

# STATEMENT OF ACADEMIC POLICIES

## Preface

This Statement of Academic Policies is inclusive of the primary guidelines of the law school. The omission of an academic rule from this statement does not denigrate from the force of such a rule. The academic policies are subject to change at any time by the faculty and/or Academic Affairs Committee. All students are bound by any change or new enactment, lack of actual notice notwithstanding. A current, corrected copy of this statement will be available in the Dean's office, in the Registrar's office, at the Law Library reserve desk, and on the school's website. Students are responsible for checking these sources often to ensure that they are aware of any new or changed policies and procedures.

Petitions regarding academic matters and requested exceptions to the Academic Policies should be directed to the Associate Dean for Academic Affairs for appropriate action by the Associate Dean for Academic Affairs or the Academic Affairs Committee. Requests for accommodation under the Americans with Disabilities Act should be directed to the Assistant Dean for Student & Diversity Services.

Some Academic Policies expressly prohibit petitions (see, e.g., Sections 2.06, 7.24, 7.31, and 7.32), while other Academic Policies expressly permit petitions (see, e.g., Sections 1.03(B), 3.02, and 3.05(A)). When an Academic Policy is silent regarding petitions, i.e., when an Academic Policy does not expressly prohibit or permit petitions, there is a presumption that such an Academic Policy is not subject to a petition absent exceptional circumstances. In such situations when an Academic Policy is silent regarding petitions, a written request may be filed with the Associate Dean for Academic Affairs seeking special permission to file a petition regarding the Academic Policy. If the Associate Dean for Academic Affairs grants special permission to file a petition, the student may then file a written petition regarding the Academic Policy pursuant to any conditions established by the Associate Dean for Academic Affairs.

When a petition to the Associate Dean for Academic Affairs is permissible, either because an Academic Policy expressly permits such a petition or because the Associate Dean for Academic Affairs has given special permission to file a petition, any such petition shall be in writing and state the specific relief requested. A petitioner who is denied the relief sought may appeal the Associate Dean's decision to the Academic Affairs Committee by submitting a written appeal to the Academic Affairs Committee within seven (7) business days of receipt of the Associate Dean's decision. On appeal, the Academic Affairs Committee shall exercise its independent judgment, while giving deference to the Associate Dean's decision.

The administration will communicate with you in any or all of the following ways: U.S. mail; CWSL e-mail; and the CWSL notice board in the northwest corner of the second floor lobby in the 350 building. It is your responsibility to check these sources regularly.

## January 2012

# STATEMENT OF ACADEMIC POLICIES

## Contents

<b>I. DEGREE REQUIREMENTS</b>		
1.01	General Requirements .....	1
1.02	Residence Requirement.....	1
1.03	Credit for Non-classroom Activities and Non-law School Courses.....	2
1.04	Early Graduation .....	3
1.05	Issuance of Diplomas.....	3
<b>II. COURSE PRESCRIPTION</b>		
2.01	Required Courses .....	3
2.02	Independent Studies.....	6
2.03	Courses Taken At Other Law Schools.....	7
2.04	Retaking of Courses .....	7
2.05	Scholarly Writing (SW) Class Priority.....	8
2.06	Auditing Courses .....	8
2.07	Cancellation of Course Offerings.....	8
2.08	Single Use of Written Work.....	8
2.09	Use of Computers .....	8
	APPENDIX A: Plagiarism .....	9
<b>III. TRIMESTER ENROLLMENT</b>		
3.01	Enrollment in Full-Time or Part-Time Division .....	11
3.02	Maximum Courseload.....	11
3.03	Minimum Courseload .....	11
3.04	Overload Tuition .....	12
3.05	Adding and Dropping Courses After Enrollment.....	12
3.06	Involuntary Withdrawal of Student From Class By Professor .....	13
<b>IV. ATTENDANCE</b>		
4.01	Required Attendance.....	13
4.02	Absences.....	13
4.03	Enforcement .....	13
4.04	Failure To Attend First Day Of Class.....	13
4.05	Audiotaping and Videotaping of Classes .....	14
<b>V. EXAMINATIONS</b>		
5.01	Trimester Examinations.....	14
5.02	Examination As Course Grade; Participation.....	14
5.03	Anonymous Grading.....	14
5.04	Examination Schedule.....	14
5.05	Failure To Take An Examination .....	15
5.06	Grading By Instructor .....	15
5.07	No Published Examination Questions.....	16
5.08	Use of Laptop Computers for Typing Examinations.....	16
5.09	Return and Retention of Examinations.....	16

## **VI. GRADING**

6.01	Grades Generally.....	16
6.02	Grading System.....	16
6.03	Pass Or Fail Courses .....	17
6.04	Incompletes.....	17
6.05	Graduation With Honors .....	18
6.06	Dean's Honor List.....	18
6.07	Classification Of Students.....	19
6.08	Ranking: Full-Time and Part-Time Students .....	19
6.09	San Diego State University Students.....	20

## **VII. RETENTION AND PROBATION**

7.10	Academic Evaluation .....	20
7.20	First Year Standing.....	20
7.30	Upperclass Standing.....	21
7.40	Retention Decisions .....	21
7.50	Readmission After Dismissal For Academic Deficiency.....	22
7.60	Failure to Complete Degree Requirements or to Graduate Within Five Years Of Matriculation.....	22

## **VIII. STUDENT EMPLOYMENT**

8.01	Employment Limit.....	22
8.02	Work Study.....	22

## **IX. WITHDRAWALS AND VISITS**

9.01	Generally.....	22
9.02	Failure To Register After Attendance.....	24
9.03	Leave To Visit Another Law School.....	24
9.04	Involuntary Withdrawal of Student From The Law School.....	25

## **X. STUDENT RECORDS**

10.01	Custodian Of Records.....	25
10.02	Student Access To Records .....	25
10.03	Release Of Records.....	25

## **XI. MASTER OF COMPARATIVE LAW PROGRAM**

11.01	General Requirements.....	26
11.02	Residence Requirement .....	26
11.03	Credit for Non-Classroom Activities .....	26
11.04	LL.M. Scholarly Writing/Thesis Requirement .....	26
11.05	Grading.....	27
11.06	Employment Limit.....	27
11.07	Early Graduation.....	27
11.08	Admission to the J.D. Program .....	27

## XII. LL.M. TRIAL ADVOCACY

12.01	Candidates.....	27
12.02	Degree Requirements.....	28
12.03	Internships.....	28
12.04	Grading.....	28

## I. DEGREE REQUIREMENTS

### 1.01 GENERAL REQUIREMENTS

To be eligible for conferral of the Juris Doctor degree, a student must complete the following requirements:

1. Timely filing with the law school Registrar of a formal application to graduate. To be timely, an application must be filed before enrollment for the last trimester of work prior to the graduation date.
2. Studied in residence at an accredited law school for not fewer than six full-time or eight part-time trimesters or the equivalent thereof.
3. Attendance during the final trimester must be in residence at California Western and a minimum of 45 of the credits earned toward the degree must have been earned in residence at California Western.
4. Completion of all required courses, including an upper division Practicum course and the Scholarly Writing requirement. (See Section 2.01.)
5. Completion of 89 credits (units). No credit towards graduation will be awarded for failed courses. See Section 6.02 and 2.02. Students who have completed 89 units and have fulfilled all degree requirements may not take additional units unless approved by the Associate Dean for Academic Affairs. See also Section 1.03 for requirements and limitations regarding credit for non-classroom activities and non-law school courses.
6. Attainment of a cumulative grade point average of 74 or better.
7. Attainment of a trimester grade point average of 74 or better in the student's final trimester. (See Section 7.33.)
8. Completion of all degree requirements and graduation no later than the fifth anniversary of the student's first date of matriculation if a full-time student or no later than the sixth anniversary of the student's first date of matriculation if a part-time student. (See Section 7.60.)
9. Except as set forth elsewhere in these Academic Policies, completion of all requirements established for the class with which the student will graduate (rather than the class with which the student enters). This requirement can be waived by the Associate Dean for Academic Affairs in cases of undue hardship.
10. Recommendation of the faculty. The faculty will not award a degree where there is sufficient evidence that the candidate lacks the good moral character necessary for a prospective attorney.

### 1.02 RESIDENCE REQUIREMENT

A student must study for not fewer than three academic years (six trimesters) in residence at this or some other American Bar Association accredited law school.

Under the ABA standards, an academic year is defined as no fewer than 140 class days, i.e., 70 class days a trimester. Six trimesters of 70 class days each constitute the three required academic years. Thus, under the trimester system, a student can graduate in two calendar years by completing three trimesters (one and one-half academic years) per calendar year.

Summer sessions at other law schools cannot be used to accelerate graduation since those summer sessions are not normally 70 class days in length. However, prorata residence credit may be obtained, allowing students to carry a lighter unit load in subsequent trimesters at CWSL.

Residence credit is determined by whether the student is enrolled in the full-time or part-time division. For policies governing changing divisions, see Section 3.01.

Questions about residence requirements should be directed to the Associate Dean for Academic Affairs.

A. Full-Time Students:

To be considered a full-time student for residence credit purposes, CWSL requires registration as a full-time student and enrollment for a minimum of 10 class hours per week. If enrollment is less than 10 class hours per week, prorata residence credit may be obtained.

B. Part-Time Students:

To be considered a part-time student for residence credit purposes, CWSL requires registration as a part-time student and enrollment for a minimum of eight class hours a week. If enrollment is less than eight class hours per week, pro rata residence credit may be obtained.

C. Students Who Have Enrolled in Both Divisions:

A student who is in the part-time division for part of the student's study and full-time for the other part of the study must complete a proportion of each program sufficient to satisfy the requirements for residence study.

### 1.03 CREDIT FOR NON-CLASSROOM ACTIVITIES & NON-LAW SCHOOL COURSES

Subject to a maximum of 24 credits and to the maxima stated within each subsection, credit for non-classroom activities and non-law school courses may be earned as follows:

A. **Internship Course.** The maximum under this subsection is 10 credits. Subject to authorization from the Internship Office, a student may enroll in one internship for a maximum of 10 credits (not including the Internship Seminar which is one classroom credit).

B. **Non-law School Courses.** The maximum under this subsection is 12 credits. A student may receive a maximum of 12 credits for non-law school courses taken at UCSD or SDSU or any other school with which California Western has an affiliation agreement under the following conditions: (a) courses must be taken after completion of the first year of law school; (b) courses must be approved in advance by the Associate Dean for Academic Affairs; (c) the Associate Dean for Academic Affairs will approve only graduate level courses; (d) the student has the burden of demonstrating to the Associate Dean for Academic Affairs that the proposed course is educationally sound and warrants law school academic credit; (e) credit will be granted only for courses in which the student received a grade of B minus or better; and (f) courses are transferred to California Western on a credit only basis; grades earned are not transferred. Petitions to take courses at other institutions will be considered by the Associate Dean for Academic Affairs but will only be granted in exceptional circumstances. See Sections 2.03 and 9.03 for requirements and restrictions regarding courses taken at other law schools.

C. **Law Review/Law Journal.** The maximum under this subsection is 4 credits, except for members of the Executive Board, who may earn a maximum of 7 credits. A student may receive 1 credit per trimester or in the case of a student who is selected for Law Review/Law Journal membership after the

registration (add) period for a trimester has expired and who completes required work in that trimester of selection, up to 2 credits for satisfactory work in the trimester immediately following the trimester of selection. A member of the Executive Board may earn an additional 3 credits – one each for the summer, fall and spring terms on the Board. A student may not submit a law review/law journal paper for class or independent study credit.

**D. Professional Skills Competitions.** The maximum under this subsection is 4 credits. A faculty member must approve the awarding of academic credit. A student may receive 1 credit for representing the school as a team member or alternate in an Interschool Professional Skills Competition or 1 credit per trimester for participation as a team member or alternate on an MCHB Trial Team. Advancing from the regional level (or its equivalent) and representing the school at the national level (or its equivalent) in the same Interschool Professional Skills Competition may be considered separate competitions for purposes of receiving credit under this section.

**E. Innocence Project.** Permission to enroll in the Innocence Project is at the discretion of the Directors. While students may receive up to 10 credits, only 8 credits will count towards the maximum of 24 credits established by this section.

**F. Bail Project - 1 credit**

#### 1.04 EARLY GRADUATION

Graduation normally occurs after completion of the sixth trimester after commencing law study, usually during May of the third academic year. A student may graduate upon completion of five trimesters (each of not less than 10 passed credits) and two summer terms (in each of which 5 credit units were successfully completed) in residence at an American Bar Association accredited law school.

#### 1.05 ISSUANCE OF DIPLOMAS

If all graduation requirements have been satisfied, diplomas will not be issued sooner than eight weeks following the date of graduation.

### II. COURSE REQUIREMENTS

#### 2.01 REQUIRED COURSES

**A.** The following specific courses are required for graduation.

##### Full-time First Year:

<u>First Trimester</u>		<u>Second Trimester</u>	
Civil Procedure I	3 units	Civil Procedure II	3 units
Contracts I	3 units	Contracts II	3 units
Criminal Law	3 units	Legal Skills II	2 units
Legal Skills I	2 units	Property II	3 units
Property I	3 units	Torts I	3 units

Part-time First Year, Fall Entry  
four trimesters in a row:

<u>First Trimester</u>		<u>Second Trimester</u>	
Contracts I	3 units	Contracts II	3 units
Property I	3 units	Property II	3 units
Legal Skills I	2 units	Civil Procedure I	3 units

  

<u>Third Trimester</u>		<u>Fourth Trimester</u>	
Civil Procedure II	3 units	Criminal Law	3 units
Torts I	3 units	upper division	
Legal Skills II	2 units	courses	5-8 units

Part-time First Year, Fall Entry  
no classes in summer:

<u>First Trimester</u>		<u>Second Trimester</u>	
Contracts I	3 units	Contracts II	3 units
Property I	3 units	Property II	3 units
Legal Skills I	2 units	Torts I	3 units

  

<u>Third Trimester</u>		<u>Fourth Trimester</u>	
Civil Procedure I	3 units	Civil Procedure II	3 units
Criminal Law	2 units	upper division	
Legal Skills II	2 units	courses	5-8 units

Part-time First Year, Spring Entry  
four trimesters in a row:

<u>First Trimester</u>		<u>Second Trimester</u>	
Contracts I	3 units	Contracts II	3 units
Property I	3 units	Property II	3 units
Legal Skills I	2 units	Torts I	3 units

  

<u>Third Trimester</u>		<u>Fourth Trimester</u>	
Civil Procedure I	3 units	Civil Procedure II	3 units
Criminal Law	3 units	upper division	
Legal Skills II	2 units	courses	5-8 units

Upper Division - Second or Third Year: \*

Constitutional Law I	3 units
Criminal Procedure	3 units
Evidence	4 units
STEPs	6 units (two, 3-unit semester-long courses)**
Torts II	3 units

If a 54 or below (F) is received in a required course, the course must be repeated.

\*Although not required, Business Organizations, Constitutional Law II, Remedies and Trusts & Estates are strongly recommended.

\*\* STEPps generally must be taken during a student's 2L year. Students who previously have completed both Professional Responsibility and Advanced Legal Skills are not required to take STEPps.

Students who have completed only an Advanced Legal Skills course, but who have not yet taken Professional Responsibility, must complete both semesters of STEPPS.

B. In addition to the above requirements, a student must submit work satisfying the Scholarly Writing Requirement and successfully complete one Practicum course.

A Practicum (PRAC) is a practice-oriented course of limited enrollment that emphasizes legal problem-solving, with particular emphasis on the development of oral and written advocacy, analysis, or drafting skills. The course must be supervised by a faculty member who will evaluate and grade the student's work. Such courses as Advanced Legal Research, Advanced Legal Skills, Alternative Dispute Resolution, Business Planning: Representing Modest Business Enterprises, Internship, Legal Drafting, and Trial Practice fall within the PRAC category.

The Scholarly Writing Requirement (SWR) can be satisfied with the successful completion (i.e., grade of 74 or better) of an original, independently produced, in-depth, research paper on a narrow topic analogous to a law review article. The paper shall have a minimum of 20 pages, typed, double-spaced, excluding footnotes, in a form consistent with an approved form book. The SWR paper may be undertaken in a designated SW class, in connection with a Law Review note, or if allowed as an option, in a regular course.

When SW is undertaken in a designated SW class or other course, a full-time faculty member must supervise the SW from topic selection through final draft and certify its completion. When SW papers are written in connection with a Law Review note, a full-time faculty member must sign off on the topic selection and certify that the completed note meets SW standards. (Effective for students graduating on or after May 2007.)

When SW is undertaken in fulfillment of the terms of a law review Associate Writer Contract, a full-time faculty member must approve the topic, review the first draft, and certify that a paper which has fulfilled the Associate Writer Contract also meets the SWR standards. These papers may be supervised and receive student editorial input from first through final draft by the law review editorial staff.

A student fulfilling the SW requirement must participate in the Legal Scholarship Training Seminar. This non-credit, non-graded course is offered each trimester and must be taken during the trimester in which the student is fulfilling the SW requirement.

Students must indicate in the registration materials for their fifth trimester which courses they have taken or will be taking to satisfy both the Practicum and Scholarly Writing requirements.

### C. Intervention Course

#### 1. Eligibility

Students who are continued into the upper division with two or more courses with grades below 73, and students who repeat their first year with a Major G.P.A. or C.G.P.A. below 85 must successfully complete an intervention course approved by the law school during the next trimester in which they are enrolled. This requirement applies to students who matriculate after June 10, 2010, including students who withdraw for grades prior to the end of their first year and students who repeat their first year with a Major G.P.A. or C.G.P.A. below 85. Students who matriculated before June 10, 2010 must comply with the prior policy regarding eligibility for the intervention course that was in place at the time of their matriculation.

#### 2. Requirements

The requirements of 2.01 (c) apply to any student who is required to take the intervention course under the current policy or under any prior version of the policy.

Full-time students may take no more than 15 units (part-time students no more than 10 units) during the trimester in which they take the intervention course. These 15 units (10 units for part-time students) include the units received for the intervention course. The course will be marked “CR” for credit and “NCR” for no credit, and the Associate Dean for Academic Affairs is authorized to waive the provisions of 5.02, 5.06, 6.02, and 6.03.

Students who receive no credit for the intervention course once must retake the course. Such students may take no more than nine units (part-time students no more than seven units), which include the units received for the intervention course. Students who receive no credit for the intervention course a second time must retake the course, but with no additional units of coursework. Anyone who receives no credit for the intervention course three times will be dismissed from the Law School.

Students who take the intervention course are also required to take the following upper-level bar classes and get at least a 74 in each in order to graduate: Business Organizations, Community Property, Constitutional Law I, Constitutional Law II, Criminal Procedure I, Evidence, STEPPS, Remedies, Torts II, and Trusts & Estates. Any upper-level bar class in which the student does not receive at least a 74 must be repeated until the grade is 74 or better. With respect to STEPPS, students must receive a cumulative grade of 74 or better when both trimesters of the course are averaged together (as opposed to being required to receive a grade of 74 or better in each of the two trimesters).

The requirements of 2.01 (C) apply to any student who is required to take the intervention course under the current policy or under any prior version of this policy.

## **2.02 INDEPENDENT STUDIES**

Credit for Independent Studies is limited to one course per trimester and a total of two. The course is limited to a maximum of three units of credit, and each student must be supervised by a full-time faculty member. Prior permission to enroll in Independent Study must be obtained from the faculty member supervising the Independent Study.

In general, if a paper is being written by a student for Independent Study credit, the student shall be required to write a minimum of twenty pages (exclusive of footnotes) for the first credit and at least fifteen pages (exclusive of footnotes) for each additional credit. The Scholarly Writing Requirement may not be satisfied in an Independent Study. [Effective date May 1, 2007]

To enroll in an Independent Study course, prior permission must be obtained from a full-time faculty member who agrees to supervise the Independent Study and the Associate Dean for Academic Affairs. The availability of Independent Studies may be limited. Students are encouraged to arrange for a faculty supervisor well in advance of the trimester in which they plan to enroll in Independent Study, and are strongly encouraged to include that course in their pre-registration for that trimester.

To obtain permission to enroll in an Independent Study course, the student shall submit a petition in the prescribed form to the Associate Dean for Academic Affairs. The petition shall identify the topic and nature of the Independent Study project (e.g. empirical research, work on a pending case, etc.), a statement of the reasons the student wishes to enroll in Independent Study, a substantial description of the topic and the project being undertaken. The petition shall bear the signature of the supervising faculty member indicating that he or she has reviewed the proposal and he or she agreed to supervise the student.

Petitions in proper form which are submitted before the close of pre-registration for the following trimester shall be approved by the Associate Dean for Academic Affairs. Petitions to enroll in Independent Study which are submitted after the close of pre-registration for the following trimester will be approved by the Associate Dean for Academic Affairs only upon a showing of good cause. Petitions to enroll in Independent Study which are submitted after the first ten days of scheduled classes for the trimester will be approved by the Associate Dean for Academic Affairs only upon a showing of compelling circumstances.

Independent Study courses will be evaluated and given one of the following designations: Honors, High Pass, Pass, Low Pass and Fail. Except in the case of a "fail," these designations will be reported on the transcript but not computed in a student's grade point average. In accordance with section 6.03, if a student is given a "fail," that student will have a grade of 50 computed into his or her grade point average. Additionally, no credits towards graduation will be given for that Independent Study and no paper submitted shall be eligible for scholarly writing credit.

### **2.03 COURSES TAKEN AT OTHER LAW SCHOOLS**

Courses taken at another law school, whether taken by transfer students or by enrolled students visiting another law school under Section 9.03, are transferred to California Western on a credit only basis; grades earned in such courses are not transferred to California Western.

No credit will be given toward satisfaction of California Western degree requirements for any course taken at another law school in which the grade received was below a C (i.e., credits of C-and below do not transfer).

Where a student has not received a grade of C or better for a course taken at another law school, but has not failed such a course, the following shall obtain: (1) the course need not be repeated; (2) such courses will not be shown on the student's transcript; (3) such course units will not count toward the 89-unit requirement for graduation; and (4) such units would, however, count toward satisfaction of the residency requirement.

California Western may grant a transfer student academic credit up to the equivalent of three trimesters for courses previously completed at an AALS member law school, and up to the equivalent of two trimesters for courses previously completed at an ABA approved law school not a member of the AALS.

For policies governing credit for non-law school courses, see Section 1.03(B).

### **2.04 RETAKING OF COURSES**

Any course required for graduation must be repeated in its entirety until passed. Repeating such courses shall neither absolve a student of the attendance requirement, nor serve as cause for waiver of any limitation on the number of units which may be taken in any one trimester.

Except where a student is mandated to repeat a required course, no student may repeat a course for transcript credit unless approval is obtained from the Associate Dean for Academic Affairs. If, under the guidelines for retaking courses, a student does repeat a course, an "R" (for repeated) will appear for the grade in the first course and the averaged grade will appear for the grade in the second course. Only the averaged grade will be used in the cumulative G.P.A. Moreover, the number of units of the course retaken shall be counted toward the maximum trimester total of 17 units but will not count towards the units needed for graduation.

## **2.05 SCHOLARLY WRITING (SW) CLASS PRIORITY**

Students who have not previously taken an SW class may be given priority in registering for SW classes.

## **2.06 AUDITING COURSES**

A regularly enrolled second or third year student may, with the advance permission of the instructor, audit any law school course or visit any law school class on a space-available basis. Permission to visit or audit may be withdrawn at any time if the instructor believes it is in the best interest of the individual student or of the class to do so. The above is deemed to be a privilege and not a right; therefore, any decision by an instructor as to such matters is final and is not subject to appeal.

## **2.07 CANCELLATION OF COURSE OFFERINGS**

Generally, if, after registration, less than ten (10) persons have registered for a course, the course will be canceled.

## **2.08 SINGLE USE OF WRITTEN WORK AND PLAGIARISM**

Except as otherwise expressly allowed by a professor, all written work submitted in any course or independent study shall be the student's own original work product. Except as otherwise expressly allowed by a professor, a student shall not submit written work in any course or independent study that is the same or substantially similar to written work done in connection with (1) another course; (2) another independent study; or (3) other activities such as clerking or internship assignments.

In determining what constitutes a student's own work product for purposes of this rule and for purposes of the Honor Code, students and faculty will be guided by the description of plagiarism appended to these rules as Appendix A.

## **2.09 USE OF COMPUTERS**

No student may use a laptop computer or any other equipment where its use interferes with the ability of other students in the class to listen and concentrate. If necessary, professors may prevent such equipment from being used in class.

APPENDIX A  
**Plagiarism**  
**California Western School of Law**  
**Student Acknowledgment**  
**(Prof. Matthew A. Ritter, M.Div., J.D., Ph.D.)**

You must not plagiarize. Because legal writing requires such extensive reliance on authority, however, it uniquely lends itself to plagiarism--both overt and covert. You must commit neither form of plagiarism. California Western School of Law expressly prohibits it and may impose sanctions for student plagiarism.<sup>1</sup> The American Bar Association proscribes as professional misconduct any activity involving misrepresentation.<sup>2</sup> The Ethics Committee of the State Bar Association will ask you to account for any charges of plagiarism leveled against you. Should you publish plagiarized work, you will be subject to statutory penalties for copyright infringement.<sup>3</sup> Most importantly, plagiarism undermines both your academic integrity and personal credibility. It further serves to cast suspicion on your own understanding of what you write. If you cannot properly appropriate and correctly reference the authority for what you say, you have likely not understood what you are talking about.<sup>4</sup> Conversely, properly acknowledging the authority for your ideas places your writing within a wider historical-legal context and therefore permits the reader a fuller appreciation for the depth of your research and the compass of your work.<sup>5</sup>

Meaning originally "to kidnap," plagiarism is the act of taking the work of another and passing it off as one's own.<sup>6</sup> This may occur with or without intent.<sup>7</sup> Proper acknowledgment requires conformity to these conventions:<sup>8</sup> 1) Cite borrowed language, facts, or ideas--whether quoted or paraphrased; 2) Use quotation marks for lengthy phrases or distinctive phraseology;<sup>9</sup> 3) Follow Bluebook format for when to use quotation marks or block quotes;<sup>10</sup> 4) If the authority you have researched cites to another authority for the point you wish to make, either research the other source yourself or cite to it through citation of the source you have researched.<sup>11</sup>

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<sup>1</sup>California Western School of Law, Statement of Academic Policies § 2.08 ("all written work submitted in any course or independent study shall be the student's own original work product."); Honor Code, art. II (proscription against "misrepresentation.").

<sup>2</sup>ABA Model Rules of Professional Conduct, Rule 8.4(c). *See also* ABA Model Code--DR 1-102(A)(4).

<sup>3</sup>*See* 17 U.S.C. 501.

<sup>4</sup>*See* Sandy Olken, *Verbatim: Where does analysis end and plagiarism begin? A guide for careful writers*, STUDENT LAW. MAG. 48, 48-49 (1991).

<sup>5</sup>*See* ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS 91 (1995).

<sup>6</sup>BLACK'S LAW DICTIONARY 1150 (6th ed. 1990).

<sup>7</sup>"Although lack of intent is often a mitigating factor in determining sanctions, many regard the negligent or reckless appropriation of another's work as plagiarism, even when it is the inadvertent product of careless research and note-taking." FAJANS & FALK, *supra* note 5, at 92 (citing Terri Le Clereq, *Intent to Deceive*, 8 THE SECOND DRAFT 3 (1993)).

<sup>8</sup>*Cf. id.* at 92-93 (a more exacting and less discretionary delineation of these same citation conventions).

<sup>9</sup>*See id.* at 92 (employs the seven-word rule of thumb: borrowing seven or more consecutive words requires use of quotation marks).

<sup>10</sup>THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION § 5.1 (16th ed. 1996).

<sup>11</sup>*E.g., supra* note 7.

Legal writing is subject to two kinds of plagiarism: overt and covert.<sup>12</sup> Overt plagiarism is usurpation of another's work without any acknowledgment at all. It is the most blatant form of plagiarism, and may occur two ways: the unattributed quotation and the unattributed paraphrase.<sup>13</sup> The first involves quoting another's work without citing the source of the quotation; the second involves paraphrasing another's work without citing the source of the ideas.<sup>14</sup>

Covert plagiarism is usurpation of another's work through misleading acknowledgment. It is a more subtle form of plagiarism, and occurs in numerous ways. Perhaps the most common form of covert plagiarism is the cited use of another's work, but which use so closely resembles the language and phraseology of the work cited that it effectively amounts to quotation. Substituting some slightly different verbiage, varying the grammatical structure in some insignificant way, or interspersing a few transition words does not constitute a paraphrase. Properly to paraphrase means to appropriate the ideas expressed in another's work and re-articulate them in your own words.<sup>15</sup> If you cannot write your own words, quote.<sup>16</sup>

A second common form of covert plagiarism is research plagiarism. When you cite to a source, you indicate that you have researched that source. Research plagiarism involves citing to a source you have not researched yourself, but which you have found through another intermediary source. In order properly to cite to the original source, you must cite to the intermediary source as citing to the original source. You have otherwise plagiarized the research of the intermediary source.<sup>17</sup>

A third common form of covert plagiarism involves placing the footnote indicators in such a way as to mislead the reader regarding what you have actually borrowed. Quoting a select phrase in the midst of a larger paraphrase, for example, but citing in such a way as to suggest that you have only appropriated the quoted portion, amounts to covert plagiarism of the paraphrase.<sup>18</sup>

Avoid plagiarism of any sort. If you are found to have plagiarized, the repercussions are especially drastic for law students. You will face not only academic sanctions, but professional sanctions as well. Your law degree, career, and personal integrity are certainly worth the effort to do your own work and exhibit proper regard for the work of others.

**I have read and understood the above proscription against plagiarism, and hereby affirm that no portion of my submission is plagiarized.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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<sup>12</sup> See FAJANS & FALK, *supra* note 5, at 94-95.

<sup>13</sup> Olken, *supra* note 4, at 48-49.

<sup>14</sup> *Id.*

<sup>15</sup> Although there exist no clear linguistic means to distinguish a proper from an improper paraphrase, employ the "comfort rule": if you would feel uncomfortable with the reader having the language of the cited source next to your paraphrased version, you should re-write your paraphrase.

<sup>16</sup> This covert form of plagiarism is often exacerbated by a lack of confidence in one's writing ability. But if you can think the idea expressed, you can re-express it in your own way.

<sup>17</sup> See FAJANS & FALK, *supra* note 5, at 95. See *supra* note 7: citing directly to Le Clereq would be improper absent having researched that work. Le Clereq must be therefore cited through citation of Fajans & Falk.

<sup>18</sup> *Id.*

### III. TRIMESTER ENROLLMENT

#### 3.01 ENROLLMENT IN FULL-TIME OR PART-TIME DIVISION

Prior to the first trimester, a student must decide whether to enroll in the full-time or the part-time division. A student may not change divisions in the first year except in extraordinary circumstances. (Extraordinary circumstances do not include changing divisions due to first trimester grades.) After completion of the first year, a student may change divisions due to family circumstances, medical reasons, work, or other good cause with the approval of the Associate Dean for Academic Affairs. Ordinarily, a student will not be permitted to change divisions more than once. A student may not change divisions in the last trimester, except in extraordinary circumstances.

A full-time student will enroll in 10-17 units and register as a full-time student. A part-time student will enroll in 8-11 units and register as a part-time student. A first-year, full-time student enrolling for fewer than 14 units or a first-year, part-time student enrolling for fewer than 8 units must obtain prior approval of the Associate Dean for Academic Affairs.

With respect to upper-division students, a full-time student may enroll for fewer than 10 units, and a part-time student may enroll for fewer than 8 units, without seeking prior approval of the Associate Dean for Academic Affairs. However, it is strongly advised that students carefully consider the financial and academic implications of such action. Students wishing to enroll in fewer than the usual amount of units per trimester must fill out a reduced courseload petition with the Business Office and should review the Business Office Policies and Procedures Manual with respect to tuition issues. Such students should also consult with their faculty advisor and the Academic Policies with respect to graduation requirements.

#### 3.02 MAXIMUM COURSELOAD

No full-time student will be permitted to take over 17 units during a trimester nor any courseload that will result in more than 17 hours of classes during any week in a trimester. No part-time student will be permitted to take over 11 units during a trimester nor any courseload that will result in more than 11 hours of classes during any week in a trimester. Units taken at other institutions are counted for determining this maximum courseload limit. No student will be permitted to take over eight (8) units during a Summer session at another school.

A part-time student may petition the Associate Dean for Academic Affairs for permission to exceed the maximum credit units. Full-time students may not petition for permission to exceed the maximum credit units and will not be permitted to take more than 17 units in a trimester. Petitions by part-time students to take more than 11 units will be granted only upon a showing of exceptional circumstances and strong academic standing of the petitioner. Normally, a G.P.A. of 82 will be required. If a student has this requisite grade point average and the program to be added is a condensed course offered during the summer, or one of the activities such as Interschool Competition, International Law Journal, Law Review, or the like, the part-time student will be permitted to enroll in 13 units.

#### 3.03 MINIMUM COURSELOAD

##### A. Full-Time Students:

In order to earn full residence credit as a full-time student, a minimum of ten (10) units must be taken and passed during any trimester in law school. If fewer than 10 units are taken and passed, pro rata residence credit may be earned. See Section 1.02.

B. Part-Time Students:

In order to earn full residence credit as a part-time student, a minimum of eight (8) units must be taken and passed during any trimester in law school. If fewer than 8 units are taken and passed, pro rata residence credit may be earned. See Section 1.02.

### 3.04 OVERLOAD TUITION

The trimester tuition charge permits part-time students to take a maximum load of 11 units each trimester without additional charge. Part-time students who are permitted by the Associate Dean for Academic Affairs to exceed 11 units in a trimester are required to pay for the excess units on a per unit basis. No additional charge will be required if the excess units are for Interschool Competition, International Law Journal, Law Review, or similar programs. Students should discuss the financial implications with the Business Office. Full-time students are not permitted to take more than the maximum load of 17 units in a trimester.

### 3.05 ADDING AND DROPPING COURSES AFTER ENROLLMENT

A. A first year student may add, drop, or change courses or sections only with permission of the Associate Dean for Academic Affairs. Such permission will be granted only in exceptional circumstances such as a recognized disability, illness, or family hardship. See 3.05(F).

B. A second or third year student may add a course after enrollment for any trimester under the following circumstances:

1. within the first five days of scheduled classes for the trimester, by written notice to the registrar;
2. after the first five days of scheduled classes for the trimester, by written notice to the registrar provided the professor does not object; or
3. after the first ten days of scheduled classes for the trimester, upon a showing of compelling circumstances to the Associate Dean for Academic Affairs, provided the professor does not object.
4. the provisions of Academic Policy 2.02 apply to Independent Studies.

C. A second or third year student may drop a course after enrollment for any trimester under the following circumstances:

1. within the first ten days of scheduled classes for the trimester, by written notice to the registrar; or
2. after the first ten days of scheduled classes for the trimester, only for good cause and with the permission of the professor and the Associate Dean for Academic Affairs. See 3.05(F).
3. after the last day of regularly scheduled classes, only for extraordinary reasons and with the permission of the professor and the Associate Dean for Academic Affairs.

For purposes of this policy, a change from regular enrollment to audit is dropping a course, except the course appears on the transcript as "AU".

D. Under extraordinary circumstances, such as a change necessitated by an action of the school, the Associate Dean for Academic Affairs may waive the above requirements.

E. A student who drops any course without first having satisfied the requirements of this policy will receive a "WF" (withdrawal failing) for the course. "WF"s will be treated as a grade of "50" to be recorded on the student's transcript for the purpose of computing the student's trimester G.P.A. and cumulative G.P.A.

F. Courses dropped after the first ten days of scheduled classes for the trimester will appear on a student's transcript with a designation of "W" (withdraw).

### **3.06 INVOLUNTARY WITHDRAWAL OF STUDENT FROM CLASS BY PROFESSOR**

With the approval of the Associate Dean for Academic Affairs, a professor may have a student withdrawn from a course where it is deemed that the student's behavior or actions have interfered with, or are reasonably likely to interfere with, the educational process or the orderly operation of the class. A student may appeal such a withdrawal to the Professional Responsibility Committee within 10 business days from the date the student receives notice of such withdrawal. The Professional Responsibility Committee promptly shall issue a written decision with respect to any student appeal within a reasonable time. Any decision to withdraw a student from a class shall remain in effect during the Professional Responsibility Committee's review of a student's appeal. Nothing in this policy shall supersede the provisions of the Code of Student Professional Conduct or the Sexual Harassment Policy.

## **IV. ATTENDANCE**

### **4.01 REQUIRED ATTENDANCE**

As a requirement for accreditation of law schools by the American Bar Association, regular and punctual class attendance is necessary. Each law school has the burden to demonstrate enforcement of this class attendance requirement. To fulfill this burden and foster a uniform and fair standard, the law school requires that students must be present for 80% of the regularly scheduled sessions or he/she will be automatically withdrawn from the course by the Registrar.

### **4.02 ABSENCES**

Unless a more restrictive policy is specified in writing by a professor on or before the first day of class, the 80% requirement means that a student will be withdrawn from a course if the student has more than 3 absences, in those classes which meet once a week; or 6 absences, in those classes which meet twice a week; or 9 absences, in those classes which meet three times a week. For purposes of this rule, the reason for the absence is immaterial and there are no excused absences. In very exceptional circumstances, a student may be readmitted to class with the permission of the instructor and the Dean.

### **4.03 ENFORCEMENT**

Each instructor will inform his/her class of the method he/she will use to determine class attendance. Moreover, each instructor will advise the Dean when a student has exceeded the permissible number of absences.

When a student has been withdrawn from a course because of inattendance, a "50" will be recorded on the student's transcript for that course. See Section 3.04.

### **4.04 FAILURE TO ATTEND FIRST DAY OF CLASS**

Absent prior approval of the instructor, a student may be dropped from any course in which the student, for whatever reason, fails to attend the first day of class.

#### **4.05 AUDIOTAPING AND VIDEOTAPING OF CLASSES**

A. Students must request permission from the professor to make a record of the class using student-provided audiotape, videotape, or other recording technology. Use of any such machine is subject to the rule in Academic Policy 2.09 that a machine may not be used where its use interferes with the ability of other students in the class to listen and concentrate.

B. Classes at California Western are not videotaped by California Western in order to provide a record for viewing by students who could not attend the class. No exceptions for any reason, religious, health or otherwise, will be granted.

C. Listening to an audiotape or viewing a videotape of the class will not cure an absence.

### **V. EXAMINATIONS**

#### **5.01 TRIMESTER EXAMINATIONS**

Final written examinations are required in all courses at the completion of each trimester except those designated as practicums or SW classes, or where a substantial research paper is required. As a minimum, an equal number of hours of examination are required as units for each course.

#### **5.02 EXAMINATION AS COURSE GRADE; PARTICIPATION**

Generally, the final examination will determine the grade for a course, unless the instructor provides otherwise. Except for courses designated as practicums or SW classes, a professor may raise or lower the final course grade by three points on the 95-50 scale for class participation and preparation. In practicums and SW courses, the instructor may base a substantial portion of the grade on class participation. (emphasis added).

#### **5.03 ANONYMOUS GRADING**

Examination answers are identified by number rather than by name to insure anonymous grading.

#### **5.04 EXAMINATION SCHEDULE**

Students are required to take final examinations at the regularly scheduled times.

The Associate Dean for Academic Affairs may reschedule examinations in the case of serious student illness, family death and similar emergency circumstances and as reasonable accommodation under the Americans with Disabilities Act. The Associate Dean for Academic Affairs may, upon student petition, reschedule examinations in other compelling personal circumstances. All non-emergency requests for final exam rescheduling or accommodations must be made thirty (30) days prior to the last day of classwork.

If a student has two examinations scheduled at the same hour, upon petition one of the examinations may be rescheduled to an available examination period on the same day. If a student has four or more examinations scheduled on two consecutive days, upon petition one examination may be rescheduled to the next available exam period.

Whenever possible, examinations will be rescheduled to a later rather than an earlier date. When an examination has been rescheduled, the professor in his or her sole discretion may give a different or changed examination. All students taking an examination at other than its regularly scheduled time will

be required to sign an Honor Code statement certifying that they have obtained no information about the regularly scheduled examination.

#### **5.05 FAILURE TO TAKE AN EXAMINATION**

A student failing to take the final examination in any course who fails to give the Dean immediate notice of the reason for such, will receive a grade of failure in the course.

#### **5.06 GRADING BY INSTRUCTOR**

A. Except as indicated in subsection B, all examination questions, other than objective questions, such as true-false and multiple choice, shall be graded by the instructor in the course for which the examination is given.

B. Upon request of the instructor, the Associate Dean for Academic Affairs may approve the use of graders. The Associate Dean shall not approve a request for permission to use graders unless the instructor in the course provides satisfactory evidence that the following conditions are met:

1. The course in which graders are to be used is required.
2. The examination or examinations for which graders are to be used shall not constitute more than 50% of the final grade in the course.
3. The examination for which graders are to be used is given at a time when students will obtain feedback that will be directly relevant to their test performance in the course in which the examination is given, (i.e., in one semester courses, graders may only be used if the exam for which they are used is given enough in advance of the final so that students will get it back graded before the final and the final graded by the instructor also contains one or more essay questions of the same type graded by the graders; in full year courses, graders may be used on the final examination for the first semester as long as the same teacher will be teaching for the full year and the final examination in the second semester contains one or more essay questions of the same type graded by the graders).
4. The instructor in the course will provide close supervision of the grading process including:
  - a. The preparation of written grading criteria;
  - b. Adequate meetings with graders to assure that they understand the grading criteria;
  - c. The development of a review process to assure proper application of the grading criteria.
5. The instructor will conduct a debriefing of the examination with students which will include the distribution and explanation of the grading criteria.
6. The instructor has made a specific decision on the nature of individual feedback (in addition to the grader's written comments) to be given and the opportunities to rewrite examinations graded by the grader. Although it is not required that the instructor provide either of these, proposals which include individual feedback and rewrites may be given priority over proposals which do not provide for these.
7. The plan to use graders is a cost-effective way to provide feedback to students on the skills tested by examination beyond the feedback they customarily receive on final examinations.

### 5.07 NO PUBLISHED EXAMINATION QUESTIONS

For purposes of examination in graded courses, instructors shall not use questions taken from sources such as: (1) commercial study guides or outlines, (2) bar review publications, (3) published MBE questions, or (4) prior CWSL exam questions that have been released to students.

### 5.08 USE OF LAPTOP COMPUTERS FOR TYPING EXAMINATIONS

Laptop computers can be used for typing examinations, but only if special software, approved by the law school, has been installed on the computer prior to the deadline announced each trimester. The administration will post additional information about the procedures to be followed by students.

### 5.09 RETURN AND RETENTION OF EXAMINATIONS

Examinations that are released by a professor may be picked up during the first two weeks following the release of grades. Students requesting exams must have proper identification. After that period of time, exams may be picked up only upon a written request to the Associate Dean for Academic Affairs. Exams will only be retained by the school for a period of six months following the release of grades.

## VI. GRADING

### 6.01 GRADES GENERALLY

No credit can be given for a course for which there is no written examination and/or work for which a student can be adequately graded.

Once the grade for a course has been reported to the Registrar by an instructor, that grade may not be changed absent a mathematical error or other mistake which does not constitute a re-evaluation or change in a judgmental decision.

Grades, transcripts, and certifications to the bar shall be withheld until such time as tuition is paid or arrangements made satisfactory to the Business Office.

### 6.02 GRADING SYSTEM

A. Grades are recorded on a 95-50 numerical scale according to the following descriptive guidelines:

95-90	Excellent
89-85	Very Good
84-80	Good
79-74	Satisfactory
73-67	Substandard
66-55	Unsatisfactory
54-50	Fail

B. Credit towards graduation is awarded for grades of 55 to 95. No credit towards graduation will be awarded for grades of 50-54 although those grades will be computed into the grade point average.

C. Grades for individual courses are distributed according to the following faculty approved guidelines. The percentages are applied against the number of J.D. students in the class. J.D. students include those studying for a J.D. degree from California Western *and those visiting California Western*

*and studying for a J.D. degree from another law school.* Grades for non-J.D. students need not conform to the allowable ranges.

	<u>Grade</u>	<u>Allowable Range</u>
I. First Trimester of first year.	90-95	5-10%
	85-89	5-15%
	80-84	10-20%
	74-79	30-60%
	69-73	15-20%
	50-68	10-15%
II. Second Trimester of first year.	90-95	5-10%
	85-89	5-15%
	80-84	10-20%
	74-79	30-60%
	69-73	15-20%
	50-68	5-10%
III. Upper Division Classes of more than 40.	90-95	5-10%
	85-89	10-20%
	80-84	20-30%
	74-79	30-60%
	50-73	0-20%
IV. Upper Division Classes of 40 or fewer.	90-95	5-20%
	85-89	10-30%
	80-84	20-40%
	74-79	20-60%
	50-73	0-20%
V. Legal Process, Legal Skills I and Legal Skills II (as first year course).	90-95	5-10%
	80-89	30-45%
	74-79	30-40%
	69-73	5-15%
	50-68	0-5%
VI. Upper Division Classes of 15 or fewer and STEPPS.	More grades of B's or below than A's.	

### **6.03 PASS/FAIL COURSES AND CREDIT/NO CREDIT COURSES**

As a matter of policy, to encourage achieving the highest academic standards, all courses, including SW classes, shall be graded, except non-classroom courses (see Section I.03), Academic Achievement Workshop, and Independent Study.

In a pass/fail course, the quality of work must be at least a 74 to receive a pass. Performance quality of 73 or below will be reported as 50. A 50 received in a pass/fail course will be used in computing the cumulative G.P.A.

### **6.04 INCOMPLETES**

A student who does not complete the requirements of a course in the trimester in which he or she is enrolled in that course may receive an incomplete (I), instead of a grade of 50, only after receiving approval as provided in this section.

A. 1. Requests for incompletes which propose completion of course requirements up to four weeks from the last day of examinations in the trimester in which the course was taken may be approved by the professor teaching the course for good cause.

2. Requests for incompletes which propose completion of course requirements after four weeks from the last day of examinations in the trimester in which the course was taken must be approved by the faculty member teaching the course and the Associate Dean for Academic Affairs and will be approved only in extraordinary circumstances.

B. To obtain approval, a student must submit a request for an incomplete on the form prescribed for this purpose to the Associate Dean for Academic Affairs prior to the examination date, paper due date or other deadline for completing course requirements. The request must state the reason the incomplete is sought and specify a date by which the exam will be taken or the unfinished course work completed. The request and the proposed date for completion of course requirements must be approved by the faculty member teaching the course as shown by his or her signature on the request form.

Failure to complete course requirements on or before the date specified in the approval of such request will result automatically in an incomplete becoming a failure, regardless of the fact that a student may have otherwise successfully completed 89 units for graduation.

An exception to this policy is made for students in the J.D./M.S.W. or an LL.M. program, whose master's theses are expected to take more than one trimester to complete. The grade for these theses at the end of the first trimester shall not be an incomplete, but rather shall be an "IP" which means "in progress."

## 6.05 GRADUATION WITH HONORS

The student whose overall grade point average is the highest in the class will be granted the degree of Juris Doctor summa cum laude. This designation may be employed for the top two students if their cumulative G.P.A.s are so close as to be indistinguishable.

Students who graduate with a cumulative grade point average of 87.50 or higher will be granted the degree of Juris Doctor magna cum laude.

Students who graduate with a cumulative grade point average of 85.00, but less than 87.50, will be granted the degree of Juris Doctor cum laude.

A student who has not completed all of his or her studies at California Western School of Law qualifies for the above honor designations except that of summa cum laude. In computing such a student's cumulative G.P.A., his or her grades at other schools shall be considered on a pass/fail basis.

## 6.06 DEAN'S HONOR LIST

### A. Full-time Students

Any full-time first year student whose class standing G.P.A. at the end of the second trimester is at least 85 shall be recognized for that achievement by inclusion on a Dean's Honor List for full-time students.

Any upperclass full-time student who has taken 12 or more units in a trimester, who received a grade (or a designation of Honors in an Independent Study) for 10 or more units taken at California Western School of Law (excluding any SDSU courses), and whose session G.P.A. for that trimester is at

least 85, shall be recognized for that achievement by inclusion on the Dean's Honor List for full-time students.

The eligibility of a full-time student for the Dean's Honor List for any trimester in which that student received an incomplete shall be determined when a grade is reported for the course.

B. Part-time Students

Any part-time first year student whose class standing G.P.A. at the end of the third trimester is at least 85 shall be recognized for that achievement by inclusion on a Dean's Honor List for part-time students.

Any upperclass part-time student who has taken 8 or more units in a trimester, who received a grade (or a designation of Honors in an Independent Study) for 6 or more units taken at California Western School of Law (excluding any SDSU courses), and whose session G.P.A. for that trimester is at least 85, shall be recognized for that achievement by inclusion on the Dean's Honor List for part-time students.

## 6.07 CLASSIFICATION OF STUDENTS

Students are classified at the beginning of the trimester on the basis of successfully completed credit units. A student who has successfully completed 54 credit units or more is classified as a third-year student. A student who has successfully completed less than 54 credit units, but who has completed 25 or more units, is classified as a second-year student. A student who has successfully completed less than 25 units is classified as a first-year student.

## 6.08 RANKING: FULL-TIME AND PART-TIME STUDENTS

Students are ranked by class (determined as provided in Section 6.07) on the basis of their cumulative grade point average three times a year — after the reporting of the grades for each trimester.

To determine class rank at each such time, those students who were enrolled during the immediately preceding trimester shall be re-ranked with all members of their class, and all students in that class who were not enrolled in the immediately preceding trimester shall retain their rank determined as of the last trimester in which they were enrolled.

The following describes how third-year students (i.e., students with 54 credit units or more at the end of the prior trimester) and graduating students will be ranked at the end of Fall, Spring, and Summer trimesters.

1. Fall

A. All students with 54 credit hours or more at the end of the prior trimester are ranked together for a third-year class rank.

B. Final graduating class ranks and honors for the Fall graduates are determined at the end of Spring trimester (see below).

2. Spring

A. All students with 54 credit hours or more at the end of the prior trimester are ranked together for a third-year class rank. However, at the end of the Spring trimester, students who are

graduating in Spring will receive a final graduating class rank rather than a third-year rank (see B. below).

B. For purposes of final graduating class ranks and honors, the Spring graduates and prior Fall graduates are ranked together. Summer graduates and other third year students are not included in this ranking.

### 3. Summer

Summer graduates are given a final graduating class rank by ranking the Summer graduates with the prior Fall and Spring graduates. Summer honors are determined by the G.P.A. cutoffs previously established for the prior Fall and Spring graduates.

## **6.09 SAN DIEGO STATE UNIVERSITY STUDENTS**

S.D.S.U. graduate students who are not J.D. candidates shall be graded on an A-B-C scale with a grade lower than B considered to be an unsatisfactory grade.

## **VII. RETENTION AND PROBATION**

### **7.10 ACADEMIC EVALUATION**

**7.11** A student will not be continued in law school whose inability to do satisfactory work is sufficiently manifest that his continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.

**7.12** The academic progress of all students will be evaluated after each trimester, excluding the first trimester for a first year student.

**7.13** A student is considered to be in good standing if he or she has attained a cumulative grade point average and major cumulative grade point average of 74 or above at the conclusion of the first year. The academic standards required for first year students to continue into the upper division are set forth in Academic Policy 7.21. After the first year, a student is considered to be in good standing if he or she maintains a cumulative grade point average of 74 or above. A student is not considered in good standing if she or he is on probation, suspension, or has been disqualified from the Law School. In addition, students who have been deemed "ineligible to continue," who have been administratively withdrawn, or who have been denied readmission are not in good standing.

### **7.20 FIRST YEAR STANDING**

**7.21** A. Upon the completion of the second trimester or 25 units, whichever occurs later, the following standard shall apply to full-time students. In order to continue into the upper division, a student must achieve a C.G.P.A. and "Major G.P.A." (C.G.P.A. exclusive of Legal Skills grades) of at least 74. Students not continued into the upper division shall be dismissed for failing to make satisfactory academic progress. Students continued into the upper division must meet the upperclass standing standard in Section 7.30.

B. Upon completion of the third trimester, the following standard shall apply to part-time students. In order to continue into the fourth trimester, students must satisfy the following grade requirements: a C.G.P.A. and "Major G.P.A." (C.G.P.A. exclusive of Legal Skills grades) of at least 74.

**7.22** Students not continued into the upper division who have five (5) or more course grades below 74 have no right to be readmitted. Subject to Academic Policy 9.01 (G), students not continued

into the upper division who have fewer than five (5) course grades below 74 have the right to be readmitted as first-year entering students with the first entering class starting more than two calendar years from the date of dismissal. Those who have the right to be readmitted as first-year entering students must exercise that right no later than 3 years from the date of their eligibility to return. Students readmitted under this rule must repeat all first year classes regardless of any original grades obtained. Students readmitted under this rule whose C.G.P.A. or Major G.P.A. is below 74 in any trimester of the repeated first year shall be dismissed for failing to make satisfactory academic progress. No student shall be allowed to repeat the first year more than once. (Adopted November 6, 2003)

**7.23** Transcripts of students who have been academically disqualified and subsequently readmitted shall reflect the student's original courses and grades, original date of matriculation, the fact and date of academic disqualification, and the fact and date of readmission.

**7.24** The provisions of sections 7.21, 7.22 and 7.23 may not be appealed to nor waived by the faculty or the administration. [Effective date August 1, 2001]

### **7.30 UPPERCLASS STANDING**

Upon completion of the third trimester and every trimester thereafter, the following standard shall apply.

**7.31** A student with a C.G.P.A. of below 74, who has never been on probation prior thereto, shall remain in school for one trimester on probation. The terms of that probation shall be specified by the Academic Affairs Committee after affording the student an opportunity to present relevant considerations. If after one trimester on probation, the student does not obtain a C.G.P.A. of 74 or better, the student will be dismissed from school without the right of review or appeal to the Faculty or Deans.

**7.32** A student with a C.G.P.A. of below 74 at the end of the fourth or any subsequent trimester, and who was on probation in any previous trimester, shall be dismissed from the law school with no right to review or appeal to the Faculty or Deans.

**7.33** A. A student who has a trimester average of less than 74 (but with a cumulative average of 74 or better) in any trimester following his/her first year of law school, shall receive a warning notice. The warning notice may contain recommendations regarding the student's academic and other activities during the following trimester.

B. A student who has a trimester average of less than 74 in any two trimesters following his/her first year of law school shall be dismissed from the law school. The student may petition the Academic Affairs Committee for permission to remain in school. Noncompliance with the recommendations of the warning notice shall be considered when reviewing the petition.

C. A student must have a trimester grade point average of 74 or better in the student's final trimester. Students who fail to satisfy this requirement may petition the Academic Affairs Committee for waiver. Waiver may be granted when failure to obtain the required academic standing was an aberration caused by such extraordinary circumstances as, for example, a disabling illness. Absent a waiver, the student will not be permitted to graduate until completing the requirements imposed by the Academic Affairs Committee.

### **7.40 RETENTION DECISIONS**

**7.41** Retention decisions shall be made shortly after grades are available at the conclusion of each trimester, but not later than 75 days from the last day of the examination period.

7.42 A record shall be maintained of each retention decision.

#### **7.50 READMISSION AFTER DISMISSAL FOR ACADEMIC DEFICIENCY**

7.51 Any upperclass student dismissed pursuant to the above standards for academic progress may apply to the Academic Affairs Committee for admission after one calendar year from the date of dismissal. That Committee, if it grants readmission, shall determine the standing of such a student and specify the necessary requirements for graduation under the then existing graduation requirements.

7.52 Readmission may be granted upon an affirmative showing that the person possesses the requisite ability to graduate from the law school and that the prior academic dismissal does not indicate a lack of capacity to complete the program necessary for graduation. (ABA Standard 505.)

7.53 Transcripts of students who have been academically disqualified and subsequently readmitted shall reflect the student's original courses and grades, original date of matriculation, the fact and date of academic disqualification, and the fact and date of readmission.

#### **7.60 FAILURE TO COMPLETE DEGREE REQUIREMENTS OR TO GRADUATE WITHIN FIVE YEARS OF MATRICULATION**

7.61 Any full-time student who fails to complete satisfactorily all degree requirements or to graduate within five years of his or her matriculation shall be dismissed. Any part-time student who fails to complete satisfactorily all degree requirements or to graduate within six years of his or her matriculation shall be dismissed. (See Section 1.01.)

7.62 Any student dismissed for failure to complete satisfactorily all degree requirements or to graduate within the requisite time as set forth in Section 7.61 may apply to the Admissions Committee for readmission. The Admissions Committee, if it grants readmission, shall determine the standing of such students and specify the necessary requirements for graduation under the current graduation requirements.

### **VIII. STUDENT EMPLOYMENT**

#### **8.01 EMPLOYMENT LIMIT**

It is urged in the strongest of terms that full-time first year students not be employed during their first year of law school. In no event shall full-time first year students engage in employment activities in excess of 5 hours per week.

Full-time upper division students may not engage in employment activities in excess of 20 hours per week.

#### **8.02 WORK STUDY**

All students participating in the law school's student work programs must apply through the Financial Aid Office and complete federal work study application forms.

### **IX. WITHDRAWALS AND VISITS**

#### **9.01 GENERALLY**

A. A leave of absence may be granted by the Associate Dean for Academic Affairs at any time during the school year in case of serious illness or other emergency circumstances. Approval to take a leave of absence does not waive the requirements of Sections 1.01(8) and 7.60. See 9.01(F).

B. A second or third year student desiring to voluntarily withdraw with a right of return may do so by filing a written notice with the Registrar when approved by the Dean. Such a withdrawal will not prejudice the student's right to return provided the student returns within one calendar year. Re-enrollment in the school will, however, be subject to the regulations and rules in effect at the time of re-entry. See 9.01(F).

C. First year students may voluntarily withdraw under the following conditions:

1. Subject to Academic Policy 9.01(G), first year full-time students who voluntarily withdraw prior to the final examination period of their first trimester, and first year part-time students who voluntarily withdraw prior to the final examination period of their second trimester, have the right to be readmitted as first year entering students with any subsequent first year class beginning within one calendar year from the date of withdrawal.

2. Subject to Academic Policy 9.01(G), first year full-time students who voluntarily withdraw prior to the final examination period of their second trimester and whose C.G.P.A. and Major G.P.A. is 74 or above, or first-year part-time students who voluntarily withdraw prior to the final examination period of their third trimester and whose C.G.P.A. and Major G.P.A. is 74 or above, have the right to return as first year full-time second trimester students or as first-year part-time third trimester students with any subsequent first year class beginning within one calendar year from the date of withdrawal.

3. Subject to Academic Policy 9.01(G), first year full-time students who voluntarily withdraw prior to the final examination period of their second trimester and whose C.G.P.A. or Major G.P.A. is below 74 and first year part-time students who voluntarily withdraw prior to the final examination period of their third trimester and whose C.G.P.A. or Major G.P.A. is below 74 have the right to be readmitted as first year entering students with the first entering class starting more than one calendar year from the date of withdrawal. This right to be readmitted as a first-year entering student must be exercised no later than 4 years from the date of the student's eligibility to return. The provision requiring a waiting period of one calendar year before readmission, may not be waived by the faculty or the administration. Students readmitted under this rule must repeat all first year classes regardless of any original grades obtained. Students readmitted under this rule do not have an automatic right of readmission under Academic Policy 7.22. No student shall be allowed to withdraw and repeat any part of the first year more than once. See Section 9.01(F) for transcript content.

D. Except as set forth elsewhere in these Academic Policies, all students who voluntarily withdraw and subsequently return must meet all requirements of the class with which they graduate.

E. The Academic Policies concerning student withdrawals and visits do not waive the requirements of Sections 1.01(8) and 7.60.

F. After the first ten days of scheduled classes for the trimester, courses in which a student was enrolled at the time of voluntary withdrawal or granting of a leave of absence will appear on a student's transcript with a designation of "W" (withdrew).

G. A student may be denied readmission to the Law School if the Dean determines that, during the period after the student's withdrawal, the student has engaged in behavior or actions that would have precluded admission to the Law School or that interfere with or reasonably could be expected to interfere with, the educational process or the orderly operation of the Law School. This policy applies notwithstanding any Academic Policy that addresses readmission. A student may appeal such a denial of readmission to the Admissions Committee within 10 business days from the date the student receives notice of such denial of readmission. The Admissions Committee shall promptly

issue a written decision with respect to any student appeal within a reasonable time. Any decision to deny a student readmission to the Law School shall remain in effect during the Admissions Committee's review of a student's appeal. This policy applies to students who matriculate after September 1, 2011.

## **9.02 FAILURE TO REGISTER AFTER ATTENDANCE**

A student in good standing who does not register for the next regular trimester, which constitutes a withdrawal, may return and register anytime within one year of their last attendance if they give written notice to the Dean's Office of their intention to re-register at least three months prior to that registration date.

After the expiration of one year since last attendance, a student must apply for readmission with the Admissions Committee.

A student who is not in good standing and fails to register for the next regular trimester, which constitutes a withdrawal, must apply for readmission with the Admissions Committee before any subsequent registration would be allowed.

Summer terms are not considered for purposes of this section.

## **9.03 LEAVE TO VISIT ANOTHER LAW SCHOOL**

A student is admitted to California Western Law School with the expectation that he/she will be in attendance for six trimesters.

A student who desires to graduate from California Western School of Law using credit earned at another law school must petition the Associate Dean for Academic Affairs in advance for permission to visit. Such permission will be granted only to visit another American Bar Association (ABA) accredited law school. In the case of petitions to attend a foreign study or overseas program of an ABA accredited school, the foreign study or overseas program must also be ABA approved.

Permission to attend another law school will be granted upon a showing of need. The maximum units a student is allowed to transfer from other law schools under this provision is 8 units.

Permission to attend another law school for more than 8 units will be granted only in extraordinary circumstances. The Associate Dean for Academic Affairs has established the following criteria for the purpose of considering petitions to visit and transfer a total of more than 8 units from other law schools:

1. The petitioning student must have a cumulative G.P.A. of 79 or better.
2. There must be extraordinary circumstances for granting the petition. Financial need and work opportunities are not sufficient reasons for purposes of this rule.
3. A student's final trimester must be in residence at California Western (See Section 1.01(3).)

Any student who is receiving his/her degree from California Western must meet the academic requirements of California Western.

See Sections 2.03 and 3.01 for requirements and limitations for courses taken at other schools.

## **9.04 INVOLUNTARY WITHDRAWAL OF STUDENT FROM THE LAW SCHOOL**

A student may be involuntarily withdrawn from the Law School if the Dean deems that the student has engaged in behavior or actions that interfere with, or is reasonably expected to interfere with, the educational process or the orderly operation of the Law School. This includes, but is not limited to, situations where a student is deemed to pose a threat to the safety and/or security of any member of the Law School community. Such decision shall be made by the Dean, on his or her own, or upon recommendation by the faculty. The Law School may take other administrative action against the student, including probation, suspension, removal from classes, or exclusion from law school activities. A student may appeal any decision of involuntary removal to the Professional Responsibility Committee within 10 business days from the date the student receives notice of such removal. The Professional Responsibility Committee promptly shall issue a written decision with respect to any student appeal within a reasonable time. Any decision to involuntarily withdraw a student from the Law School shall remain in effect during the Professional Responsibility Committee's review of a student's appeal. Nothing in this policy shall supersede the provisions of the Code of Student Professional Conduct or the Sexual Harassment Policy.

## **X. STUDENT RECORDS**

### **10.01 CUSTODIAN OF RECORDS**

The Registrar, or in his/her absence, the Acting Registrar, is the custodian of student records. Access to student records is governed by the School's Family Education Rights and Privacy (FERPA) Policy.

### **10.02 STUDENT ACCESS TO RECORDS**

A student may see his/her records upon making a written request to do so to the school's custodian of student records. This request will be governed by the School's FERPA Policy.

### **10.03 RELEASE OF RECORDS**

Under FERPA, the following information may be released without permission of a student, unless the student informs the Registrar in writing not to release such information.

- Student Name
- Address and Telephone Listing
- Law School Email Address
- Date and Place of Birth
- Dates of Attendance
- Degrees and Awards Received
- Previous Institutions Attended
- Class Year and Current Enrollment Status
- Academic Honors

## **XI. MASTER OF COMPARATIVE LAW PROGRAM**

### Preface

Part XI supplements California Western School of Law's Academic Policies for LL.M./M.C.L. Program students. LL.M./M.C.L. students shall be governed by all general provisions of the Academic Policies, providing that such policies are consistent with the specific provisions stated in Part XI.

### **11.01 GENERAL REQUIREMENTS**

To be eligible for conferral of the Master of Laws in Comparative Law (LL.M.), or Master of Comparative Law (M.C.L.) degrees, a student must complete the following requirements:

1. Study in residence at California Western for two full-time trimesters.
2. Complete Introduction to Legal Skills, U.S. Law, and the U.S. Legal System.
3. LL.M candidates must complete the Scholarly Writing/Thesis requirement (which also requires taking the Legal Scholarship Training Seminar).
4. Complete a minimum of 16 credits (units) for the M.C.L. or a minimum of 18 credits (units) for the LL.M.
5. Attain an Honors, High Pass, Pass, or Low Pass in all classes.
6. File with the law school Registrar a formal application to graduate. This form is available in the LL.M. /M.C.L. office. To be timely, the application must be filed before enrollment for the last trimester of work prior to the graduation date.

### **11.02 RESIDENCE REQUIREMENT**

An LL.M./M.C.L. student must study for no fewer than two academic trimesters (or one academic year) in residence at California Western. Under ABA standards, an academic year is defined as no fewer than 140 class days, i.e., 70 class days a trimester. Two trimesters of 70 class days each constitute the one required academic year. To be considered a full-time student for residence credit purposes, ABA standards require registration as a full-time student and enrollment for a minimum of eight (8) class hours per week per trimester for LL.M./M.C.L. students.

### **11.03 CREDIT FOR NON-CLASSROOM ACTIVITIES**

Subject to a maximum of 6 credits, credit for non-classroom activities may be earned in the Internship Course. Subject to authorization from the Internship Office, a student may enroll in one internship for a maximum of 6 credits (not including the Internship Seminar which is one additional classroom credit) during the second trimester of study.

### **11.04 LL.M. SCHOLARLY WRITING/THESIS REQUIREMENT**

An LL.M. candidate must submit work satisfying the Scholarly Writing/Thesis requirement.

1. The Scholarly Writing/Thesis Requirement (SWR) can be satisfied with the successful completion i.e., grade of an Honors, High Pass, Pass, or Low Pass of an original, independently produced, in-depth research paper on a narrow topic analogous to a law review article. The paper shall be a minimum of 30 pages, typed, double-spaced, excluding footnotes, in a form consistent with an approved form book (which you will learn to use in Introduction to Legal Skills and in the Legal Scholarship Training Seminar).

2. The SWR paper may be undertaken in connection with a designated SW class for Thesis credit (but must meet the minimum requirements stated in this 11.04(1)). Students may not receive credit for a paper submitted for an SW course and submit the same paper for additional units of credit for the Scholarly Writing/Thesis (or for any other course). An SWR paper may receive Thesis credit for completion, but no additional credits. If a student writes a paper for any course (exclusive of Legal Skills and Introduction to Legal Skills, U.S. Law and the U.S. Legal System) and wishes to do additional research and write additional pages to qualify for Scholarly Writing/Thesis Credit, this must be approved beforehand by the LL.M. /M.C.L. Director.

3. When scholarly writing is undertaken in a designated SW class or other course, or as Scholarly Writing/Thesis, a full-time faculty member must supervise the scholarly writing from topic selection through final draft and certify its successful completion.

4. A student fulfilling the Scholarly Writing/Thesis requirement must participate in the Legal Scholarship Training Seminar. This non-credit, non-graded course is offered each trimester.

### **11.05 GRADING**

LL.M./M.C.L. candidates shall have their papers and examinations graded with all other students, and their grades shall be submitted to the Registrar, along with all other course grades. The Registrar shall record an honors (H) if the instructor has given a grade of at least 90, a high pass (HP) if the instructor has given a course grade between 85 and 89, a pass (P) if the instructor has given a course grade between 74 and 84, a low pass (LP) if the instructor has given a course grade between 55 and 73, and a fail (F) if the instructor has given a course grade of 54 or below. The Registrar shall maintain a record of the number grade for informational purposes.

### **11.06 EMPLOYMENT LIMIT**

Pursuant to Department of Homeland Security Immigration Citizenship and Immigration Regulations, LL.M. /M.C.L. students (non-U.S. residents or citizens) may not be employed more than twenty (20) hours per week during their year of law school. LL.M. /M.C.L. students may only work on campus during their year in law school. Students enrolled in F-1 status for one full academic year may then be authorized to work off-campus with approval for Optional Practical Training (OPT) from the U.S. Department of Homeland Security Service Center.

### **11.07 EARLY GRADUATION**

Graduation normally occurs after completion of the second trimester of law study, usually during April or during December of the academic year. An LL.M./M.C.L. student may walk through graduation exercises upon completion of one (1) trimester (of not less than 8 passed credits) with permission of the Associate Dean for Academic Affairs, but will not officially graduate until the requisite 16 (M.C.L.) or 18 (LL.M.) credits are successfully completed. You will need to fill out a petition available in the Associate Dean of Academic Affairs' Office.

### **11.08 ADMISSION TO THE J.D. PROGRAM**

Upon application, the Admissions Committee, in consultation with the Director of the LL.M./M.C.L. Program, may admit an LL.M./M.C.L. student into the J.D. program. Such admission shall be determined in light of a number of factors including, but not limited to, the candidate's exceptional scholastic aptitude as demonstrated at California Western School of Law. Prior to admission to the J.D. program, the student shall be subject to all rules applicable to J.D. candidates, including registering with LSAC (the Law School Admission Council) and taking the LSAT (the Law School Admission Test). (Adopted April, 2010.)

## **XII. LL.M. TRIAL ADVOCACY**

### **12.01 CANDIDATES**

Candidates for an LL.M. degree must have completed a JD degree or equivalent prior to matriculating in the program.

## **12.02 DEGREE REQUIREMENTS**

To be eligible for the LL.M. degree, a candidate is required to complete 24 credit hours. Students must complete a minimum of 12 credits of prescribed coursework along with 12 credits for an internship approved by the Program Director.

LL.M. students shall be governed by the Statement of Academic Policies, except where these policies only apply to JD candidates or MCL candidates. In the event of a conflict between Part XII and the other parts of the Academic Policies, the provisions of Part XII shall apply. LL.M students are governed by all other CWSL policies and practices including, but not limited to, the policies and practices applicable to the Business Office, Career Services, Financial Aid Office, Library, and Registrar.

## **12.03 INTERNSHIPS**

Students are required to pass the minimum of 12 credits of prescribed coursework prior to commencing the internship. Students are required to work 40 hours a week for 14 weeks in their internship and follow all office policies as defined by the office where they are interning in as well as school policies as defined by the Student Handbook and the Program Director. Students may be withdrawn from the internship and receive a failing grade at any time if it is determined by the Associate Dean, in consultation with the Program Director, that the student is not following office policies or school policies or otherwise not satisfactorily fulfilling their internship responsibilities. A student may appeal any withdrawal decision to the Professional Responsibility Committee within 10 business days from the date the student receives notice of such withdrawal. The Professional Responsibility Committee promptly shall issue a decision with respect to any student appeal. Any decision to withdraw a student from the internship shall remain in effect during the Professional Responsibility Committee's review of a student's appeal.

## **12.04 GRADING**

All students shall receive grades consistent with the law school's grading policies. The minimum passing grade for all LL.M. classes is 74. The internship shall be graded pass/fail.