Credits</b>	<b>6</b>
<b>TOTAL CREDITS 9</b>			

Fourth Year	
<u>Courses</u>	<u>Credits</u>
Legal Drafting	2

#### 4.1.03 Curricular Requirements for Graduation

- A. Students must complete a perspective course or seminar (minimum 2 credit hour course). Section 4.10(A) sets forth the standards of, and the procedure for, meeting this requirement.
- B. Students must fulfill an upper-level writing requirement. Section 4.11 sets forth the standards of, and the procedure for, meeting this requirement.
- C. Students must fulfill the “Experiential Courses” Requirement. Section 4.12 sets forth the standards of, and the procedure for, meeting this requirement.
- D. In accordance with ABA Accreditation Standard 311(a), at least 64 of the credit hours required for graduation must be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction. Credit hours in courses that do not qualify for this 64-hour requirement include:
  1. Credit hours earned through externships and other study outside of the classroom.
  2. Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning.
  3. Credit hours earned for participation in co-curricular activities such as law review, moot court, and mock trial competitions; and
  4. Credit hours earned by participation in studies or activities in a country outside the United States that are not law-related.
- E. The requirements for graduation, the availability of courses, course content, and credit hour

allocations are subject to change as the Law School faculty shall determine.

- F. In accordance with ABA Accreditation Standard 311(b), students may not graduate in fewer than 24 months and in no more than 84 months.

#### 4.1.04 Academic Support Programs

To enhance the academic performance of students, Capital University Law School has adopted several programs and requirements to provide academic support to its students.

**Disclaimer:** The Law School retains the right to adjust or eliminate these programs without advance notice to current or future students. This description of currently available programs is not intended to create a contractual or other legal obligation to provide these or other voluntary or mandatory academic success programs.

##### A. Academic Success Program

The Academic Success Program (ASP) fosters a supportive and inclusive environment where all students may access tools to help them excel academically. ASP is a combination of programs, some mandatory for all students, which combines academic instruction, skills development, and reinforcement of foundational concepts. In addition, recognizing that some students may face unique challenges that puts them at a higher academic risk, students demonstrating a greater need for academic support may be required to participate in additional programs.

##### B. Pre-Matriculation Readiness and Enrichment Program (PREP)

This program begins before the start of the academic year and offers continuing programming through the first few weeks of classes. This is a mandatory non-credit-bearing program for all entering J.D. students. PREP provides incoming students with a comprehensive introduction to legal education and the skills necessary for success in law school.

##### C. Fall Academic Success Program

1. The Fall Academic Success Program is a mandatory non-credit-bearing program that provides academic assistance to first-year students most at risk of being unable to complete law school without academic assistance beyond what is provided in the general J.D. curriculum. Students identified by the Director of Academic Success as academically at-risk must participate in the Fall Academic Success Program in their first year of law school. The Director of Academic Success utilizes a multifaceted approach to identify academically at-risk students, which may include, but is not limited to:
  - a. Student performance in PREP;
  - b. Student performance on midterm(s); and
  - c. Referrals from professors teaching first-year courses.
2. Students who must participate in the Fall Academic Success Program will be notified by the Director of Academic Success and provided with the course requirements. This program typically commences after midterms are completed.

3. Students required to participate in the Fall Academic Success Program must receive a certificate of completion from the Director of Academic Success indicating that the student has participated appropriately in the program to enroll in classes for any subsequent semester.

#### D. Spring Academic Success Program

1. The Spring Academic Success program is a mandatory non-credit-bearing program for first-year students who, after completing one semester of law school, are the most at risk of being unable to complete law school without assistance beyond what is provided in the general J.D. curriculum.
2. The Spring Academic Success Program is mandatory for first-year students who, in the judgment of the Director of Academic Success, based on their first-semester grades, are at the most risk of being unable to complete law school without academic assistance beyond what is provided in the general J.D. curriculum.<sup>3</sup>
3. Students required to participate in the Spring Academic Success Program must receive a certificate of completion from the Director of Academic Success indicating that the student has participated in the program to enroll in classes for any subsequent semester.

#### E. Writing Skills Program

The Writing Skills Program assists students in improving their writing. This program includes a Supplemental Writing Course, which is mandatory for selected students, and group and individual workshop/consultation services for all students.

#### F. Supplemental Writing Course

The Supplemental Writing Course is designed to assist first-year students who need to develop their writing skills. Attendance in the course is mandatory for, and limited to, all students who have been identified as demonstrating deficiencies in writing as follows:

1. Any student who has demonstrated a writing deficiency on the writing diagnostic exercises administered during PREP is required to attend the Supplemental Writing Course during the fall semester.
2. Any student who has demonstrated a writing deficiency in their work in Legal Analysis, Research and Writing after evaluation by Legal Analysis Research and Writing Professors is required to attend the Supplemental Writing Course during the spring semester.
3. Upon referral by any faculty member, the Director of Academic Success may require the referred student to attend the Supplemental Writing Course in the fall or spring semester if the student has demonstrated writing deficiencies.
4. Students required to attend the Supplemental Writing Course in the fall must receive a certificate of attendance from the course professor. To receive a certificate of attendance, the student must attend seventy-five percent of the sessions for that course. Failure to attend

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<sup>3</sup> Generally, the Director of Academic Success will determine which students, among those whose first-year fall semester law school G.P.A. is 2.3 or lower, are most at risk of being unable to complete law school without additional academic support.

the minimum number of Supplemental Writing Course sessions and, thereby, failure to receive a certificate of attendance from the professor shall result in a one-letter (e.g., from A to B; B+ to C+, etc.) grade reduction in the student's Legal Analysis, Research and Writing grade.

G. Writing Skills Workshops and Consultations

The Law School occasionally offers workshops to those students who want to improve writing skills. Students may also meet with the Supplemental Writing Course professor for evaluation and work on writing skills. Students wishing more information should contact the Associate Dean of Academic Affairs or the Director of Academic Success.

#### 4.1.05 Course Selection and Registration

- A. The responsibility for the selection of an academic program rests primarily with the student.
- B. Students are responsible for ensuring that they meet all requirements for graduation and are encouraged to seek counseling if they have any questions concerning their program of study.
- C. Courses required for graduation must be taken in the semester prescribed in section 4.1.02 or at the earliest possible time.
- D. Certain courses cannot be taken until pre-requisite courses have been completed, or unless co-requisite courses have been completed or are being taken at the same time, unless the student obtains the prior written approval of the Associate Dean of Academic Affairs or Dean's delegate. Pre-requisites and co-requisites are specified in the course description of each course. **Students are responsible for ensuring that pre-requisite and co-requisite requirements are met. Students who enroll in a course for which the pre- or co-requisites are not met will be administratively withdrawn no matter how late in the term the matter is discovered.**
- E. Students are eligible to register for the upcoming semester on the dates assigned by the Office of Records & Registration. J.D. students will receive priority registration dates by cohort in descending order of expected graduation date. The Office of Records & Registration will, however, register all incoming 1L full-time students (for fall and spring semesters), and all incoming 1L part-time students (for fall, spring, and summer, and fall of 2L year semesters). The Office of Records & Registration will schedule registration dates for all graduate law students after the J.D. registration dates. If maximum enrollment is met in any J.D. course, a graduate law student will only be permitted to register in that course (1) at the discretion of the course faculty member and director of the graduate legal studies programs, and (2) after all J.D. students on the waiting list are registered to enroll in the course.

#### 4.1.06 Registration Within and Transfers Between Divisions

- A. A student must take required courses in the division (i.e. full-time or part-time) for which they are registered. Additionally, a student must register for elective courses within their division, unless the course is not offered in their division during that semester. If an elective course is offered in both divisions, a student may register for the elective course outside their division only with the prior written approval of the Associate Dean of Academic Affairs or Dean's delegate before open registration begins. Space permitting, a student may register in a course outside their division once open registration begins.

- B. A student who enters law school in the full-time or part-time division is expected to remain in that division for at least one year. Transfers from one division to another after the first year require the prior written approval of the Associate Dean of Academic Affairs or Dean's delegate.

#### **4.1.07 Change of Registration After Beginning of Semester or Summer Term**

- A. During the fall and spring semesters, a course cannot be added to a student's schedule after the first week of classes without the written permission of the Associate Dean of Academic Affairs or Dean's delegate. A course may not be dropped from a student's schedule after the second week of classes without the written permission of the Associate Dean of Academic Affairs or Dean's delegate. During the first summer session, a course must be added or dropped during the first week of classes. For intensive classes, the course may be added up until the Wednesday before the start date of the course. An intensive may be dropped no later than the end of the first day of the class. Any deviation from this schedule would require the written permission of the Associate Dean of Academic Affairs or the Dean's delegate.
- B. Students wishing to withdraw from a course must comply with section 4.4.

#### **4.1.08 Course Load**

##### **A. Full-time Students**

1. Every full-time student is required to take between 13 and 15 credit hours each semester during their first year unless they first obtain the written permission of the Associate Dean of Academic Affairs or Dean's delegate, to take fewer credit hours, which is given only for extraordinary reasons. For full-time students, the course of study for the fall and spring semesters of their first year is set, and additional credit may not be taken.
2. In subsequent years, full-time students are required to carry no fewer than 12 (except in the student's last semester) and no more than 16 credit hours per semester unless authorized in writing by the Associate Dean of Academic Affairs or Dean's delegate. However, in accordance with ABA accreditation standards, the Associate Dean of Academic Affairs or Dean's delegate may not authorize a student to enroll in more than 17 credit hours in any one semester.
3. If a full-time student in their final semester of law school needs to complete fewer than 12 hours to complete their studies and, thus, is registered for fewer than 12 credit hours, that course load shall be considered full-time. Full-time students must be enrolled in at least 4 credit hours in order to be eligible for Federal financial aid. The Federal financial aid will be calculated on an anticipated course load basis. This includes a student's final semester.
4. In order to graduate in three years, full-time students need to average 15 credit hours in each of the four semesters after the first year.

##### **B. Part-time Students**

1. A part-time evening student is required to take between 10 and 11 credit hours each fall and spring semester during the first two years, and 5 credit hours in the summer after the first year, unless they first obtain the written permission of the Associate Dean of Academic Affairs or Dean's delegate, which is given only for extraordinary reasons. For part-time students, the course of study for the first two years is set, and additional hours of credit may not be taken.

A part-time day student is required to take between 8 and 12 credit hours each fall and spring semester during their first two years unless they first obtain the written permission of the Associate Dean of Academic Affairs or Dean's delegate, which is given only for extraordinary reasons.

2. In subsequent years, part-time students are required to carry no fewer than 8 (except in the student's last semester) or no more than 11 credit hours per semester unless authorized in writing by the Associate Dean of Academic Affairs or Dean's delegate. Part-time students must be enrolled in at least 4 credit hours in order to be eligible for Federal financial aid. The Federal financial aid will be calculated on an anticipated course load basis.

C. Summer Session Course Load

1. Full-time students may take no more than 8 credit hours during a regular summer and no more than 8 credit hours in the intensive session. Full-time students may not take more than 16 credit hours during a summer. Full-time students must be enrolled in at least 4 credit hours in the summer in order to be eligible for Federal financial aid.
2. A part-time summer student who works more than 20 hours a week may not enroll in more than 6 credit hours in the regular summer session or intensive session for a total of 12 credit hours. Part-time students must be enrolled in at least 4 credit hours in the summer in order to be eligible for Federal financial aid.
3. A summer student enrolled in a one-week intensive course is strongly discouraged from working during that one week.

D. Acceleration of Studies and Matriculation Time

1. In accordance with ABA accreditation standards, students may not graduate in fewer than 24 months after their initial enrollment. Acceleration of graduation is permitted only through attendance of summer sessions.
2. A student must complete the requirements for graduation no later than 84 months after the student has first enrolled as a J.D. student at Capital University Law School or at another law school from which Capital University Law School has accepted transfer credit.

#### **4.1.10 Early Participation in Law School Commencement**

Eligibility to participate in commencement ceremonies for third-year day, fourth-year day and fourth-year evening students who have not yet completed the degree requirements of law school at the time of the commencement shall be governed by the following rules.

- A. A student must have six or fewer credit hours to complete the degree requirements, unless otherwise approved by the Associate Dean of Academic Affairs due to extraordinary circumstances.
- B. The student must not be on academic or disciplinary probation by the end of the spring semester immediately preceding graduation.
- C. The student must have completed all required coursework (including upper-level writing and perspective) and the remaining hours must only be elective hours.



- D. Any student with an outstanding 'incomplete' must get written approval from the Associate Dean of Academic Affairs or Dean's delegate in order to apply for early participation in commencement ceremonies. This approval will be given only if the 'incomplete' grade results from factors beyond the control of the student, and not because of lack of diligence or unsatisfactory academic performance.
- E. Prior to commencement ceremonies, the student must be registered to complete the remaining hours in a summer semester.
- F. It must be understood that commencement ceremonies will be ceremonial only. No degree will be conferred upon the student. The degree will be conferred at the time of actual completion of the total number of credit hours required for graduation if all other requirements for graduation have been satisfied.

Such understanding will be shown by signing a statement on the application by the student stating: "I understand that the granting of this application in no way is an indication by the Law School that I have completed or am guaranteed successful completion of the J.D. requirements. Until actual conferral of my degree, I may in no way indicate that I have earned such a degree. This policy is to allow students to participate in a ceremony timelier to their actual completion of law school and is nothing more than ceremonial. Also, I understand that I probably will not be permitted to sit for a July Bar examination."

- G. This policy shall be construed as final and in the best interest of the students, faculty, and the Law School itself. Its only purpose is to serve as an accommodation to students by providing for a timelier commencement ceremony. It in no way intends to abridge any policy exercised by the Administration in granting special exceptions to students in unique circumstances, with such circumstances being defined by the Administration.

## **4.2 Policy Concerning the Teaching of Spouses, Relatives, and Those with Similarly Close Relationships**

### **4.2.01 Rationale**

The faculty recognizes that the enrollment in a course of any student having a close personal relationship with the professor creates a potential conflict of interest or appearance of favoritism. Therefore, it is the policy of the faculty that such enrollment should be avoided.

### **4.2.02 Types of Relationships**

The relationships that are within the scope of this policy are spousal or similarly close personal relationships that would create an appearance of favoritism, as well as close familial relationships such as those with siblings, parents, or children.

### **4.2.03 Protocol**

In the event that a student seeks to enroll in a course taught by a faculty member with whom the student has a close personal relationship, the following steps shall be taken:

- A. When it is possible for the student to enroll in a section of the same class taught by another faculty member, the student shall be strongly encouraged to do so. In order to effectuate this policy, affected students will be permitted to register in another section or in the other division. When situations covered by this policy are brought to the attention of the administration, all reasonable efforts will be made to avoid such conflicts.
- B. If the student is unable or unwilling to enroll in a course other than the one taught by the faculty member with whom the student has a close personal relationship, then the grading shall be on a "satisfactory-unsatisfactory" basis.

## 4.3 Policy on Outside Study and Transient Status

### 4.3.01 Policy on Outside Study and Transient Status during the Final 24 Credit Hours

A student who is a candidate for the degree of Juris Doctor is not permitted to take courses in any other school, college, or course of instruction while attending Capital University Law School unless they first obtain the permission of the Associate Dean of Academic Affairs or Dean's delegate. Students must complete their final 24 hours of credit at Capital University Law School except as noted below.

- A. Students enrolled in Capital University Law School can petition the Associate Dean of Academic Affairs or Dean's delegate for permission to take up to six semester hours of credit at another law school. Criteria used in deciding whether or not to grant permission include:
  - 1. The uniqueness of the educational experience desired by the student, e.g., study abroad.
  - 2. The availability at Capital University Law School of the course that the student desires to take elsewhere.
  - 3. The overall educational value of study at another law school.
  - 4. Whether the student has transferred to Capital University Law School from another law school and completed courses at a different institution.
- B. Students enrolled in Capital University Law School will be permitted to earn more than six semester hours of credit at another law school only in exceptional circumstances, such as:
  - 1. Where a job transfer is mandated by the student's employer (this applies only to part-time students who work full-time).
  - 2. Where a job transfer is mandated by the employer of the student's spouse.
  - 3. Where the student must live elsewhere because of the serious long-term illness of a close family member.
  - 4. Participation in a study abroad program.
  - 5. Permission to earn more than six semester hours of credit at another institution will **not** be granted for the reason that the student desires to complete their law studies closer to home or in the geographic area where they intend to practice following graduation.
- C. In all cases, the Associate Dean of Academic Affairs or Dean's delegate must approve the school at which the student desires to earn credit.
- D. The Associate Dean of Academic Affairs or Dean's delegate must approve the individual course schedule to avoid course duplication.
- E. No courses required for graduation from Capital University Law School may be taken while in transient status at another law school unless in exceptional circumstances and with the Associate Dean of Academic Affairs or Dean's delegate approval. Specifically, this includes the upper-level writing requirement and the perspective requirement.

#### **4.3.02 Request for Transcript and/or Letter of Good Standing by a Capital University Law School Student**

If a student requests a transcript and/or letter of good standing from Capital University Law School for any reason, such transcript and/or letter of good standing will be provided to the student upon the following conditions.

A. In the case of a request for a transcript:

1. The student has met the conditions set forth in section 5.1.01 regarding transcript fees, and
2. The student does not have any outstanding obligation to the Law School.

B. In the case of a request for a letter of good standing:

1. The student has a cumulative grade point average of 2.0 or better at the time of the request, and
2. The student is unconditionally eligible to return and enroll in courses at the Law School.

If a student has a cumulative grade point average of 2.0 or better but has conditions or limitations upon their eligibility to return to or enroll in courses at Capital University Law School, the letter will contain statements and information reflecting those conditions or limitations (e.g., Honor Code violations, administrative probation, and other disciplinary matters). The student will be informed of such disclosures.

A student's request for a letter of good standing authorizes the Law School to disclose information consistent with section 4.3.02(B)(2) above.

## 4.4 Maximum Tenure, Leave of Absence and Withdrawals

### 4.4.01 Maximum Tenure

All students must complete their degree requirements within seven years of matriculation. Likewise, all transfer students must complete degree requirements within seven years of commencing their legal studies.

### 4.4.02 Leave of Absence

- A. Leaves of absence are granted at the discretion of the Associate Dean of Academic Affairs or Dean's delegate for military service, poor health, or other hardships. Leaves may be granted for a maximum of one year and are renewable only for extraordinary reasons but may not total more than two years.
- B. Leaves of absence will be granted for first-year students only after they have completed at least one semester of study and only for extraordinary reasons. First-semester students who need to postpone their studies may apply for deferred admission before the end of the add/drop period, which is only granted for extraordinary reasons.
- C. Poor grades are not deemed to be a reason to request a leave of absence.
- D. Students who leave the Law School or stop attending class without an approved leave or deferred admission are administratively withdrawn from the Law School and receive a grade of "E" in all courses in which they are currently registered. The date of determination, for refund purposes, will be the last date of attendance. If the student has not attended class(es) all semester, the date of determination will be the first day of the semester.

### 4.4.03 Withdrawal

- A. Official withdrawal from the Law School or from a course requires the permission of the Associate Dean of Academic Affairs or Dean's delegate.
- B. The grade of "W" is entered on the student's transcript for an official withdrawal. Students who discontinue attendance without an official withdrawal from the Law School or from a course will receive a grade of "E" in all courses in which they are currently registered and in which they discontinue attendance.
- C. Withdrawal from the Law School can be accomplished at any time prior to the last day of classes in any semester. No withdrawals will be approved after the last day of classes.
- D. Withdrawal from a course must be initiated by the Dean or Dean's delegate as set out in subsection E below or by a request from the student (with the approval of the Dean or Dean's delegate). If the withdrawal is at the request of the student, it may be approved by the Associate Dean of Academic Affairs or Dean's delegate until two weeks before the end of classes in the fall or spring semesters or one week before the end of classes in the first summer session. Students may drop a course up to the second week of fall and spring semester classes, after the first week of the first summer session classes, and after the first class of a second summer session course. After the drop periods end, withdrawal from a course will be permitted only upon a showing of good cause. In courses such as Legal Analysis, Research and Writing, in which coursework is

normally completed before examination week, withdrawal will not be permitted after 60% of the coursework has been completed.

- E. If a student is absent from more than 30% of the scheduled hours of a course the Dean or Dean's delegate may, in their discretion, administratively withdraw the student from that course. The 30% rate is based on the overall hours required per credit hour of class time (based on the law school's policy of calculating credit hours as 55 minutes per class over a 14-week semester) and the only excused absences are absences approved by the Accessibility Services Office, for military service or required by applicable law. Prior to initiating the withdrawal, the Dean or Dean's delegate will give notice to the student, and, if feasible, will discuss appropriate options with the student such as a leave of absence. If a student is administratively withdrawn from a course, the grade of "W" will be entered on the student's transcript. The student may elect to re-take the course in a later semester but will not receive credit for prior work done or classes attended.
- F. Withdrawal of a student who is carrying only one course will be treated as a withdrawal from that individual course, not withdrawal from the Law School.
- G. Because grades for the fall term are not available to students prior to the start of the spring term, it is the policy of the Law School, administered through the Associate Dean of Academic Affairs or Dean's delegate, to permit first-year full-time or part-time students to withdraw from Law School after receiving grades from the fall term for academic reasons and receive a full tuition refund from the spring semester. The reason for the withdrawal must relate to the academic performance of the student during the fall term and in most cases comes after counseling with the Associate Dean of Academic Affairs or Dean's delegate. The withdrawal must come within a reasonable period of time as determined by the Associate Dean of Academic Affairs or Dean's delegate following distribution of grades for the fall term. This policy is also applicable to first-year part-time students who elect to withdraw from school for academic reasons after receiving grades for the spring term, which typically are not available prior to the beginning of summer term. In this case, the student will be granted a full refund of their summer tuition. The date of withdrawal will be listed as the last day of attendance. However, regardless of where it falls in the refund schedule, it will be treated as a 100% refund. A withdrawal from Law School pursuant to this provision is different than a withdrawal from Law School due to academic dismissal as provided for in section 4.9.01, although the results are the same. The tuition refund will be processed consistent with university policy.

## **4.5 Course Syllabi**

### **4.5.01 Rationale**

The United States Department of Education, Higher Learning Commission, Council of the American Bar Association Section of Legal Education and Admissions to the Bar, together with University and Law School policies, require a syllabus for each course, seminar, practicum, and clinic.

### **4.5.02 Required Information**

- A. All syllabi must contain the information required by Capital University, the United States Department of Education, the Higher Learning Commission, and the Council of the American Bar Association Section of Legal Education and Admissions to the Bar.
- B. All syllabi must substantially conform to the syllabi templates approved by the Law School Academic Affairs Committee which is on file with the Associate Dean of Academic Affairs.

### **4.5.03 Copy to Office of Records and Registration**

One copy of the syllabus is given to the Office of Records and Registration, which shall retain a copy in its files for eight years.

### **4.5.04 Initial and Periodic Review of Syllabi**

- A. The syllabus for each course shall be reviewed and approved by the Law School Academic Affairs Committee and the Law School Council.
  - 1. When a course is approved for addition to the curriculum;
  - 2. Any time there is a “substantive change in the course syllabus.” “Substantive change” is defined as any change in the “learning outcomes” for the course or in the method of “course delivery.” (e.g., from in-person to online); and
  - 3. In any event, at least once every six years.

## 4.6 Class Meetings

### 4.6.01 Length of Classes

- A. Generally, three-hour courses meet for 160 minutes per week, either for one three-hour period (including 20 minutes of "break" time, given in two 10-minute breaks or one 20-minute break), or for two 80-minute periods with no break.

For the fall and spring semesters, first-year required courses and courses tested on the Ohio Bar Exam in the day division meet for three 55-minute sessions each week. First and second-year required courses in the evening division meet for two 80-minute sessions each week. Two-hour required courses in the first-year day and evening division either meet in two 55-minute sessions each week or one 110-minute session each week. For the first summer session, first and second-year required courses and courses tested on the Ohio Bar Exam usually meet for two-160 minute sessions each week.

- B. Two-hour courses ordinarily meet once a week for two hours, including a 10-minute break.
- C. Professors must reasonably adhere to the length of classes described above.
- D. The above does not apply to seminars, practicums, and clinics where the quality of individualized instruction is more important than the length of class meetings.

### 4.6.02 Class Cancellation

- A. Regularly scheduled classes are canceled or postponed only for extraordinary or compelling reasons.
- B. If it is necessary for a professor to cancel a class, they shall notify the Office of Records and Registration and the students enrolled in the course. The Office of Records and Registration will post class cancellation signs.
- C. Credit hours for courses depend on the number of hours a course meets. Canceled classes are rescheduled. Best efforts will be made to reschedule a course at a time when other classes are not meeting or at a time when no student in the canceled class has another class.
- D. Canceled evening classes may be made up on a Saturday.
- E. If a professor will miss more than one week of classes, the professor shall notify the Associate Dean of Academic Affairs so that a substitute can be considered.

### 4.6.03 Class Attendance

- A. The American Bar Association standards for accreditation require law schools to ensure that students regularly attend class. Regular and punctual attendance is expected of all Capital University Law students. Regular attendance requires attendance at 70% or more of a course's scheduled class hours.
- B. Unless a course is designated as "online" or "hybrid" on the course schedule, Capital University Law School courses are "in-person", and students are required to attend class in person. (This policy does not prohibit the professor of an in-person course from delivering occasional class



sessions in an alternative format). For all courses, whether designated as in-person, online, or hybrid, students are required to attend the in-person portion of the course in person.

- C. In-person attendance requires a student to be physically present in the classroom. Viewing a class remotely or watching any available class recording will not count as in-person attendance. There will be no mechanism whereby students may participate in an in-person class remotely and receive credit for attendance unless they have been approved to be remote by the Accessibility Services Office.
- D. For online or hybrid courses, students are required to attend the online or hybrid portion of the course in the method(s) specified by the professor in the course syllabus.
- E. Soon after the commencement of a semester or summer term, the Office of Records and Registration will provide the professor with an alphabetical list of enrolled students in the form of a printed class roster (also accessible in myCap). The professor circulates this class roster during every class or uses some other method of recording class attendance.
- F. The taking of attendance at every class is required. United States Department of Education regulations pertaining to financial aid require that the Law School maintain accurate attendance records of all students receiving federally subsidized or guaranteed financial aid.
- G. If an individual student is not regularly attending class, the professor is to notify the Office of Records and Registration, who will communicate with the student. If the attendance problem continues, the Associate Dean of Academic Affairs or Dean's delegate will talk with the student, including discussing the option of withdrawing from a course or taking a leave of absence. If the attendance problem exceeds 30% of a course's scheduled class hours, the Dean or Dean's delegate may initiate the withdrawal process set out in section 4.4.03(E). If an individual student is regularly attending class but not on the class roster the professor shall notify the Records Office who will communicate with the student.
- H. Professors have the authority to lower grades for failure to attend class or prepare course assignments (See section 4.8.04(A)(2) on syllabus requirement).
- I. Except as specified in this subsection, there are no excused absences from class attendance at the Law School. The only excused absences are
  - 1. An absence approved by the Accessibility Services Office;
  - 2. An absence by a student who is a member of the Armed Forces (including reserve components) who receives orders to perform a period of service; or
  - 3. An absence required to be excused by applicable law. Documentation of an absence must be submitted to the Registrar prior to the absence.

Professors may, at their discretion under section 4.6.03(H) above, grant students a certain number of absences before imposing a grade penalty in a course. These "permitted" absences are designed to accommodate legitimate reasons for missing classes (e.g., illness, bereavement, religious observance, or jury duty). Students need not notify professors or administrators of such permitted absences or the reasons for the absences. However, these "permitted" absences before a grade reduction is imposed do not offset the student's obligation to attend each course at least 70% of the time. The total amount of a student's absences (excepting only any absence

approved by the Accessibility Services Office, for military service or required by applicable law) counts for the 70% requirement.

- J. Professors are required to submit class attendance in myCap or by other authorized methods at the end of the semester.

## 4.7 Credit Hours for Coursework

### 4.7.01

The American Bar Association standards require law schools to adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

### 4.7.02 Classroom or Direct Faculty Instructions: At least 50 minutes per week per course credit hour

- A. Courses that require written examinations or final papers
  - 1. Total classroom or direct faculty instruction time shall be scheduled for at least 50 minutes per week, multiplied by 14, per unit of credit, or for at least 700 minutes per credit hour, regardless of the length of the term of instruction (“term”).
    - a. In fall and spring semesters, the above total time is spread over a fourteen-week term.
    - b. In summer regular term, the above total time is spread over seven- or ten-week terms.
    - c. In summer intensive programs, the above total time is spread over a one-week term.
  - 2. After each term of instruction, examination periods are scheduled as follows:
    - a. In fall and spring semesters: two weeks
    - b. In summer regular term: one week
    - c. In summer intensive programs: one weekend
  - 3. If a single comprehensive final exam is given, it shall be scheduled during the examination period for no less than at least 50 minutes per unit of credit. If multiple examinations are given, for example a midterm and final examination, they shall be scheduled during the multiple examinations for no less than 50 minutes per unit of credit. The total minutes required for these courses shall be at least 750 minutes per course credit hour. Professors may, at their discretion, reserve additional time for completion of an examination.
  - 4. If a take-home examination is given:
    - a. The examination is scheduled to be completed during the examination period; and
    - b. The time allowed for completion of the examination totals no less than 50 minutes per unit of credit.
  - 5. Courses that require a final paper(s) or a writing project shall require at least 50 minutes per unit of credit to complete the paper(s) or project.
- B. Courses that do not require written examinations or final papers, including clinical courses and externships:

1. Total classroom or direct faculty instruction time shall be scheduled for at least 50 minutes, multiplied by 15, per unit of credit, or for at least 750 minutes per credit hour, regardless of the length of the term of instruction.
- C. Any faculty member who must miss a regularly scheduled class session for any reason must schedule a make-up class of equal time.

#### **4.7.03 OUT-OF-CLASS STUDENT WORK: At least 2 hours per week per course credit hour**

- A. Course professors shall require outside student work that reasonably approximates a minimum of 120 minutes (two hours) per course credit hour per week, multiplied by 15, or for a total of at least 1,800 minutes per course credit hour. That outside work may include, but is not limited to, reading assignments, case briefing, written assignments other than examinations, solving problem sets, participating in out-of-class simulations and role-playing exercises that help students develop lawyering competencies, pre-class or post-class questions or quizzes, attending review sessions, research assignments, observing course-related videos, posting to an online discussion board, observing court or other proceedings, conferences with the professor, and other work that assists in comprehension of course content such as outlining and studying for examinations.
1. As guidance for determining the length of time to complete reading assignments, academic literature indicates that an average law student reads ten to twenty pages per hour (60 minutes), depending on the difficulty of the material. This guidance for estimating time to complete reading assignments does not include the estimated time to complete additional study and preparatory work listed in section 4.7.03(A)(2) below.
  2. As guidance for determining the length of time required to study and prepare for a course, academic literature and established law school practice indicate that students are expected to spend at least three hours (180 minutes) per week per unit of credit. Outside study and preparatory work, exclusive of reading assignments, includes, but is not limited to, briefing cases, additional reading of treatises and course-related material, outlining, practice questions and examinations, CALI exercises, participation in study groups, and review sessions.
- B. For summer intensive programs: The usual summer intensive program is a two-credit hour course held during a one-week term. Although it is reasonable to expect approximately 20 hours of out-of-class student work during the week of the program, an additional 40 hours of out-of-class student work is also required. Accordingly, there shall be a pre-read and assessment period prior to the start of any summer intensive program. Following the guidance in sections 4.7.03(A)(1) & (2) above, course professors shall publish reading assignments, out-of-class student exercises, student simulations, etc., by July 1, to ensure compliance with this policy. The following are examples of pre-read periods presumptively complying with this Policy: 1) employing reading assignments only, assigning 400 pages during the pre-read period; 2) employing a combination of simulations and reading assignments, 10 hours of out-of-class simulations and 300 pages of reading assignments; or 3) employing quizzes, observing course-related videos, and reading assignments, 10 half-hour quizzes, 10 hours of video observation, and 250 pages of reading assignments would presumptively comply with this Policy. Additionally, course professors shall have a method by which to assess out-of-class student work in compliance with this Policy.

- C. All course professors shall submit their course syllabi to the Office of Records and Registration. In so doing, a course professor certifies that outside student work requirements for the course comply with this Policy.
- D. The Associate Dean for Academic Affairs shall review course syllabi on a regular basis to determine whether assignments of outside student work comply with this Policy.

#### **4.7.04 ADDITIONAL ACADEMIC ACTIVITIES**

Determination of hours of credit for additional academic activities undertaken in clinics, externships, distance learning courses, independent research, interscholastic competitions, and law review participation: The supervising faculty member(s) and/or supervising attorney(s), or work placement liaisons, shall require, at a minimum, that students complete 42.5 hours for 1 unit of credit; 85 hours for 2 units of credit, and 127.5 hours for 3 units of credit.

#### **4.7.05 NEW COURSE APPROVAL**

- A. All proposals for new courses must include a paragraph justifying the number of units of credit to be awarded.
- B. The Office of Records and Registration shall keep these justifications on file.
- C. In approving new courses, the Academic Affairs Committee and Law Council will determine whether the number of units of credit to be awarded in the new course proposal complies with this Policy.

## 4.8 Examinations and Grades

### 4.8.01 Examinations, Quizzes, and Papers

- A. The professor of a regular doctrinal class may opt to give a closed-book in-class exam, an open-book in-class exam, a closed-book take-home exam, an open-book take-home exam, a paper, or any combination of these. Timed, in-class final exams given at the end of the course traditionally are the primary basis for grades in required courses and bar-related electives, such as Business Associations, Estates and Trusts, and Criminal Procedure.
- B. Mid-term examinations and quizzes may be given in any course at the discretion of the professor. Papers may be required in addition to or in lieu of examinations in upper-level electives and Legal Analysis Research and Writing.
- C. Professors of seminars, practicums, and clinics typically do not give final examinations. Seminars require students to submit law-review quality papers of substantial length. Practicums require students to participate in several projects, e.g., simulations or planning papers.
- D. If professors are directing students in lengthy research projects, they should not indicate to students that the written product will satisfy the upper-level writing requirement until approved by the Academic Affairs Committee. Only full-time or emeriti Law School faculty may direct projects which will satisfy this requirement.

### 4.8.02 Scheduling of Examinations

- A. In-class examinations are scheduled during the examination period. Professors are responsible for administering their own exams.
- B. Students in courses with in-class exams take the exam at the time scheduled, with two exceptions:
  - 1. An exam conflict exists when a student is scheduled for two or more examinations **with beginning times** within a 24-hour period. The Assistant Dean of Student Administration or Dean's delegate determines if such a conflict exists. A student cannot re-schedule an exam until the Assistant Dean of Student Administration or Dean's delegate has provided the professor with written notice that a conflict exists.
  - 2. A personal exam conflict exists when a student has an illness, documented physical or learning disability, or a compelling and unforeseen reason as to why they cannot take the exam at the scheduled time.
- C. Make-up Examinations
  - 1. Only the Assistant Dean of Student Administration or Dean's delegate can give permission for a student to take an exam at a time other than at the time scheduled, and only the Assistant Dean of Student Administration or Dean's delegate decides when the make-up exam will be administered. Individual professors do not make side arrangements with students.
  - 2. Once it is determined that a make-up exam is appropriate, the Assistant Dean of Student Administration or Dean's delegate will schedule the make-up exam, giving due consideration to the reasons why a make-up is necessary. The Law School is willing to make reasonable

accommodations, when necessary, but the time of the make-up is determined by the Law School, not by the student. To the extent possible, the make-up exam will be scheduled at a time as soon as possible after the time that the exam is regularly scheduled. Students needing to sit for a make-up exam may have to take that exam on a Saturday or Sunday, or during hours at which the student normally is employed.

#### 4.8.03 Administration of Examinations

- A. Professors cannot excuse students from taking exams at the regularly scheduled time for any reason. Only the Assistant Dean of Student Administration or Dean's delegate can approve student requests to reschedule examinations.
- B. If examinations are scheduled for a fixed period of time the professor should not permit some or even all students to have extra time. The Assistant Dean of Student Administration will administer all exams where students are granted additional time on exams by the Office of Accessibility Services. To give some or all students extra time creates at least a perception that those who carefully budget their time are put at an unfair disadvantage, while those who do not budget their time are rewarded. Once a time limit is determined and announced, changes should not be made.
- C. Professors are encouraged at the beginning of the exam, to orally notify students of the number of questions on the exam and the number of pages in the exam booklet. This will usually prevent situations where students later claim that they forgot to read the last question, or forgot to look at the last page. If the professor permits students who claim to have missed a question to subsequently answer that question at another sitting, it creates an appearance of unfairness to students who read the entire exam, followed instructions, budgeted their time, and finished the exam within the allotted time.
- D. In-class examinations must be taken on the student's laptop using the Law School's approved exam-taking software unless
  - 1. An accommodation has been granted; or
  - 2. The professor's syllabus expressly provides otherwise.

For any other examination, the method of taking the examination will be specified by the professor in their syllabus.

If a student's laptop malfunctions during an in-class examination, the student may complete the examination by any method approved by the professor or other exam proctor, including handwriting the examination answer. Student laptops must comply with the Law School's posted specifications.

#### 4.8.04 Course Grades

- A. Regular doctrinal courses, in which final examinations are given, are typically graded by examination only; i.e., the grade on the final examination is the grade for the course.
  - 1. Any deviation from this typical practice is communicated to students by means of a written syllabus at the beginning of the course. For example, if the final grade is based 50% on a final exam, 25% on paper, and 25% on class participation, students should be notified of this in

advance.

2. If grades are to be lowered for absences or lack of preparation, the notice to students should specifically indicate the maximum number of permitted instances of class absence or lack of preparation, and the precise consequences of the student's failure to comply. A statement such as "the professor reserves the right to lower grades for excessive absences" is not sufficient notice. Permissible is a statement such as "the student's grade will be lowered by one grade (e.g., C+ to C or C- to D) for each instance of unpreparedness or absence in excess of four."
- B. Seminar grades typically are determined by assigning a grade to a single paper written by the student. Any deviation from this typical practice is communicated to the student by means of a written syllabus at the beginning of the course. (See section 4.8.04(A)(1)).
- C. Practicum grades typically are determined by assigning grades to each paper, project, activity, or simulation engaged in by the student. If some projects or activities are to be weighted more heavily than others, the students will be notified of the weighing factors to be used.
- D. Professors will submit grades to the Office of Records and Registration using myCap and submitting grade sheets. The Office of Records and Registration will then post grades to myCap. Professors do not announce the grades before the Office of Records and Registration does so.
- E. Grading on final examinations and mid-term examinations shall be done anonymously. Non-anonymous grading may, at the professor's discretion, be used for academic assignments that demand close one-on-one interaction between professor and student, such as class participation (including in-class and homework exercises and quizzes), upper-level drafts and papers, work in clinics, interviewing and counseling, negotiations, externships, bar preparatory courses, law review, and moot court.

Notwithstanding the above, in first-year Legal Analysis Research and Writing (LARW) courses, required graded papers (including paper outlines and drafts) shall be graded anonymously, but all other participation exercises, including writing and activities in and outside of class, may be non-anonymous at the discretion of the professor.

In all cases where professors choose to grade non-anonymously, the use of non-anonymous grading must be stated in the syllabus.

#### 4.8.05 Value of Grades: Calculation of Grade Point Average

- A. The point value of grades is as follows:

Grade	Point Value
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67



D	1.00
E	0.00
S	-
U	-

B. Satisfactory and Unsatisfactory Transcript Entries

1. Some courses based primarily on performance are graded on a satisfactory/unsatisfactory basis: Moot Court Teams, Mock Trial Team, Law Review I, Law Review II, Advanced Bar Studies, and Externship.
2. "Satisfactory" is defined as a level of performance that is deemed by the professor to be minimally satisfactory or better and which, if graded, would earn the student a grade of "C" or above.
3. "Unsatisfactory" is defined as a level of performance that is deemed by the professor to be below the level of being minimally satisfactory and which, if graded, would earn the student a grade of "C-", "D", or "E".

C. Other Transcript Entries

1. Students who transfer credit to Capital University Law School for coursework taken at
  - a. Another law school;
  - b. Programs of Capital University academic units other than the Law School; or
  - c. Academic programs of other institutions,
 receive the designation of "K" on their transcript. Such credit will transfer to Capital University Law School and be counted towards graduation requirements only if the level of performance at the other program, unit, or institution earned the student a grade of "C" or higher.
2. A student's work may receive the temporary designation of "I" which means incomplete.
  - a. An Incomplete is given in limited circumstances when good cause is shown to the professor in advance of the final examination or due date of other required work, or when, in emergency circumstances, the Associate Dean of Academic Affairs or Dean's delegate approves this temporary designation.
  - b. An Incomplete is not a grade and must be removed within four weeks of the end of a semester or summer term during which coursework is taken unless, in extraordinary circumstances, an extension is approved both by the professor and by the Associate Dean of Academic Affairs or Dean's delegate. A professor must submit a change of grade form within the four weeks allowed to avoid the student receiving a grade of "E". In the event there is a pending honor code investigation, the Incomplete will remain until the end of that investigation.
  - c. upper-level writing papers and independent research projects normally are subject to the due dates for grades as stated in the preceding paragraph, but professors may, if they feel that a student who is not scheduled to graduate that semester can benefit from further

redrafting or has lost time because of unusual circumstances, allow the student an "incomplete" until the end of the second week of the following semester. Any further extension must have the permission of the Associate Dean of Academic Affairs or Dean's delegate

#### D. Calculation of Grade Point Average

1. A cumulative grade point average of 2.0 is required to graduate with a Juris Doctor degree.
2. In determining a student's cumulative grade point average, their total accumulative points shall be divided by the number of hours attempted, excluding authorized withdrawals and courses for which grades or transcript entries of "S", "U", or "K" are awarded.
3. A student receiving a grade of "E" (failed) in any course required for the Juris Doctor degree must repeat the course at the earliest possible opportunity.

### 4.8.06 Grade Distribution and Median

#### A. First-Year Courses

1. A meeting will be held each semester by all professors who teach first-year students. The meetings will be called by the Associate Dean for Academic Affairs, at a date determined by them. Sufficient notice will be given to enable each faculty member to complete the grading process before the meeting. The purpose of the meeting is to discuss the grades tentatively determined with the goal of achieving some degree of consistency. Grades will then be promptly submitted to the Office of Records and Registration, along with a distribution of the grades.
2. A set of grades which is, in the opinion of the Associate Dean of Academic Affairs, dramatically divergent from the norm, may call for consultation between the Associate Dean of Academic Affairs and the professor submitting them, before the grades are released. The purpose of this consultation will be to attempt to reach a mutually agreeable resolution.
3. Although the norm will vary over time, the grade average for first-year courses should fall within the range of 2.6 to 2.75. Below is a guideline showing how grades in first-year courses should be distributed:

Grade	1L Range	1L Average	The grade average for first-year courses should fall within a range of 2.6 to 2.75.
A	6 - 10%	8%	
A-	8-12%	10%	
B+	15-21%	18%	
B	17-23%	20%	
B-	9-15%	12%	
C+	7-13%	10%	
C	4-10%	7%	
C-	3-7%	5%	
D	5-9%	7%	
E	0-5%	3%	

## B. Upper-level Courses

1. Although the norm will vary over time, the grade average for upper-level required courses and highly recommended bar courses should fall within a range of 2.85 to 3.0. Below is a guideline showing how grades in those upper-level courses should be distributed:

Grade	Upper-Level Range	Upper-Level Average	The grade average for upper-level required and highly recommended bar courses should fall within a range of 2.85 to 3.00.
A	10-14%	12%	
A-	12-16%	14%	
B+	15-20%	17%	
B	16-20%	18%	
B-	9-15%	12%	
C+	7-13%	10%	
C	4-10%	7%	
C-	0-7%	4%	
D	0-5%	3%	
E	0-5%	3%	

2. There are no typical grade averages or distributions for other upper-level courses.
3. The Associate Dean for Academic Affairs shall review the grades for all upper-level courses to determine if the grades dramatically diverge from the norms described in the section above. A set of grades which is, in the opinion of the Associate Dean of Academic Affairs, dramatically divergent from the applicable norm, may call for consultation between the Associate Dean of Academic Affairs, and the Professor before grades are released. The purpose of this consultation will be to attempt to reach a mutually agreeable resolution.

## C. Other

1. Professors, both full-time and adjunct, who discover that the grades they propose to give are far from the norms described in the relevant section above, are encouraged to discuss the matter with the Associate Dean of Academic Affairs prior to the submission of grades to the Office of Records and Registration.
2. If a grade is alleged to be arbitrary or discriminatory, the grade appeal process set out in section 4.8.08 may be pursued by the aggrieved student(s). This section does not limit that grade appeal process.

#### 4.8.07 Grade Changes by the Professor

After a professor has submitted final grades to the Office of Records and Registration, the professor cannot change any grades except on the basis of mathematical or computational error. If such an error is discovered, the professor must fill out a "change of grade" form, which is available from the Office of Records and Registration. The form includes space for the professor to recite the precise reason for the grade change. The Associate Dean of Academic Affairs or Dean's Delegate must approve the change before it becomes effective.

#### 4.8.08 Administrative and Faculty Review of Unreasonable Grades

##### A. Procedure:

1. When a student believes that they have received a grade that no reasonable faculty member could justify under any reasonable standard, that student may, within 30 days of receipt of the grade, file a petition to have the allegedly unreasonable grade reviewed. Students who are academically dismissed must file the petition within ten days after the date of mailing of their formal notice of dismissal. If, through no fault of the student, the student is prevented from meeting the deadline, the deadline shall be extended for a period of ten days after the reason for the inability to meet the deadline no longer exists.
2. The petition must be submitted to the Associate Dean of Academic Affairs. If the petition concerns a grade given by the Associate Dean of Academic Affairs, the petition should be submitted to the Dean's delegate.
  - a. The Associate Dean (or Dean's delegate) will determine, after investigation, whether the petition states sufficient grounds to believe that a grade change may be warranted.
  - b. A decision by the Associate Dean (or Dean's delegate) that the petition does not set forth sufficient grounds to review the allegedly unreasonable grade is final and may not be appealed in any fashion.
  - c. If the Associate Dean (or Dean's delegate) determines that the petition states sufficient grounds to believe that a grade change may be warranted, the Associate Dean (or Dean's delegate) may convene an Ad Hoc Grade Review Committee (of three tenured, tenure-track or long-term contract faculty), who shall review the grade and report its decision to the Associate Dean (or Dean's delegate). This decision is final and may not be appealed in any fashion.

##### B. Standards:

There are two principal grounds for review of a grade:

1. Mathematical or computational error. This is a rare basis since the faculty member already has the authority to change a grade based on mathematical or computational error. Mathematic or computational error does not include an allegation of an error in evaluation. See section 4.8.08(B)(3) below.
2. Arbitrary grade. If in the reviewer's judgment there has been a grade assignment that a reasonable faculty member could not justify under any reasonable standard, the grade is

deemed to be arbitrary. There is an extremely strong presumption of validity of the assigned grade, and a grade is not arbitrary merely because different persons might evaluate the work differently. "Arbitrary" does include allegations that the grade bears no demonstrable relation to the quality of the work, that the grade was computed in a manner substantially different from that announced in the syllabus, or that the grade was maliciously motivated by impermissible or illegal factors such as racism or sexism. In the case of a finding of departure from the manner of computation described in the syllabus, the normal disposition is to return the matter to the professor for grading in accordance with the standard promulgated.

3. Review of grades does not mean re-grading. Grades will not be reviewed merely because a student believes that their work should have been given a higher grade than it in fact was given. No two professors ever grade exactly alike, and differences in grading styles and results are not per se arbitrary.

## **4.9 Rules and Procedures Concerning Academic Probation, Dismissal and Reinstatement.**

### **4.9.01 Probation and Dismissal**

- A. All students are required to maintain a cumulative grade point average of 2.0 on a 4.0 scale to be in good academic standing.
  - 1. All first-year students - a first-year student, whether full-time day, part-time evening, or part-time day must obtain a cumulative quality point average of 1.7 or greater by the end of the first semester. A student who fails to obtain a 1.7 is automatically dismissed.
  - 2. Full-time students - a first-year day student must obtain a cumulative grade point average of 2.0 or greater by the end of the spring semester of the first year. A student who fails to obtain a 2.0 is automatically dismissed.
  - 3. Part-time evening students - a first-year evening student must obtain a cumulative grade point average of 2.0 or greater by the end of the summer term of the first year. A student who fails to obtain a 2.0 is automatically dismissed.
  - 4. Part-time day students - a part-time day student must obtain a cumulative grade point average of 2.0 or greater by the end of the fall semester of the second year. A student who fails to obtain a 2.0 is automatically dismissed.
  - 5. Transfer students - a transfer student must obtain a cumulative grade point average of 2.0 or greater by the end of the second semester of work undertaken at Capital University Law School. A transfer student who fails to obtain a 2.0 for work undertaken at Capital University Law School, after their second semester, is automatically dismissed. Only grades obtained at Capital University Law School are calculated in the transfer student's cumulative grade point average. See section 3.2.01(C).
  - 6. A student with a cumulative grade point average of less than 2.0, but who has not reached the dismissal point described above, is automatically placed on academic probation.
  - 7. Dismissals are based upon the appropriate dismissal point described above and not the number of required courses completed. Dropping or failing to complete a course does not exempt full- or part-time students as described above from dismissal.
  - 8. Upper-level students - a student with a cumulative grade point average of less than 2.0 after the dismissal point described above is automatically dismissed.
- B. All dismissals are effective as of the conclusion of the semester or summer term in which a student failed to attain the required 2.0 cumulative grade point average even if the student does not receive official notice of the dismissal until after the beginning of the next academic term. When a student is dismissed, they are automatically withdrawn from the Law School and from all courses in which the student is currently enrolled. For example, if a student is dismissed after fall semester grades are reported, the student will be automatically withdrawn from all spring semester courses.
  - 1. As a courtesy to dismissed students who may and do file petitions for reinstatement, and who

are enrolled in fall or spring semester classes, such petitioners are permitted to attend classes pending final resolution of their petitions. Therefore, if the petition ultimately is granted, the reinstatement is made retroactive to the beginning of such fall or spring semester and the dismissed but reinstated student has not been compelled to miss any classes.

2. If a dismissed student is not permitted to file a petition for reinstatement, does not file a petition for reinstatement, or if a dismissed student files a petition for reinstatement that ultimately is denied, the dismissed student will not be permitted to continue to attend classes, no matter how much of the current semester has expired.
  3. Dismissed students are ineligible to attend summer courses and will not be permitted to transfer academic credit to Capital University Law School for off-campus study. If a student receives a letter of dismissal while enrolled in summer school or while pursuing an approved course of study elsewhere, the letter results in immediate withdrawal from the Law School or revocation of permission to take coursework elsewhere. The filing of a petition for reinstatement does not toll or waive this rule. Even if a petition for reinstatement is granted, summer coursework or coursework elsewhere will not be recognized.
  4. Any student who is dismissed from the Law School after the next semester or summer term has commenced, and is not reinstated, will be entitled to a full tuition refund as of the end of the previous semester or summer term. The date of withdrawal will be treated as the first day of the semester.
- C. Students who are dismissed, have a cumulative grade point average between 1.9 and 2.0, inclusive, and who desire to be reinstated on academic probation must file a petition with the Committee for Reinstatement within the period of time stated in their letter of dismissal. The student remains dismissed pending action on the petition for reinstatement. Only if the petition is finally granted is the student removed from the status as a dismissed student.

#### 4.9.02 Petitions for Reinstatement

- A. When a student is dismissed for failing to attain or to maintain a cumulative grade point average of 2.0, as described in section 4.9.01(C) above, but achieves a cumulative grade point average between 1.9 and 2.0, they may file a petition for reinstatement.

A petition for reinstatement is a request by a dismissed student that an exception to the academic rules of the Law School be granted and that the dismissed student be permitted to re-enter the Law School, on academic probation, on the condition that the student attain the required cumulative grade point average of 2.0 at the conclusion of the next semester.

- B. When a student is dismissed for academic deficiency, it is presumed that the reason for such deficiency is an inability to study law and there is a heavy presumption against reinstatement. The petitioner (dismissed student who files a petition for reinstatement) must convince the members of the faculty that the grades received by the dismissed student are not an adequate measure of the student's learning or performance. In particular, the petitioner must prove:
1. That the academic deficiency was the result of causes other than an inability to study law;
  2. That such causes were extraordinary and sufficiently substantial to cause poor academic performance;

3. That such causes were beyond the petitioner's control, or were justifiable (e.g., "I didn't study" or "I worked 20 hours per week as a full-time student" may show that the causes for academic deficiency were not caused by an inability to study law, but such causes are hardly considered justifiable);
  4. That the causes for the academic deficiency have been fully or substantially resolved, and no longer exist; and
  5. That, given one more semester of legal study, the student will be able to attain the required cumulative grade point average.
- C. It should be understood that information not given by the student in the petition for reinstatement is considered inconsequential. Thus, petitioners should, even in the instance of the most private, relevant matter, provide to the committee, in writing, all information pertinent to the petition. All matters thus presented to the committee are strictly confidential.
  - D. No student having been reinstated pursuant to a petition for reinstatement may be reinstated a second time should the student fail to attain the required 2.0 cumulative grade point average or is subsequently dismissed a second time.

#### **4.9.03 Procedure for Hearing Petitions for Reinstatement**

- A. When a student is dismissed, the student is sent a letter that officially notifies the student of their dismissal. The letter of dismissal will advise the dismissed student of the privilege to file a petition for reinstatement within a certain number of calendar days.
- B. All petitions for reinstatement are forwarded by the Dean or Dean's delegate to the Committee for Reinstatement, which consists of both professors and administrators as appointed by the Dean or Dean's delegate.
  1. The committee compiles a list of all dismissed students who have petitioned for reinstatement, along with pertinent information such as the petitioners' admissions indices (LSAT score and undergraduate cumulative grade point average) and Law School grades. This information is made available, in a manner designed to safeguard the confidentiality of the students, to all committee members and members of the full-time faculty. Committee members and full-time faculty are also encouraged to inspect the student file of each petitioner.
  2. For purposes of this policy on reinstatement, if there is no minority member of the Law School faculty, the Dean or Dean's delegate designates a minority counselor who shall have all of the rights and privileges of a council member except that they shall not attend or vote at councilor faculty meetings. Thus, with the exception of attending and voting at councilor Faculty meetings, the term "council member" as used in this policy shall include the designated minority counselor.
  3. Full-time faculty members are asked to make written comments, suggestions, or recommendations to the committee relative to any or all petitioners, if a faculty member so chooses, but need not submit such comments, suggestions, or recommendations should they choose not to do so. Such comments usually are evaluations by professors of the individual petitioner's ability to succeed in law school.



- C. The committee then meets to discuss each petition for reinstatement. Petitioners do not appear, nor do they have representatives appear on their behalf.
  - 1. The committee, in its deliberation, considers whether the student has a realistic chance of achieving academic success upon reinstatement. Factors considered by the committee include, but are not limited to, the following:
    - a. The grade point average at the time the student petitions, including the level of performance a student must maintain to raise the grade average to 2.0;
    - b. The student's entering credentials and apparent aptitude for the study of law;
    - c. Reasons given by the student in the petition for poor performance and other matters presented by the student in the petition, with particular reference to the factors listed in section 4.8.02(B);
    - d. Comments and recommendations by members of the full-time faculty;
    - e. The student's level of motivation, including class attendance, hours of study, study techniques, attempts to improve study habits, positive attitude toward legal study, personal responsibility, and any other information called to the attention of the committee;
    - f. The number of hours a student has attempted at the time of the petition;
    - g. Other factors that are germane to the student's character, competence, and fitness to practice law.
  - 2. After full discussion of the merits of a petition, the Committee for Reinstatement by majority vote makes a preliminary decision:
    - a. To deny the petition and allow dismissal to stand.
    - b. To grant the petition and reinstate the petitioner on probation to attain the required cumulative grade point average at the end of the next semester or term. The committee may also impose other conditions on reinstatement.
    - c. To table the petition until further information is received.
    - d. To deny the petition but invite the petitioner to apply for reinstatement in the future. This is rarely done.
- D. After the preliminary decisions are made by the committee, all committee members and full-time faculty members are informed of the preliminary decisions.
  - 1. Any committee member or full-time faculty member who disagrees with the preliminary decision of the committee regarding a particular petitioner may request that the committee reconsider this preliminary decision if the person making the request has "standing" to do so. All committee members have "standing". Full-time faculty members not on the committee have "standing" to request reconsideration only if such person had previously given written comments to the committee regarding the petitioner relative to whom the request for reconsideration is made. See section 4.9.01(B)(4).

2. Where no requests for reconsideration are made, the preliminary decision of the committee becomes final.
  3. Where a request for reconsideration is made, the committee will again meet and conduct a new hearing on such petition. Again, there is no appearance by the petitioner or their representative. The committee by majority vote may either reaffirm its prior decision or make a new decision. See section 4.9.03(C)(2) for possible decisions, which the committee may make.
- E. After decisions on reconsideration are made, all committee members and full-time faculty members are informed of the decisions on reconsideration.
1. Any committee member or full-time faculty member who disagrees with the committee's decision on reconsideration regarding a particular petitioner may request review by all full-time faculty members if the person making the request has "standing" to do so. A person has "standing" to request all full-time faculty members review only if such person had "standing" to request consideration by the committee, and did so request reconsideration, pursuant to section 4.9.03(D)(1).
  2. Where no requests for all full-time faculty members to review the committee's decision on reconsideration are made, such decisions become final.
  3. Where a request for all full-time faculty members to review is made, the faculty will meet to conduct such review. Neither the petitioner nor a representative is present. The faculty may by majority vote either affirm the decision of the committee or make a new decision. See section 4.9.03(C)(2) for possible decisions that the faculty may make.
- F. It should be noted that requests for committee reconsideration or for all full-time faculty members to review can be made only by committee members or full-time faculty members who provided written comments to the committee. Individual petitioners are notified only of final decisions. They are not notified of any intermediate decisions and cannot themselves initiate requests either for committee reconsideration or faculty review. The purpose of the three-step procedure outlined above is not to provide an appellate process, but rather to allow the full-time faculty to delegate its function of taking academic actions to a committee while at the same time not losing complete control over this process.

#### **4.9.04 Miscellaneous Matters**

- A. Committee members and full-time faculty members, in cases involving petitions for reinstatement, have the obligation to make objective evaluations of all such petitions, considering the best interests of all concerned parties: the individual petitioners, the Law School, the legal profession, and the community. Committee members and full-time faculty members therefore do not act as advocates for individual petitioners, but as individual professors, they may be called upon for advice by dismissed students.
- B. The procedures outlined above are those currently in force. They are subject to change at any time by the Law School Council or by the Committee for Reinstatement.
- C. Students on academic probation receive a financial aid warning from Capital University Law School and are not permitted to engage in extracurricular activities during the period of

probation.

## 4.10 Course Listing and Descriptions

Following is an alphabetical listing of courses currently offered at the Law School preceded by course numbers. A brief description of the course follows in Part II.

### PART I -- Course Listing (Alpha Order)

800	Administrative Law
946	Advanced Bar Studies
924	Appellate Advocacy Practicum (E), (U)
927	Business & Finance Concepts for Lawyers
702	Business Associations
903	Business Negotiation (E)
919	Civil Pretrial Proceedings (E)
661	Civil Procedure: Jurisdiction
660	Civil Procedure Rules
815	Civil Rights (P), (U)
650	Constitutional Law I
651	Constitutional Law II
600	Contracts I
601	Contracts II
774	Copyright Law
945	Core Bar Studies
640	Criminal Law
641	Criminal Procedure
914	Depositions (E)
902	Dispute Resolution (E)
911	Divorce Mediation (E)
849	E-Discovery
900	E-Legal Research
817	Employment Discrimination Arbitration (E)
811	Employment Law
780	Environmental Law
938	Environmental Law Practicum (E), (U)
875	Introduction to ERISA and Other Employee Benefit Laws
752	Estates and Trusts
670	Evidence
915	Expert Witness
944	Externship (E)
755	Family Law
852	Federal Personal Income Tax
942	Family Youth Advocacy Center (E)
841	Forensic Evidence
940	General Litigation Clinic (E)
926	General Practice Practicum (E)
822	Health Law (U)
830	Immigration and Naturalization
982	Independent Research Project (U)

720	Insurance Law
770	Intellectual Property
908	Interviewing and Counseling (E)
843	Judging and the Nature of Justice (P)
795	Juvenile Law
956	Law and American History (P), (U)
952	Law and Literature (P)
829	Law and Social Science (P)
986	Law Review I (U)
987	Law Review II
630	Legal Analysis Research and Writing I
631	Legal Analysis Research and Writing II
633	Legal Drafting Practicum (E)
802	Legislation
804	Local Government Law
925	Managing Your Law Practice
935	Marshall-Brennan Constitutional Literacy Seminar and Practicum (E), (P), (U)
910	Mediation (E)
941	Mediation Clinic (E)
996	Mock Trial (E)
990	Moot Court (E)
989	Moot Court Practicum (U)
904	Negotiation (E)
958	Origins of Western Law: Greece and Rome (P)
772	Patent Law
690	Professional Responsibility
620	Property I
621	Property II
821	Public Health Law (U)
762	Real Estate Finance
896	Real Estate Taxation
707	Regulatory and Compliance Law Course
844	Remedies
981	Research Seminar (P), (U)
710	Secured Transactions
826	Sexual Minorities and the Law (P)
853	State and Local Taxation
610	Torts I
611	Torts II
922	Trial Advocacy Practicum (E)
943	Volunteer Income Tax Assistance
951	Women and the Law (P)

(P) *Perspective*

(U) *Upper-Level Writing –with professor permission, limit of 5 students*

(E) *Experiential*

## PART II - Descriptions

### A. REQUIRED COURSES

**600 AND 601 CONTRACTS I AND II** (3 credits each): The enforceability of agreements and promises under the common law and applicable statutes with an emphasis on Article 2 of the Uniform Commercial Code regarding contracts for the sale of goods. Specific topics include consideration and promissory estoppel, formation of agreements, the Statute of Frauds, policing agreements, remedies for breach, performance and conditions, excuse, rights of third parties, assignment, and delegation.

**610 AND 611 TORTS I AND II** (3 credits fall, 2 credits spring): Intentional torts to persons and property, and defenses; negligence and defenses; traditional strict liability; products liability and defenses.

**620 AND 621 PROPERTY I AND II** (3 credits each): Concept of possession and remedies of a possessor, gifts, good faith purchasers, estates in land, co-ownership, basic future interests, landlord-tenant problems, conveyancing, recording acts, covenants, and easements.

**630 AND 631 LEGAL ANALYSIS RESEARCH AND WRITING I AND II** (2 credits each): Instruction in legal analysis, research tools, and writing techniques. Students are required to write predictive and persuasive documents typically encountered in the profession.

**633 LEGAL DRAFTING PRACTICUM** (2 credits): Legal Drafting is a requirement for graduation and is designed to build on the students' analysis, research and writing skills and give students practical experience drafting documents that they did not draft in the first-year Legal Analysis Research and Writing course and that they likely will encounter in the practice of law. As described in the posted course descriptions, each section of Legal Drafting has a different focus, and the assignments are tailored to the focus. All sections of Legal Drafting include instruction on the Multistate Performance Test portion of the Bar exam, and in all sections, students work individually and in small groups to enhance their writing skills. Enrollment is limited to 26 students in each section of this two-credit course. Prerequisite: Legal Analysis Research and Writing courses.

**640 CRIMINAL LAW** (3 credits): Nature and sources of criminal liability; mental conditions requisite to criminal responsibility; specific crimes and defenses under both the common law and modern statutes.

**641 CRIMINAL PROCEDURE** (3 credits): Criminal process and enforcement; jurisdiction and venue; limits on investigation and prosecution; rules of arrest, search, interrogation, wiretapping, and eavesdropping; prosecution and defense of criminal trials; rights of defendants; sentencing; post-conviction remedies.

**650 AND 651 CONSTITUTIONAL LAW I AND II** (3 credits each): First semester: Constitutional Law I discusses the structure of the legal system including separation of powers and federalism issues. Topics include, but are not limited to, the powers of Congress, the powers of the federal judiciary, the powers of the President, and the powers reserved to the states. Second semester: Constitutional Law II discusses various individual rights. Topics include, but are not limited to, equal protection, freedom of expression, and freedom of religion.

**660 CIVIL PROCEDURE: RULES** (3 credits): Federal Rules of Civil Procedure, including pleading, motions to dismiss, sanctions, discovery, motions for summary judgment, joinder of claims and parties, judgment as a matter of law during and after trial, dismissals, relief from judgment, and appeals.

**661 CIVIL PROCEDURE: JURISDICTION** (3 credits): Personal jurisdiction, subject matter jurisdiction, venue, service of process, removal to federal court, choice of law in federal courts, and preclusion doctrines.

**EVIDENCE** (4 credits): Major topics in the law of evidence, including competency of witnesses, credibility and impeachment, opinion evidence, character and reputation, evidence of other crimes, hearsay evidence, the Best Evidence Rule, and authentication of evidence. Prerequisites: 600, 601, 610, 611, 620, 621, 630, 631, 632 (evening students only), 640

**PROFESSIONAL RESPONSIBILITY** (2 credits): The legal profession as an institution; the development of a sense of professional responsibility; an introduction to lawyer disciplinary rules and procedures; the acquaintance of the young lawyer with the privileges and responsibilities of a member of the profession; the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law.

## **ELECTIVE COURSES**

All elective courses require the completion of first-year day courses for full-time students and part-time day students and first- and second-year evening courses for evening students. Additional prerequisites are listed with the course description.

**702 BUSINESS ASSOCIATIONS (4 CREDITS):** This course will cover partnerships, limited partnerships, limited liability companies, and corporations. The foundational principles of each topic will be covered in sufficient depth to prepare students for the new Multistate Essay Examination. The foundational principles of agency formation, agency termination, vicarious liability and contracts will be addressed in the new four-hour BA course

**707 REGULATORY & COMPLIANCE LAW COURSE** (2 credits): This course provides students an opportunity to 1) gain a foundational knowledge of regulatory law and compliance concepts; 2) develop skills necessary to advise and/or administer an organizational compliance function; and 3) identify ethical considerations that often arise in compliance programs. Students will identify, assess, and develop strategies to comply with various legal requirements while also considering how these strategies fit into larger risk management and governance processes. By the end of the course, students should be able to identify and assess fundamental compliance concepts that serve as the foundation for an effective compliance program. Moreover, students will demonstrate their ability to present clear and concise legal assessments that focus on solving organizational problems.

**710 SECURED TRANSACTIONS** (3 credits): Regulation of secured and unsecured credit transactions, with emphasis on Article 9 of the Uniform Commercial Code.

**720 INSURANCE LAW** (2-3 credits): Insurance protects individuals and all types of entities against uncertainty and risk. This course will provide students with a practical legal understanding of insurance law which can be used in the course of personal or business dealings or to advise clients on insurance-related issues. This course will cover insurance legal fundamentals, the insurance contract, the use of insurance to manage risk, insurance regulation and insurance-related litigation.

## **PROPERTY**

**752 ESTATES AND TRUSTS** (4 credits): A survey of the law relevant to the transfer of property from one generation to another, both inside and outside the probate system.

**755 FAMILY LAW** (3 credits): Marriage; divorce; annulments; related problems of jurisdiction and conflicts of law; alimony; custody; antenuptial and separation agreements; tort and contract problems of the family; adoption; paternity; divorce reform legislation.

**762 REAL ESTATE FINANCE** (3 credits): Mortgages; deeds of trust; land contracts; sale and leasebacks; joint ventures; Federal aid to housing and other topics viewed in transactional settings; financing of residences, condominiums, cooperatives, office structures, shopping centers, subdivisions, and farms; introduction to interstate land sales, zoning, and title issues. Co-requisite: 700.

**770 INTELLECTUAL PROPERTY** (3 credits): Introduction to intellectual property; background for general practice and a foundation for specialization in patents, trademarks, and copyrights; principles applicable to inventions and discoveries; secrecy as a means of protection; industrial espionage; the nature of the patent right, its acquisition, and enforcement; property and contract interests; basic requirements for trademark registration; relation of copyright to patents; trademarks. Prerequisites: first-year day courses. Not open to students who have completed more than one of the following: 772, 774 or 776.

**772 PATENT LAW** (3 credits): Conditions for a valid patent, subject matter of a patent, patent office procedures, amendment and correction of patents, patent infringement, property and contract interests in patents, and patent litigation.

**774 COPYRIGHT LAW** (3 credits): A study of intellectual property rights in literary, musical, and artistic works and other "original works of authorship" under the federal law of copyright, primarily the Copyright Act of 1976, as amended.

**780 ENVIRONMENTAL LAW** (3 credits): Environmental issues have great importance for American society today. From climate change, to renewable energy, to air or water pollution, to "green" products or businesses, environmental issues are profoundly affecting our health, our natural environment, and our economy. Environmental lawyers will play a major role in addressing these issues. They will interpret existing statutes and inform policymakers and businesses of their legal options and obligations. They will draft the legislation that shapes the environmental outcomes of the future, and the contracts that allow the new environmental technologies to emerge. They will bring the lawsuits that enforce the environmental laws on the books. This course will introduce students to the exciting world of environmental law and will prepare them to participate in it. It will provide students with a solid grounding in the major federal environmental statutes – The Clean Air Act, The Clean Water Act, the Superfund Law, the Endangered Species Act, and others – and will expose them to the most significant cases interpreting these statutes. In addition, the course will introduce students to the regulatory approaches -- such as market-based trading, technology-based "command-and-control," or planning-based strategies -- that underlie these statutes, and will thereby give them a deeper understanding of the statutes they are reading. The course will include regular exercises so that students can build their environmental law practice skills. It will close with a section on climate change law and policy, an area of increasing importance to the next generation of environmental lawyers.

### **CRIMINAL LAW AND PROCEDURE**

**795 JUVENILE LAW** (2 credits): This course examines the legal relationships among children, family, and the state, primarily in the context of issues over which juvenile courts traditionally have jurisdiction. The subject matter is divided into two sections, the first dealing with the constitutional and statutory rights of juveniles, [focusing on those rights which are] involved in the criminal justice system and the second focusing on civil matters including neglect, abuse, termination of parental rights, adoption, and children's right to treatment issues.



## **PUBLIC LAW**

**800 ADMINISTRATIVE LAW** (3 credits): Delegation of powers; statutory and constitutional controls in administrative proceedings; right to notice and hearing; adequacy of findings; procedure for obtaining judicial review; extent of judicial review.

**802 LEGISLATION** (3 credits): Consideration of how legislatures are formed and legislators elected; the making of statutory law; how statutes are drafted, enacted, applied, and interpreted.

**804 LOCAL GOVERNMENT LAW** (2 credits): The Local Government class is designed to give students a broad overview of the formation of local governments, the limits of their authority, and the wide range of issues affecting them. Students will have the opportunity to learn from attorneys and specialists within the Civil Division of the Columbus City Attorney's Office, City & State agencies, and the private sector, who are experts in their field of practice. Topics include, but are not limited to, home rule, litigation, the First Amendment, state tort immunity, 1983 actions, nuisance abatement, public health emergencies, zoning/real estate, labor & employment, and public records/ethics. Class participation is highly encouraged, and an oral advocacy component will be incorporated throughout the semester. The writing assignments will serve to provide students an opportunity to craft responses similar to what would be expected of a clerk working in a professional law office to show understanding of the substantive material being presented in class. Guidance will be provided pertaining to writing style, applying law to facts, choice of language, sentence structure, and proper citation format.

**811 EMPLOYMENT LAW** (3 credits): Focuses on employment relationships between employers and employees. Examines the common law principles of employment-at-will, legal regulations on hiring and terminating employees, and conditions of employment. Specific topics include polygraph testing, nepotism, violence in the workplace, covenants not to compete, reference checks, and off-work behavior. Also covers the Family Medical Leave Act, Fair Labor Standards Act, Occupational Health and Safety Act, and various state laws.

**815 CIVIL RIGHTS** (2 credits): This course introduces the major civil rights statutes, cases, and constitutional protections. The course will first give a historical review of the development of civil rights laws and regulations to end racial segregation in the country, particularly school and housing segregation. The course will touch on major federal statutes, which prohibit discrimination in employment, housing, federal funding, voting rights, and public accommodation. In addition, the rights of individuals with disabilities, citizens with language barriers, and the impact of the administration of justice on minority groups are analyzed, e.g., racial profiling, mass incarceration, sentencing, and the death penalty. Students will explore various remedies to address civil rights violations, without creating further litigation by innocent parties.

**817 EMPLOYMENT DISCRIMINATION ARBITRATION** (3 credits): A survey of federal laws prohibiting discrimination in employment on the basis of race, national origin, sex, age, religion, and disability. Focuses on Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act, Age Discrimination in Employment Act, Equal Pay Act, and Reconstruction era civil rights statutes. Prerequisite: 651.

**821 PUBLIC HEALTH LAW** (2 credits): This course will focus on efforts to use regulation, litigation, and taxation to improve public health, with a particular focus on the tension between public health promotion and individual rights. It will survey the legal framework in which the government may regulate for the public health, focusing on the inherent tension between public health regulation and individual rights. The course will touch briefly on a wide range of constitutional limitations on government power (including 1st, 2nd, 4th, and 5th/14th Amendment issues) as well as the broader debate over whether government

power should be used for "paternalistic" regulation. It will review litigation in the public health arena, including a discussion of whether courts are an appropriate and effective forum for addressing public health concerns. Finally, the course will touch on taxation for the public health, addressing the impact of "sin" taxes and the debate about whether the government's taxation power should be used to influence behavior.

**822 HEALTH LAW** (3 credits): An analysis of the health care industry, its financing and cost problems, its mix of public and private decision-making, and the various mechanisms by which resources are or might be allocated to health care uses. Specific topics include: 1) tensions of health policy--the health care sector and its special problems; access to health care--legal entitlements and obligations; professionalism; 2) mechanisms of quality assurance--credentialing and regulation of health care personnel; the quality of care in institutions; 3) controlling health care costs--regulatory approaches to cost containment; cost controls in government programs; privately initiated reforms.

**826 SEXUAL MINORITIES AND THE LAW** (2 credits): An examination of a variety of areas in which the law distinguishes on the basis of sexual orientation including criminal law, family law, employment law and constitutional law. The jurisprudence in a variety of areas of law will be examined to see how that jurisprudence has or has not been modified in light of sexual orientation. Co-requisite: 651.

**829 LAW AND SOCIAL SCIENCE** (2 credits): This course introduces students to the use of social science evidence by legal practitioners and courts at all levels. Such evidence is used, for example, in cases involving issues of trademark infringement, obscenity, discrimination, identification of criminal offenders, potential jury prejudice, eyewitness reliability, sexual assault, self-defense, dangerousness, and the fashioning of remedies. Despite its now common use, scientific evidence poses fundamental issues and recurring challenges for the law. In this course, students examine the methodology of social science research and various uses and challenges of using such research in the law. This course provides a foundation for law students to become sophisticated consumers and critics of social science evidence, equipping them to recognize issues raised by the use of social science in the law, and providing a foundation in empirical analysis that assists in using social science in legal forums. *This course fulfills the Perspective Requirement for graduation.*

**830 IMMIGRATION AND NATURALIZATION** (2 credits): A basic introduction to immigration law and procedure. The course traces major legislative history and immigration policy.

#### **LITIGATION AND PROCEDURE**

**841 FORENSIC EVIDENCE** (3 credits): An advanced evidence course focusing on expert issues or various forensic disciplines, crime scenes and incident investigations as evidence in civil and criminal litigation. Prerequisite: 670.

**843 JUDGING AND THE NATURE OF JUSTICE** (2 credits): This course will examine the ethical and legal responsibilities of the neutral arbiter of disputes and debate the appropriate role of judges in making, interpreting, and applying law. It will include analysis of various judicial philosophies and the contemporary theories of law which influence their development. Through readings and excerpts from film, it will trace notions and concepts of justice through time with an emphasis on the evolution of the administration of justice in contemporary U.S. society. Discussion will focus on topics such as methods of factual decision-making, judicial ethics, judicial writing, and the characteristics intrinsic to those who are perceived as "good" and "bad" judges. Lastly, the course will provide an opportunity to compare the practical realities of the profession of judging with aspirational notions of "justice". Prerequisite: 661

**844 REMEDIES** (3 credits): Compensatory damages (measuring value, consequential losses, limits on damages); injunctions (uses of injunctions, permanent injunctions, TRO's); declaratory judgments, restitution; punitive damages; contempt; collecting money judgments; litigation expenses; remedial defenses.

**849 E-DISCOVERY** (2 credits): This course covers legal issues pertaining to discovery of electronically stored evidence (ESI) in civil litigation. The course will provide traditional doctrinal instruction about the Federal Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the discovery of ESI and case law interpreting these provisions. Additionally, the course will provide instruction on and opportunities to practice skills essential to managing the production and review of ESI. Finally, the course will provide a basic introduction to the technology most commonly used in the production and review of ESI. The course will explore issues surrounding ESI throughout the entire course of civil litigation from the duty to preserve to the eventual admissibility at trial of ESI. Prerequisites: 660, 661 or 661P.

### **TAXATION**

**852 FEDERAL PERSONAL INCOME TAX** (3 credits): Taxation of income; realization; recognition; timing; sales; dispositions of property and capital gains; personal and business-related deductions; exemptions; credits; and tax procedure.

**853 STATE AND LOCAL TAXATION** (2 credits): An examination of the fundamental principles applicable to state and local taxes including a review of various types of taxes, (property, income, and sales and use taxes) used by the states and localities. We also look at federal constitutional limitations upon the states' ability to tax, including Commerce Clause, Due Process, and Equal Protection considerations. Ohio tax law is not the focus of the class and is used only as a means to address the principal national issues. Prerequisites: 651.

**875 INTRODUCTION TO ERISA AND OTHER EMPLOYEE BENEFIT LAWS** (2 credits): This course introduces you to various employee benefits laws, including ERISA, IRC, COBRA, HIPAA, GINA, Title VII, ADA, ADEA, Mental Health Parity, FMLA and others. This course will explore both the ERISA and tax provisions affecting employee benefits. This course will also provide an overview of the fiduciary duty standards governing ERISA plans and the legal disclosure requirements (e.g., 5500, SPD, etc.). At the completion of the course, you will be familiar with the types of employee benefit plans offered by employers; understand how various Federal laws provide a framework for designing and administering employee benefit plans; and appreciate the legal protections provided to employers who sponsor plans and employees who participate in them.

**896 REAL ESTATE TAXATION** (2 credits): Effect of income taxes on real estate and real estate transactions, sales and exchanges of real estate interests, various entities for the ownership and development of real estate, real estate syndications, problems of the investor and the developer, basis and basis adjustments, and choices of financing techniques such as the sale-leaseback, depreciation, amortization, and obsolescence. Prerequisite: 680.

### **LAWYERING SKILLS AND PROFESSIONALISM**

**900 ELECTRONIC LEGAL RESEARCH** (1 credit): Electronic Legal Research is an intensive course that meets on a Saturday and Sunday early in the semester. This course will discuss and evaluate methods of electronic legal research. Internet legal resources, including Westlaw and Lexis, will be reviewed. Student will learn to evaluate electronic research tools and sources. A major course objective is to help students develop cost-effective and efficient research strategies. This course has limited enrollment.

**902 DISPUTE RESOLUTION** (2 credits): Study of the major alternatives to litigation for the resolution of disputes including negotiation, mediation, arbitration, and court-annexed procedures. Theoretical materials applied in simulated exercises. **NOTE:** Students enrolling in the summer intensive format version of this course are not to work during the course.

**903 BUSINESS NEGOTIATION** (2 credits): This course is designed for students who have taken the Negotiation course and wish to learn about the use of negotiation in the business environment. A student who completes this course will acquire: a comprehensive and well-founded knowledge of business negotiation necessary for successful negotiation in business; the skills and abilities necessary to engage successfully in negotiation in various business and organization settings; an understanding of how the discipline of law relates to business negotiation; the ability to identify problems, create solutions, innovate, and improve current practices in business negotiations; and the ability to think creatively to reach mutually satisfactory negotiated outcomes in business. Prerequisites: 904.

**904 NEGOTIATION** (2 or 3 credits): Selected materials in negotiation, the process by which lawyers resolve 90% of their clients' legal problems. Topics include selecting appropriate strategies for a particular negotiation, planning for a negotiation, and implementing strategy, selecting tactics, and considering ethical issues of misrepresentation and zealous advocacy. **NOTE:** Students enrolling in the summer intensive format version of this course are not to work during the course.

**908 INTERVIEWING and COUNSELING PRACTICUM** (2 credits): Selected materials in the lawyering process including development of the skills necessary for successful client interviewing and counseling, extensive use of role playing, and actual client interviews. This course primarily is for students who wish to enroll in the General Litigation Clinic (940).

**910 MEDIATION** (2 credits): This course approaches mediation from the advocate's perspective. Students will develop a sophisticated understanding of mediation and will learn when to use mediation as a settlement process. Learning objectives will be met through in class role-plays, reading assignments, written analysis of mediation role-plays, and a final examination. **NOTE:** Students enrolling in the summer intensive format version of this course are not to work during the course.

**911 DIVORCE MEDIATION** (3 credits): Mediation in the domestic/divorce arena combines a thorough understanding of the basic skills of mediation with the substantive knowledge of the relevant issues on divorce such as custody, visitation, support, and property division. The student will receive education and training that will explore these areas as well as provide the necessary educational requirements to comply with the standard divorce/domestic mediation certification. This course is well suited for those future attorneys who wish to mediate divorce cases or to represent clients in divorce mediations. A final exam is given. This course has been approved by the Ohio Supreme Court to meet the requirement of Rule 16 of the Ohio Rules of Superintendence for a 40-hour course in specialized family or divorce mediation. Students interested in practicing in Ohio and being included on any list of court-approved family mediators should refer to Rule 16 for other Ohio Supreme Court requirements.

NOTE: In the one-week summer intensive format, the 5-day class runs Monday through Friday (8:00 am to 5:30 pm). In the regular semester format, the class is taught over 5 weekend days (8:00 am to 5:30 pm each day).

Prerequisite: 910 Mediation. Students may seek permission from the Associate Dean to take 910 Mediation concurrently with 911 Divorce Mediation or to waive 910 Mediation. Permission to take the courses concurrently will be granted when attendance in regularly scheduled 910 Mediation classes will ensure that a student receives at least 12 hours of instruction in basic mediation before beginning 911

Divorce Mediation. Permission to waive 910 Mediation will be granted when a student has previously completed a basic 12-hour mediation course or has equivalent mediation experience.

**914 DEPOSITIONS** (2 credits): This course provides students with a developed knowledge and understanding of deposition strategies, as well as with the opportunity for hands-on application of the substantive and procedural law surrounding lay and expert depositions. Each student will be required to take and defend a lay and an expert deposition, prepare a deposition outline for those depositions they take, and prepare a deposition summary for all their deposition simulations. In conjunction with Grant Hospital's Medical Program, the final videotaped class will consist of expert depositions (taking and defending) employing Grant Medical Residents as deponents and expert witnesses. This course is intended to complement both Trial Advocacy and Civil Pre-Trial Proceedings. Prerequisite: 660.

**915 EXPERT WITNESS** (2 credits): This course in expert witnesses focuses on the legal and practical considerations involved in use of expert witnesses in litigation. Students will evaluate case law, best practices concerning the use and exclusion of expert witnesses in litigation, the retention of experts, expert reports, and depositions of expert witnesses. In addition to this instruction, the students will draft various legal documents, such as expert retention letters, expert reports, deposition outlines, and deposition summaries. Finally, the students will take several mock expert depositions, with the final culminating in the deposition of an outside expert based on the expert's report.

**919 CIVIL PRETRIAL PROCEEDINGS** (3 credits): As a litigation attorney you will conduct most of your activity before trial in pleading, discovery, and dispositive motion practice. This includes meeting with your client, independently investigating the facts, preparing a Complaint or Answer, Interrogatories, Requests for Production of Documents, Requests for Admissions, Notice of Deposition, Subpoenas and gathering information on your client, the opposing party, and sometimes Co-Defendants. Once you have gathered this information, you will typically be taking multiple depositions and defending your client's deposition as well as your witnesses' depositions. You may also be preparing or defending against a motion for summary judgment. This class will introduce you to the basics of pleadings, discovery, and motion practice. You will explore strategies for framing and drafting pleadings. You will explore strategies for effective use of each discovery tool. You will prepare written discovery, prepare answers to discovery, and take mock depositions. Ultimately, the class seeks to help you learn to formulate a litigation plan and use each stage of the pretrial process to effectively develop the evidence needed to achieve your desired litigation outcome. By the end of this class, you should see how a litigator effectively employs pleadings and discovery to frame the factual issues in a way that allows for favorable disposition at trial or on summary judgment. Your final grade will be based on the pleadings you draft, the discovery submitted to opposing counsel, your responses on behalf of your client, including all appropriate objections, a final deposition, and a motion for summary judgment. Prerequisite: 660, 661 or 661P

**922 TRIAL ADVOCACY PRACTICUM** (3 credits): Trial tactics and strategy; preparation for trial; procedure during trial; conduct of counsel; mock trial of a case. Prerequisites: 660, 661, 670.

**924 APPELLATE ADVOCACY PRACTICUM** (2 credits): Course focuses on writing appellate briefs and preparing oral arguments in defense of the brief. Advanced writing, analysis, and persuasion skills are emphasized. Additional topics include appellate jurisdiction, the standard of review, and appealable orders.

**925 MANAGING YOUR LAW PRACTICE:** (2 credits): This course is designed to provide a basic overview of the business and professional issues facing the new law graduate who intend to practice as a solo practitioner or in a small law office. Most of the topics covered also will be relevant for students who

intend to practice with larger law firms, government agencies, or corporate law departments. Enrollment is limited to 25 students. Prerequisite: 700

**926 GENERAL PRACTICE PRACTICUM (2 credits):** Application of legal theory to solving concrete problems encountered in general practice: planning and drafting techniques in selected areas of administrative, trial, and appellate practice. Limited to students in the last year of law school.

**927 BUSINESS & FINANCE CONCEPTS FOR LAWYERS (2 credits):** This course is designed to provide a basic understanding of the key financial issues that directly impact the performance of legal duties. This course will impart knowledge of financial concepts that practicing lawyers need for successful and informed representation of clients. Lawyers directly representing business firms will benefit from a better understanding of the drivers impacting these companies, as will lawyers serving in government agencies that regulate these firms. In addition, students planning careers in litigation or family practice will gain tools to better assess the other side's financial resources and to improve their evaluation of settlement offers. Students will learn to read and analyze the basic financial documents that form the backbone of business practice.

**930 BUSINESS PLANNING PRACTICUM (2 credits):** Integrated study of corporate, financial, tax, accounting, and securities aspects of: organization of a small corporation, organization of a public corporation, stock dividends, recapitalization and stock redemption in the context of stockholder conflict, corporate liquidations, corporate mergers and acquisitions. Co-requisite: 702.

**935 MARSHALL-BRENNAN CONSTITUTIONAL LITERACY SEMINAR AND PRACTICUM (3 credits):** Students will participate in the Marshall-Brennan Constitutional Literacy Project. Students will be required to complete both components of the course. The first component will be a two-hour seminar in Advanced Constitutional Law, exploring how Constitutional Law affects the lives of high school students and the intersection between Constitutional Law and Education Law. The seminar will be conducted in the same manner as a traditional law school seminar. The seminar will meet once a week for two hours each week during the entire semester. Students will be expected to complete substantial reading assignments and participate in classroom discussions. The second component of the course will be a field placement. Students will be placed in teaching pairs and assigned to teach a Constitutional Law class in an area high school. Students will be expected to complete at least 30 hours of teaching at the high school during the course of the semester.

**938 ENVIRONMENTAL LAW PRACTICUM (2 credits):** This course uses problems and simulation exercises to teach students lawyering skills necessary for the practice of environmental law. It is divided into four sections -- compliance counseling, enforcement, litigation, and policy -- which correspond to four of the main areas of environmental law practice. Each section commences with an introduction to the area of practice being covered. Following the introduction, students complete short problems designed to expand and deepen their understanding of the area. At the conclusion of each section, students engage in realistic that simulate the practice of environmental law. The course requires students to produce a variety of written work during the semester, such as memorandums, complaints, and summary briefs. Prerequisite: 780.

**940 GENERAL LITIGATION CLINIC (2 or 3 credits):** Law students who have received a limited license to practice law from the Ohio Supreme Court represent clients who are charged with misdemeanor offenses or who have civil legal problems in areas such as domestic relations, adoptions, landlord-tenant, consumer, and wills. The General Litigation Clinic class is scheduled to meet on Wednesdays from 3:00 p.m. to 5:00 p.m. In an effort to prepare students at the outset to handle various types of cases, i.e.,



domestic, criminal, civil, etc., there will be additional classes to teach the procedural and substantive elements of these areas. These classes are usually scheduled to start on the first Thursday immediately following the start of our regular Wednesday class for approximately 7 consecutive weekday mornings from 7:30 a.m. to 8:50 a.m. We have scheduled these early morning classes during the first week of school in an effort to avoid interfering with established schedules. Prerequisite: This course is available only to students who have completed two-thirds of the credit hours needed to graduate (59 credit hours) and who satisfy the other requirements for the Supreme Court of Ohio's Legal Intern License, outlined in Rule II of the Supreme Court Rules for the Government of the Bar of Ohio. Enrollment priority will be given to students who have taken 908.

**941 MEDIATION CLINIC** (3 credits): Students will complete "some" classroom work, but they will spend the majority of time mediating disputes in a variety of settings. Students will conduct and/or observe pre-scheduled mediation sessions at the Franklin County Municipal Court, the City Prosecutor's Office, and The Supreme Court of Ohio. Mediations may be scheduled during the daytime or evening hours and may require attendance at different locations. The classroom work involves general skills training in the techniques needed to conduct a mediation. Additional training and classroom work will focus on subject areas that will assist the student in performing his/her role as a mediator. There is "no" regular class time set for this course. "Classroom" sessions will be scheduled based on student availability. NOTE: Each student will have a different "mediation" schedule that she/he will specifically coordinate with the professor. This schedule can be a set time for the entire semester, or it can change from week to week as the professor and student determine. There is a lot of flexibility in determining this schedule. After completing the Mediation Clinic for 3 credit hours, students may petition to take an additional semester of Mediation Clinic for 1, 2, or 3 credit hours. Prerequisite: 910.

**943 VOLUNTEER INCOME TAX ASSISTANCE (VITA)** (1 credit): Provides state and federal income tax preparation for low-income taxpayers. Ten students will be permitted to enroll in VITA for 1 hour of academic credit. Those students will be required to be available to serve clients a minimum of 20 scheduled hours from February 1st through April 15th. Client appointments are typically on Tuesday evenings and Saturday mornings. Students will also be required to attend four weeks of classes in January and February in which there will be two hours of classroom instruction each week. All students will be required to achieve the score specified by the IRS as necessary for participation in VITA on examinations specified by the professor. Students will receive a grade upon completion of the course as determined by the professor.

**944 EXTERNSHIP** (2 or 3 credits): Selected students are placed with a court, governmental or not-for profit agency to provide them with the opportunity to apply the substantive law and lawyering skills learned in the traditional curriculum. A faculty monitor closely supervises the student, under the coordination of the Faculty Externship Committee. Course credit is predicated on 55 working hours for each one-semester hour of credit. Grading is on a satisfactory/unsatisfactory basis. Prerequisites, Co-requisites, and other limitations on enrollment are announced in advance. Students may take the externship program more than once, for a total of no more than 6 credit hours. See section 4.13.

**945 CORE BAR STUDIES** (2 credits): Core Bar Studies (CBS) provides a substantive review of the core doctrinal material tested on bar exams and relevant to law practice. The course features a comprehensive faculty-led lecture series on the frequently tested topics such as Torts, Contracts, Property, Constitutional Law, Evidence and Criminal Law. CBS is modeled on active learning principles and methodologies. As such, students will be required to engage with the substantive material through a variety of hands-on methods, including interactive online lectures, online assessment software, live classroom discussion, written assessment exercises, and individual consultation with the course professor. Students are expected to

commit themselves to the learning process and to the ultimate goals of bar passage and excellence as attorneys. Core Bar Studies is intended exclusively for students whose academic record and/or experiential profile suggests that they would benefit from an earlier start to their bar examination preparation. Enrollment in the course is strictly limited and will be open by invitation only to third-year day or fourth-year evening students.

**946 ADVANCED BAR STUDIES** (3 credits): The Advanced Bar Studies course, graded on a satisfactory/unsatisfactory basis, is a skills-development course that provides students with an intensive substantive review of selected legal material routinely tested on the bar exam, and uses problems and exercises in a bar exam format to familiarize students with techniques for answering multiple choice (MBE) questions and analyzing, organizing, and writing essay (MEE) and multistate performance (MPT) questions. Advanced Bar Studies is a supplement to, but not a substitute for, commercial Bar Review courses. ABS may only be taken in the final semester of law school.

### **PERSPECTIVE**

**935 MARSHALL-BRENNAN CONSTITUTIONAL LITERACY SEMINAR AND PRACTICUM** (3 credits): Students will participate in the Marshall-Brennan Constitutional Literacy Project. Students will be required to complete both components of the course. The first component will be a two-hour seminar in Advanced Constitutional Law, exploring how Constitutional Law affects the lives of high school students and the intersection between Constitutional Law and Education Law. The seminar will be conducted in the same manner as a traditional law school seminar. The seminar will meet once a week for two hours each week during the entire semester. Students will be expected to complete substantial reading assignments and participate in classroom discussion. The second component of the course will be a field placement. Students will be placed in teaching pairs and assigned to teach a Constitutional Law class in an area high school. Students will be expected to complete at least 30 hours of teaching at the high school during the course of the semester.

**951 WOMEN AND THE LAW** (3 credits): This course examines topics in law relating to the law's treatment of and impact on women through a series of different theoretical perspectives that produce alternative understandings of the relationships between gender and law. Theoretical perspectives include formal equality, substantive equality, dominance theory, different voice theory, autonomy, and anti-essentialism. Substantive topics include employment, the family, domestic violence, school sports, sexual harassment, pornography, rape, insurance, affirmative action; women in legal practice, the regulation of pregnancy, sexual orientation discrimination, and the intersection of race, gender, and culture in the law. The course emphasizes relationships between theory and practice.

**952 LAW AND LITERATURE** (2 credits): We explore law's many meanings and values through stories. What is justice? Is our legal system just? How should we judge? What are the law's foundations? Must law be moral? Why obey the law? How do we interpret the law? What kind of lawyer should I aspire to become? What values are most important to a meaningful life in the law? Literature helps answer these vital questions. It likewise teaches us new ways to critique our fickle justice system, grasp the law's distinctive discourse, and become better legal writers. Narrative structure, character development, and theme building, among other storytelling techniques, enhance our repertoire of writing and persuasion skills. Those skills also share center stage with our professional values, as we confront the many moral-legal dilemmas in a thoughtful lawyer's life.



**956 LAW AND AMERICAN HISTORY** (3 credits): A survey of the history of the American legal and constitutional system, emphasizing how political, economic, social, and ideological changes have affected the structure, function, and content of American law.

**958 ORIGINS OF WESTERN LAW: GREECE AND ROME** (3 credits): An examination of Greek and Roman law and procedure, which greatly influenced Western law, including the birth and development of law and constitutional forms from the earliest beginnings in Greece through the codifications in Roman Emperor Justinian's reign.

### **OTHER**

**981 RESEARCH SEMINAR** (2 credits): Every year the Law School offers several research seminars, most of which satisfy the upper-level writing requirement. These seminars also satisfy the perspective requirement. Topics of seminars vary from year to year. Prerequisites, Co-requisites, and other limitations on enrollment are announced in advance.

**Criminal Responsibility:** The typical sanction for breaking a criminal law is punishment. But because punishment may be considered a social evil, the institution of punishment must itself be justified. In this course, we will consider the retributive and utilitarian justifications for punishment, both in execution and amount. We will then apply those theories to types of cases in which punishment seems unjustified, including cases of involuntary acts, insane actors, mentally retarded murderers, and battered spouses. The question in all of these cases is: Why—and to what extent—should such actors avoid punishment for the social harm they have caused? Students will read and discuss dense philosophical and legal texts on these and other related issues. Each student will be required to submit a 20-page publishable paper on a relevant (and approved) topic of her choosing. This course fulfills the perspectives requirement.

**Ideas of the First Amendment:** The first focus of the seminar will be the pivotal doctrines of First Amendment law. For example, why is it important that we regulate speech after, rather than prior to, its expression; or why is viewpoint regulation more problematic than “neutral” regulation of speech; or should there be “paternalistic” reasons for regulating speech, designed to protect audiences from their own susceptibilities, to name a few. Although these doctrines are quickly canvassed in the core Constitutional Law courses, they are not given center stage as they will be in this seminar. The second focus of the seminar is that such questions are best studied by engaging a few of the greatest writings on the freedom of speech that have been generated in the Anglo-American tradition. The seminar will study these doctrines through the writings – some political polemic, some judicial opinions – of John Milton, James Madison, John Stuart Mill, Learned Hand, O.W. Holmes, Louis Brandeis, A. Meiklejohn, and assorted “contemporary” replies. The course will fulfill the upper-level writing and perspectives requirements.

**Latinx & the Law:** The seminar will cover salient legal issues that affect the Latinx community including workplace discrimination, voting rights, cultural stereotypes and hate speech/crime, immigration, and the criminal justice system. The courses will also address cross-cultural competencies and trauma informed client centered legal representation. The assigned materials will include cases, scholarly articles, films/documentaries, and popular commentary. Our class discussions will be student-centered emphasizing how attorneys may employ legal theories and strategies to address these daunting issues. The grades earned in the seminar will be based on class participation, a final paper (15 pages), and short reflection pieces. A student interested in serving underrepresented communities via direct legal representation or working in legislative

and policy circles should find the course helpful for their professional development. Students may use the seminar to satisfy the upper-level writing and perspective requirements.

**Law & Religion:** In this course, we will focus on the Supreme Court's role in adjudicating issues regarding religious liberty. We also will raise issues regarding constitutional interpretation and will examine the development of substantive doctrine in this First Amendment area. After examining the basic historical and methodological materials, we will engage in a detailed examination of the most recent cases decided by the Supreme Court.

**982 INDEPENDENT RESEARCH PROJECT** (1-3 credits): Significant research paper or an independent research project under the guidance of a member of the faculty. A student may not register for independent research until the student provides a written proposal, tentative outline, and tentative hypothesis accepted by a full-time faculty member. A student may not register for more than one independent research project in a semester, or for more than six total credit hours of independent research, without the approval of the associate dean. Prerequisite: approval of instructor.

**986 LAW REVIEW I** (1-3 credits): Preparation of a publishable note or comment for the Capital University Law Review, attendance at class session(s), and completion of other duties, including citation checks, assigned to staff members. Approval of Editor-in-Chief and Faculty Advisor is needed. Course may not be repeated. Selection by class rank or writing competition.

**987 LAW REVIEW II** (1-2 credits): Preparation and editing of notes and comments for Capital University Law Review; editing professional articles. Limited to Board members of the Law Review. Approval of faculty advisor is needed. Prerequisite: 986 and selection.

**989 MOOT COURT PRACTICUM** (2 credits): Admission into this course is by invitation only. This course serves as a prerequisite for 990: Moot Court. This is a seven-week intensive course that focuses on competitive brief writing and oral argument skills. It is designed to prepare students for competing on a National Moot Court team or other interscholastic moot court competition and is open ONLY by invitation to those interested in competing on a moot court team. Because this is an intensive course, it will meet for two hours, twice each week for a total of seven weeks, and students should expect to dedicate a minimum of 12 hours of outside coursework during those weeks. Students admitted into this Course will learn how to approach a moot court problem and prepare a competition-worthy appellate brief. Students interested in taking this course must submit a writing sample, resume, statement of interest, and professor reference to the Faculty Director of the Moot Court and Mock Trial Program. Students invited to participate in this Course must plan on participating in 990: Moot Court. Successful completion of this course fulfills the upper-level writing requirement.

**990 MOOT COURT** (2 credits): This course is offered to those selected to participate as a member of an interscholastic moot court team. Each year, the school participates in a number of moot court competitions, based on the approval of the Director of the Moot Court and Mock Trial Program (Program Director). The Program Director and adjunct professor(s) supervise the teams consistent with provisions of the Policy Manual section 4.14. Credit is awarded upon the certification of the Program Director. Prerequisite: 989: Moot Court Practicum. In extraordinary circumstances, the Program Director may waive the 989: Moot Court Practicum prerequisite for students who have successfully completed 924. Appellate Advocacy Practicum. Grading is on a satisfactory/unsatisfactory basis. Credit is awarded upon the certification of the Program Director.

Among other competitions, the Law School typically participates in the National Moot Court Team (2 credit hours) in the Spring ABA/LSD competition. The Program Director supervises the selection of team members consistent with provisions of the Policy Manual section 4.14.

**996 MOCK TRIAL TEAM** (1 credit): Participation as a member of a mock trial team. The teams are selected and supervised by the Director of the Moot Court and Mock Trial Program (Program Director) and adjunct faculty member(s) consistent with the provisions of the Policy Manual section 4.14. Credit is awarded upon the certification of the Program Director. Completion of 670: Evidence or 922: Trial Advocacy practicum are recommended.

#### 4.10A Perspective Courses

- A. During each registration period, courses satisfying the perspective requirement are listed in the registration materials.
- B. Courses taught in summer abroad programs sponsored by other law schools cannot be used to satisfy the perspective requirement.
- C. A “perspective” course is devoted to placing the study of law in a context other than what is routinely provided in required doctrinal, skills, or practice courses. A “perspective” course must provide one or more of the following four contexts:
  - 1. Thematic: These courses are devoted to placing the legal system or a particular legal subject in the context of a different academic theme. Course descriptions can be reducible to the following form: [thematic subject] of the law or particular substantive law.
  - 2. Interdisciplinary: These courses are devoted to placing the legal system or a particular legal subject in the context of other academic disciplines. Course descriptions can be reducible to the following form: Law and [other academic discipline].
  - 3. Comparative: These courses are devoted to placing the legal system or a particular legal subject in the context of other legal or foreign doctrines. Course descriptions can be reducible to the following form: Comparative [doctrinal subject matter].
  - 4. Foreign Law: These courses are devoted to placing the legal system or particular legal subject in the context of foreign legal doctrine. Course descriptions can be reducible to the following form: [Foreign] legal system or particular legal subject matter. Courses satisfying this requirement are listed in registration materials each semester.

## 4.11 The Upper-Level Writing Requirement

### 4.11.01 Statement of Goals

The goals of the upper-level writing requirement are:

- A. To reinforce, expand, and amplify the analysis, research, and writing skills learned by students in the required first-year Legal Analysis, Research and Writing courses.
- B. To develop the techniques of in-depth analysis, synthesis, and organization of a body of material.
- C. To develop the ability to research and analyze multiple sources.
- D. To require students to produce original and rigorous written works. Examples of written works that could comply with this policy include law review style papers, briefs, policy papers, and estate plans. A series of shorter works may also qualify.

### 4.11.02 Options to Fulfill the Obligation

- A. Students must fulfill the obligation of the upper-level writing requirement under the direction of
  - 1. A current full-time professor;
  - 2. With the approval of the Associate Dean of Academic Affairs, a previous full-time professor; or
  - 3. Under the conditions set out below and with the approval of the Associate Dean, an adjunct professor with scholarly or professional expertise relevant to the proposed paper.

In the case of supervision by an adjunct professor, students must first submit a one-to-two-page prospectus outlining the subject matter of the paper and a research plan to the adjunct professor. If the adjunct professor agrees to supervise the paper, the student must then forward the prospectus and research plan to the Associate Dean of Academic Affairs for approval. Where the upper-level writing requirement is an approved note or comment of Capital University Law Review, the Associate Dean of Academic Affairs shall consult with the faculty advisor to law review prior to approval. An adjunct professor may supervise no more than two (2) upper-level writing requirements per semester. Before supervising an upper-level writing requirement, an adjunct professor must complete the Law School's training regarding the goals, process, and methodology for providing appropriate feedback to students (including individualized assessment measures) so that the rigor of the writing experience complies with ABA Standard 303.

- B. Students must receive, consistent with the goals of section 4.11.01 above, faculty supervision and assessment of the writing experience before submitting the final version of a rigorous written work to ensure compliance with ABA Standard 303.
- C. The upper-level writing requirement may be fulfilled in any of the following classes:
  - 1. Capital University Law Review (via an approved note or comment).
  - 2. An approved research seminar. The Associate Dean of Academic Affairs shall determine qualifying seminars. Such seminars shall be designated in the student registration materials.

3. An approved course or practicum. Qualifying courses and practicums shall be determined by the Academic Affairs Committee upon the request of the professor teaching the course. In considering the request, the Committee will consider both the above goals and the percentage of the course grade assigned to the written work. On approval, such courses shall be designated in the student registration materials. The following courses have received such approval: Appellate Advocacy Practicum and Environmental Law Practicum.
4. A course or practicum, in which the normal means of grade achievement is an examination but in which the professor has granted a written work option to a maximum of five (5) students. Qualifying courses and practicums shall be determined by the Associate Dean of Academic Affairs after consultation with the professor of the course. Such courses shall be designated in the student registration materials.
5. An independent research project (course 982), by completion of an independent research paper or independent research project to fulfill the upper-level writing requirement, independent research projects require the pre-approval of the Academic Affairs Committee. No faculty member may direct more than three independent study papers or projects per semester (and no adjunct faculty member shall direct more than two total upper-level writing papers or projects per semester). Students are advised that professors generally are unwilling to supervise independent study for purposes of satisfying upper-level writing in the areas in which they offer upper-level writing opportunities in a seminar or course.

#### **4.11.03 Format and Storage**

- A. Every written work submitted in fulfillment of the upper-level writing requirements shall bear the name of the student and the faculty member supervising the work as well as the title of the work.
- B. Written works submitted in fulfillment of the upper-level writing requirement shall be stored in an electronic format or with examination papers for the same time as the examination papers.

#### **4.11.04 Minimum Grade**

To satisfy the upper-level writing requirement under section 4.11.02(C)(1), the faculty advisor to the Capital University Law Review shall certify that the publishable note or comment submitted by the student merits a minimum grade of "C". To satisfy the upper-level writing requirement pursuant to any other provisions of section 4.11.02, the student must earn a minimum grade of "C" on the submitted written work. A student who earns less than a "C" on a written work submitted in fulfillment of the upper-level writing requirement will receive an incomplete and must complete the written work consistent with the provisions governing incomplete grades (See section 4.8.05(C)(3)). In a course or seminar in which a written work is one component of the grade for the course or seminar, the student satisfies the upper-level writing requirement only if the student earns a minimum grade of "C" on the written work component of the course or seminar.

## 4.12 The “Experiential Courses” Requirement

### 4.12.01 The “Experiential Courses” Requirement

All students are required to take one or more experiential courses totaling at least six credit hours. An experiential course may be a law clinic, a simulation course, or a field placement. Each experiential course must integrate doctrine, theory, skills, and ethics, must develop the concepts underlying the professional skills being taught, must provide multiple opportunities for performance, and must provide multiple opportunities for self-evaluation.

### 4.12.02 Options to Meet the Requirement

- A. Students will be required to fulfill two credit hours of experiential courses via Legal Drafting.
- B. Students will be required to fulfill the remaining four credit hours of experiential courses via a combination of (1) law clinics, (2) simulation courses, or (3) field placements.
  - 1. “Law Clinics” may include:
    - 940 General Litigation Clinic
    - 941 Mediation Clinic
    - 943 Volunteer Income Tax Assistance (VITA)
  - 2. “Simulation Courses” may include:
    - 924 Appellate Advocacy Practicum
    - 903 Business Negotiations
    - 930 Business Planning Practicum
    - 914 Depositions
    - 902 Dispute Resolution
    - 911 Divorce Mediation
    - 938 Environmental Law Practicum
    - 915 Expert Witness
    - 926 General Practice Practicum
    - 908 Interviewing & Counseling
    - 813 Labor and Employment Arbitration
    - 633 Legal Drafting Practicum
    - 935 Marshall-Brennan Seminar and Practicum
    - 910 Mediation
    - 996 Mock Trial
    - 990 Moot Court
    - 904 Negotiation
    - 922 Trial Advocacy Practicum
  - 3. “Field Placements” may include:
    - 944 Externships (under the Externship Program)

### 4.12.03 Restrictions

Any course taken to fulfill this requirement may not be used toward the upper-level writing requirement set forth in section 4.11 or as a substitute for the required course in Professional Responsibility. For example, if a student takes Appellate Advocacy Practicum to fulfill the upper-level writing requirement, then that course may not count toward the required six credit hours of experiential courses

#### **4.12.04 Minimum Grade**

Students must receive a grade of “C” or better (or its equivalent) in each course toward the required six credit hours of experiential courses.

## 4.13 Externships

### 4.13.01 Learning Outcomes and Assessment Methods

- A. While the exact nature of skills to be derived from an externship will vary with each field placement, the following are the learning outcomes for the course, generally:
  - 1. Acquire increased substantive and procedural knowledge relevant to site placement;
  - 2. Further develop the ability to analyze, synthesize, and critically apply the law to a set of facts by using appropriate legal reasoning skills;
  - 3. Demonstrate increased competence with research-related tasks or projects relevant to the area of law or expertise of site placement;
  - 4. Be able to identify and articulate the legal problems faced by externship site placement and to present satisfactory options for addressing those problems;
  - 5. Use communication techniques and skills appropriate to the site placement;
  - 6. Develop written communication skills appropriate for professional settings including litigation documents, policy papers, transactional documents, and emails;
  - 7. Understand and abide by the applicable professional conduct rules for the jurisdiction or industry of the site; and
  - 8. Develop the ability to communicate and collaborate with others effectively, including assisting and supporting the legal system by treating others with dignity and respect.
- B. The extern's Faculty Supervisor will determine whether the student makes progress in attaining these learning outcomes using several assessment methods, including:
  - 1. Monitoring the student's experience at the site placement through individual conferences and communications with the extern throughout the semester;
  - 2. Discussing the student's performance with the Site Supervisor;
  - 3. Reviewing the student's midterm and final performance evaluations submitted by the Site Supervisor;
  - 4. Reviewing and evaluating the student's journals and papers written for the Externship class;
  - 5. Reviewing the student's written work product, notes, and time logs prepared for the Site; and
  - 6. Completing a final evaluation of the student's performance and written work at the end of the semester, assessing whether it deserves academic credit.

### 4.13.02 Site Requirements, Application, Approval, and Monitoring

- A. An externship site may be a court office, judicial chambers, government agency, public service or non-profit organization, private law firm, or the office of in-house corporate counsel.



- B. Any potential site must review the course requirements. If in agreement, the site must complete an application. The Externship Coordinator will determine the method of application.
- C. The Externship Coordinator will approve potential externship sites based on whether the Site can
  - 1. Provide a law-related experience that provides the student with projects, mentorship, observation opportunities, and training that will help the student achieve the learning outcomes of the course;
  - 2. Provide careful supervision of the student extern by an attorney or an appropriate individual;
  - 3. Communicate regularly with both the student extern and the Faculty Supervisor in evaluating the student's work; and
  - 4. Conform with Capital University's Human Dignity Policy.
- C. The Externship Coordinator and/or Faculty Supervisor will work cooperatively with the Site Supervisor to improve the supervision of externs at the Site. Methods may include both written suggestions for effectively working with students and verbal discussions of ways to improve the site experience.
- D. Each year the Externship Coordinator, with input from recent Faculty Supervisors and student surveys, will evaluate whether the active extern sites continue to provide the students with a good learning experience and meet the program goals, based upon student evaluation of the experience and independent assessment derived from the site conferences. If an externship site does not meet the program goals, and cannot be improved to do so, it will be dropped from the Capital University Law School program.

#### **4.13.03 Student Eligibility, Application & Placement, and Course Enrollment**

- A. Eligibility
  - 1. A student must have completed the equivalent of the full-time first-year required curriculum.
  - 2. A first-year full-time day student seeking to enroll in the summer or fall externship course following the first year of law school must have earned at least a 2.3 grade point average (GPA) in the fall semester of their first year.
  - 3. No student may register for an externship while on academic probation. A student who is subsequently placed on academic probation after commencing an externship may complete the externship.
- B. Application and Placement
  - 1. All students must complete an application in the semester preceding the semester in which the student seeks to enroll in the course. The Externship Coordinator will announce the method of application and timeline.
  - 2. Placements may be made by the Law School at partner sites, pre-approved sites that select externs through an external application process, or at approved employer or volunteer sites requested by the student.

#### C. Course Enrollment

1. A list of approved students will be forwarded to the Office of Records & Registration for enrollment by the Externship Coordinator. Students may not independently enroll in the externship course.
2. The number of students eligible to enroll in the course will be limited based on the number of approved Faculty Supervisors.

#### 4.13.04 Course Grading, Credit, and Special Opportunities

- A. Grading shall be on a satisfactory/unsatisfactory basis, with "satisfactory" defined as the equivalent of "C" or better. The grade for each student extern shall be assigned by the Faculty Supervisor, with input from the Site Supervisor.
- B. Course credit is predicated on a minimum of 50 hours of placement site service, training, or observation as well as completion of course orientation, conferences with supervisor, and assignments for each semester hour of credit.
- C. Any student may enroll in the course for two (2) or three (3) credit hours per semester during the fall and spring semesters. During the summer semester, any student may enroll in the course for two (2), three (3), or four (4) credit hours.
- D. In exceptional circumstances, and only with approval from the Externship Coordinator, part-time students may earn one (1) credit hour per semester.
- E. Of the 89 credits necessary to graduate, a student may earn no more than six (6) hours of externship credit. In special circumstances, a student may exceed six (6) hours of externship credit with permission from the Associate Dean of Academic Affairs or designee and only if such additional hours comply with ABA Standard 311(a).
- F. Where a special opportunity is available that meets the externship course learning outcomes, a student may be permitted to earn externship credit for more than six (6) credit hours, but no more than ten (10) credit hours, in a single semester. Such an opportunity may be approved after review by the Law School Academic Affairs Committee and Associate Dean of Academic Affairs. The credits awarded for the special opportunity must comply with ABA Standard 311(a).
  1. A special opportunity is defined as an experience that is limited in time, unique in its objective, and not regularly available.
  2. A student seeking permission for such an opportunity shall submit to the Externship Coordinator the following:
    - a. A personal statement articulating the value of the semester of practical experiential learning to the student's pursuit of a Juris Doctor degree and the student's career and professional development as well as the number of credits the student is seeking for the experience; and
    - b. A letter from the site supervisor that provides:

- i. A detailed description of the proposed experience including thorough detail regarding possible assignments, projects, opportunities for observation, and training; and
  - ii. A brief biography outlining the credentials and experience to serve as a supervisor.
- 3. In considering the special opportunity, the Academic Affairs Committee and Associate Dean for Academic Affairs shall
  - a. Determine whether the special opportunity offers an experience reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks;
  - b. Evaluate the site supervisor's credentials and experience, the student's personal statement, the requested number of credits, and the semester in which the special opportunity will take place; and
  - c. If site placement is outside of Columbus, identify
    - i. The ability for the student to meet remotely with the Faculty Supervisor; or
    - ii. The opportunity for a site visit by a Capital University Law School graduate or a faculty member from a law school in the area.

#### **4.13.05 Student, Site Supervisor, and Faculty Supervisor Agreements**

- A. All participants agree that the student is the primary beneficiary of the externship field placement and that the purpose of the externship is to allow the student to learn from the experience of working as a lawyer.
- B. All participants agree that the student will perform fieldwork primarily at the placement site or an approved alternate site on a regular schedule designed to log the required fieldwork hours and to permit the student to attend required classes and other school obligations.
- C. All participants agree to sign the Capital University Law School Externship Commitment Agreement at the start of the field placement and be bound by the Agreement's enumerated responsibilities.

## **4.14 Policy on Inter-Law School Competitions**

### **4.14.01 Scope**

This policy applies to all interscholastic competitions involving Appellate Advocacy, Trial Advocacy, Negotiation, Client Counseling, or similar skills.

### **4.14.02 Academic Credit**

Students competing in an interscholastic moot court competition that requires both a brief and an oral argument shall be eligible for two (2) hours of academic credit upon satisfactory completion of a competition. Such credit shall be awarded on a satisfactory/unsatisfactory basis during the semester in which the oral rounds of the competition occur, subject to the determination of the Director of the Moot Court and Mock Trial Program (Program Director). Students competing in an interscholastic moot court, trial advocacy, negotiation, client counseling or similar competition that requires solely an oral argument or a presentation shall be eligible for one (1) hour of academic credit upon satisfactory completion of a competition. Such credit shall be awarded on a satisfactory/unsatisfactory basis during the semester in which the oral rounds of the competition occur, subject to the determination of the Program Director.

### **4.14.03 Approval of Interscholastic Competitions**

- A. Faculty Advisor(s). A team must have a Faculty Advisor(s). The Faculty Advisor(s) will be selected by the Program Director and must be a full-time or adjunct faculty member.
- B. Duties.
  - 1. The Program Director will select the team members, in consultation with the Moot Court Board and with the Associate Dean for Academic Affairs. The Program Director has primary responsibility for assuring that the selection of the team is conducted in a fair, unbiased, and rational manner based upon the merits of the students applying for selection.
  - 2. The Program Director in conjunction with the Faculty Advisor(s) will closely monitor and supervise the students in preparation of memoranda, briefs, and oral arguments as permitted by the sponsors of the respective competitions. Even if the rules of the respective competition preclude faculty or other assistance, the Program Director in conjunction with the Faculty Advisor(s) should review and retain copies of all memoranda, briefs, and other final work product as would be done for class papers and exams.
  - 3. The Faculty Advisor(s) should observe all or most student practice rounds.
  - 4. The Faculty Advisor(s) will work with the students to establish a practice schedule and arrange for practice round judges to watch and comment on the team. Teams should normally be expected to do a minimum of eight or more practice rounds, in addition to informal practices.
  - 5. The Faculty Advisor(s) (or, if necessary, the Program Director) will personally attend the interscholastic competition, advise the team within the limits permitted by the rules of the competition, and make arrangements for the entry, attendance, and participation of the team at the competition.

6. The Program Director in conjunction with the Faculty Advisor(s) will evaluate the performance of the students and the quality of their participation and, where a team member applies for academic credit, determine whether the participation merits the award of credit.
7. The Program Director in conjunction with the Faculty Advisor(s) will be responsible for the team's budget.

#### 4.14.04 Team Selection

- A. The Program Director in consultation with Moot Court Board and with the Associate Dean for Academic Affairs will select team members.
- B. Teams must be selected through a process open to any member of the student body, subject to the restrictions of paragraphs C, D, and E, of this subsection. In addition, if competition is taken for credit under course 990: Moot Court or course 996: Mock Trial, team members must meet the prerequisites and other requirements of that course. Where the rules of the competition require students to be members of an organization in order to participate in the competition, students wishing to participate on the team may be required to join the organization, and to pay any required dues. However, no team will be authorized for outside competition if membership in such organization is not open to any student. Team selection may be based solely, or on a combination of, factors including oral try-outs, writing samples, grades, work experience, personal interview, and other lawful, relevant criteria.
- C. First-year students may only participate in interscholastic competitions as follows:
  1. As a Moot Court Fellow.
    - a. Moot Court Fellows are selected by the Moot Court Board and/or the Program Director.
    - b. A Moot Court Fellow's responsibilities may include the following:
      - i. Attending practices to time oral arguments and take notes on judges' questions and feedback;
      - ii. Reading and analyzing briefs; attending competitions at the Fellow's expense, if permitted to do so by the competition rules; or
      - iii. Participating in the end-of-year Fellow Showcase – an internal moot court competition for Fellows.
    - c. Moot Court Fellows may not serve as an oral advocate or primary brief drafter.
  2. As a Mock Trial Fellow.
    - a. Mock Trial Fellows are selected by the Mock Trial Board and/or the Director of the Moot Court and Mock Trial Programs.
    - b. Mock Trial Fellow responsibilities may include the following:
      - i. Attending practices to provide advice, support, and assistance to the team members and attorney coaches as needed; or

- ii. Playing witness roles in mock trial competitions.
  - c. Mock Trial Fellows may not serve as an attorney or primary brief drafter.
- 3. A student at a minimum must be in good academic standing. The Program Director has the discretion to add additional requirements.
- 4. Students do not earn academic credit but may count participation hours toward the Law School's Pro Bono Legal Honors Program to the extent allowed.
- 5. Notwithstanding the above, the Associate Dean for Academic Affairs, in consultation with the Program Director, has the discretion to allow first-year students to otherwise participate in interscholastic competitions.
- D. Students on academic probation at the time of team selection may not be selected for interscholastic competitions. Where a student is placed on academic probation between the time of team selection and the competition, in exceptional circumstances, the student may, with approval of the Program Director, complete the competition. In deciding whether exceptional circumstances exist and the student may continue, the Program Director should consider the student's academic standing and situation; the work already put forth by the student and the amount required in the following semester; the ability to substitute team members under the competition rules; and other relevant criteria.
- E. As required by the ABA and by Policy Manual section 4.1.03 at least 64 of the credits required for graduation must be earned through attendance in regularly scheduled classroom sessions or direct faculty instruction. Participation in interscholastic competitions, including in 990 Moot Court and 996 Mock Trial do not count towards this 64-credit hour requirement.

## 4.15 Research Seminars

- A. The Course Descriptions do not list separate research seminars. Instead, there is only one seminar listed, as follows:

982 RESEARCH SEMINAR (2 hours): Every year the Law School offers several research seminars, most of which satisfy the upper-level writing requirement. Topics of seminars vary from year to year. Prerequisites, corequisites, and other limitations on enrollment are announced in advance.

- B. The Office of Records and Registration maintains a list of recently offered research seminars.
- C. Proposals for new research seminars are submitted to the Academic Affairs Committee, which has the authority to approve or not approve the proposal in accordance with section 4.7.04. Unlike proposals for new courses and practicums, therefore, new research seminar topics may be approved by the Academic Affairs Committee without the necessity for approval by the Law School Council.

## **4.16 Law School Distance Learning Policy**

### **4.16.01 Definition of Distance Education Course**

A “distance education course” is one in which students are separated from the professor or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the professor, either synchronously or asynchronously.

### **4.16.02 Maximum Online Credit Hours**

Except to the extent that a variance from this standard is granted by the ABA the following limits apply. Students may take up to 50% of credits toward their J.D. degree through courses that are designated “distance education courses.” Students may take up to 10 of those credits during the first one-third of their program of legal education.

### **4.16.03 Approval of and Standards for Distance Education Courses**

- A. Any new distance education course, or the offering of an existing course as a distance education course, must be approved by the Academic Affairs Committee and the Law School Council. The Academic Affairs Committee shall consider the academic content, the method of course delivery, and the method of evaluating student performance. In addition to the typical considerations for any new course, a distance education course shall be approved if:
  - 1. There is opportunity for regular and substantive interaction between the professor and student, and among students;
  - 2. There is regular monitoring of student effort by the professor and opportunity for communication about that effort; and
  - 3. The learning outcomes for the course are consistent with ABA Standard 302.
- B. The course proposal must identify:
  - 1. Any necessary technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education course; and
  - 2. An effective process for verifying the identity of students registering for, participating in and taking the examination for a distance education course and that also protects student privacy (such as (i) a secure login and passcode, (ii) proctored examinations, and (iii) other technologies and practices that are effective in verifying student identity). And if any additional student charges are associated with verification of student identity, students must be notified in the syllabus and at the time of registration or enrollment.



#### **4.17 The J.D. – M.B.A. Joint Degree Program of Capital University Law School and the School of Management of Capital University**

Please contact [admissions@law.capital.edu](mailto:admissions@law.capital.edu) and [adult-grad@capital.edu](mailto:adult-grad@capital.edu) for more current information about the J.D./M.B.A. Joint Degree program. The Law School is working with the School of Management and Leadership to revise and update these policies.

#### **4.18 The J.D. – M.S.N. Joint Degree Program of Capital University Law School and the School of Nursing of Capital University**

Please contact [admissions@law.capital.edu](mailto:admissions@law.capital.edu) and [adult-grad@capital.edu](mailto:adult-grad@capital.edu) for more current information about the J.D./M.S.N. Joint Degree program. The Law School is working with the School of Nursing to revise and update these policies.

#### **4.19 The J.D. – M.T.S. Joint Degree Program of Capital University Law School and Trinity Lutheran Seminary at Capital University**

Please contact [admissions@law.capital.edu](mailto:admissions@law.capital.edu) and [adult-grad@capital.edu](mailto:adult-grad@capital.edu) for more current information about the J.D./M.T.S. Joint Degree program. The Law School is working with Trinity Lutheran Seminary to revise and update these policies.