

# 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 Vice Dean's office 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 Vice Dean for Academic Affairs for appropriate action by the Vice Dean 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 1.02(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 Vice Dean for Academic Affairs seeking special permission to file a petition regarding the Academic Policy. If the Vice 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 Vice Dean for Academic. Approval and waiver authorities under these policies may be delegated to the Vice President of Student Life or the Academic Affairs Coordinator at the discretion of the Vice Dean for Academic Affairs.

When a petition to the Vice Dean for Academic Affairs is permissible, either because an Academic Policy expressly permits such a petition or because the Vice 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 Vice 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 Vice Dean's decision. On appeal, the Academic Affairs Committee shall exercise its independent judgment, while giving deference to the Vice 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.

**August 2018**

## 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 15 units of Experiential (EXP) coursework and the Scholarly Writing requirement. (See Section 2.01.) Students matriculating after August 1, 2016 are subject to the 15 unit EXP requirement. Students matriculating before August 1, 2016 are subject to the prior Practicum graduation requirement.
5. Completion of 90 credits (units). No credit towards graduation will be awarded for failed courses. See Section 6.02. Students who have completed 90 units and have fulfilled all degree requirements may not take additional units unless approved by the Vice Dean for Academic Affairs. See also Section 1.02 for requirements and limitations regarding credit for non-classroom activities and non-law school courses. Students matriculating after August 1, 2016 are subject to the 90 unit requirement. Students matriculating before August 1, 2016 are subject to the prior 89 unit graduation requirement.
6. Attainment of a cumulative grade point average of 2.00 or better.
7. Attainment of a trimester grade point average of 2.00 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 Vice 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 CREDIT FOR NON-CLASSROOM ACTIVITIES & NON-LAW SCHOOL COURSES

A. Subject to a maximum of 18 credits and to the maxima stated within each subsection below, credit for non-classroom activities and non-law school courses may be earned as follows:

- 1) **Externship Course.** The maximum under this subsection is 10 credits (not including the Externship Seminar which is 1 classroom credit), and up to 10 of these non-classroom credits shall count toward 18 credit maximum established by this section. Subject to authorization from the Externship Office, a student may enroll in one externship for a maximum of 10 credits (not including the Externship Seminar).
- 2) **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 Vice Dean for Academic Affairs; (c) the Vice Dean for Academic Affairs will approve only graduate level courses; (d) the student has the burden of demonstrating to the Vice 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 Vice Dean for Academic Affairs but will only be granted in exceptional circumstances. See Sections 2.02 and 9.03 for requirements and restrictions regarding courses taken at other law schools. All credits taken under this subsection shall count toward 18 credit maximum established by this section.

- 3) **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. All credits taken under this subsection shall count toward 18 credit maximum established by this section.
- 4) **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. All credits taken under this subsection shall count toward 18 credit maximum established by this section.
- 5) **Independent Study:** In accordance with Section 1.02(B), students may receive a maximum of 3 credits per Independent Study course and 6 total credits for Independent Study. Credit for any Independent Study is limited to 1 course per trimester and a total of 2 courses. All credits earned under this subsection shall count toward 18 credit maximum established by this section.
- 6) **Clinical Courses:** The 18 credit maximum described in this section shall not apply to any law clinic, provided that the law clinic provides substantial lawyering experience that (1) involves one or more actual clients, and (2) includes all of the following: (a) advising or representing a client; (b) direct supervision of the student's performance by a faculty member; (c) opportunities for performance, feedback from a faculty member, and self-evaluation; and (d) a classroom instructional component.
- 7) **Petition to Waive the 18 Credit Maximum:** Any student who wishes to exceed the 18 credit limit described in this section for non-classroom activities and non-law school courses may petition the Vice Dean of Academic Affairs to request permission to exceed this limit. Petitions must be submitted prior to the start of scheduled classes and shall be granted upon a showing of compelling circumstances.

## **B. INDEPENDENT STUDY**

Subject to the requirements of this Section and Section 1.02(A), second or third year students may earn credit for an Independent Study. Credit for Independent Study is limited to one course per trimester and a total of two. Any student who wishes to obtain credit for an Independent Study must be supervised by a full-time faculty member and must follow the Application Process set forth in Section 1.02(B). Independent Study does not satisfy the Scholarly Writing Requirement.

A second or third year student may receive up to 3 credits for an Independent Study by completing a research-based paper. 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, up to three credits.

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

Independent Study petitions shall identify the topic and nature of the Independent Study (e.g. empirical research, work on a pending case, etc.), a statement of the reasons the student wishes to enroll in Independent Study, and a substantial description of the topic and the project being undertaken. The petition also shall bear the signature of the supervising faculty member indicating that he or she has reviewed the proposal and that he or she agrees to supervise the student.

Petitions in proper form that are submitted before the start of classes for the following trimester shall be approved by the Vice Dean for Academic Affairs. Petitions to enroll in Independent Study that are submitted during the first ten days of classes will be approved by the Vice Dean for Academic Affairs only upon a showing of good cause.

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 F computed into his or her grade point average and will not obtain credit toward graduation for that Independent Study.

### 1.03 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.

### 1.04 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	3 units
Legal Skills I	3 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	3 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	3 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	3 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	3 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	3 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	3 units	courses	5-8 units

Upper Division - Second or Third Year: \*

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

If a grade of 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.

B. In addition to the above requirements, a student must submit work satisfying the Scholarly Writing

Requirement and successfully complete 15 units of Experiential (EXP) coursework. Students matriculating after August 1, 2016 are subject to the 15 unit EXP requirement. Students matriculating before August 1, 2016 are subject to the prior Practicum graduation requirement.

1. Students may count 3 units from STEPPS toward this 15 unit requirement.
2. Students may count 2 units from Legal Skills II toward this 15 unit requirement.
3. Students may satisfy the remaining 10 units of this 15 unit requirement by taking any course designated as an EXP course.

EXP courses consist of simulation courses, law clinics, or field placements. EXP courses must be primarily experiential in nature and must: (i) integrate doctrine, theory, skills, and legal ethics, and engage students in the performance of one or more specific professional skills; (ii) develop the concepts underlying the professional skills being taught; (iii) provide students with multiple opportunities for performance; and (iv) provide students with opportunities for self-evaluation.

An EXP course must be supervised by a faculty member who will evaluate and grade the student's work.

Students matriculating after August 1, 2016 are subject to the 15 unit EXP requirement. Students matriculating before August 1, 2016 are subject to the prior Practicum graduation requirement. 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. Such courses as Advanced Legal Research, Advanced Legal Skills, Alternative Dispute Resolution, Business Planning: Representing Modest Business Enterprises, Clinical Externship, 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 C 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.

## C. Academic Achievement Workshop (AAW)

### 1. Eligibility

Students who are continued into the upper division with two or more courses with grades below C, and students who repeat their first year with a cumulative grade point average below 3.33 must successfully complete the Academic Achievement Workshop (AAW) during the next trimester in which they are enrolled.

## 2. Requirements

The requirements of 2.01(C) apply to any student who is required to take AAW.

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 AAW. These 15 units (10 units for part-time students) include the units received for AAW. The course will be marked “CR” for credit and “NCR” for no credit, and the Vice 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 AAW the first time 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 AAW. Students who receive no credit for AAW a second time must retake the course, but with no additional units of coursework. Anyone who receives no credit for AAW three times will be dismissed from the Law School.

Students who take AAW are also required to take the following upper-level bar classes and get at least a C 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. Students may take only one upper-level bar class during their final trimester. All other required upper-level bar classes must be taken prior to their final trimester (This requirement applies to students matriculating after August 1, 2018.) Any upper-level bar class in which the student does not receive at least a C must be repeated until the grade is C or better. With respect to STEPPS, students must receive a cumulative grade of C or better when both trimesters of the course are averaged together (as opposed to being required to receive a grade of C or better in each of the two trimesters).

Students who are required to take AAW must engage in academic counseling with and have their course schedules for the following trimester approved by a staff member in the Academic Achievement Office prior to registration for that trimester. Students who fail to have their schedules approved by a staff member in the Academic Achievement Office prior to registration will not be permitted to register for classes and will have a “hold” put on their registration until such approval is obtained (This requirement applies to students matriculating after August 1, 2018.)

### **2.02 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 apply: (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 90-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 1.02(B).

### **2.03 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 Vice 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.

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

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

### **2.05 AREAS OF CONCENTRATION**

Students may elect to specialize in an area of concentration, subject to the offering and availability of those concentrations. A student who wishes to specialize in an area of concentration must comply with all requirements that are articulated in the application materials for that concentration. Each concentration shall include, at a minimum, core courses, optional or elective courses, a research and writing component, and work experience, and also may include co-curricular activities. Any student who wishes to specialize in an area of concentration must obtain the approval of the faculty advisor for that area of concentration. Each concentration shall articulate minimum grade standards for concentration related courses, and may include standards for obtaining an Honors designation. Students who complete all concentration requirements shall receive a certificate upon graduation.

### **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 externship 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.

## **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 Vice 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 Vice 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 Vice 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 Vice Dean for Academic Affairs for permission to exceed the maximum credit units. Full-time students may petition for permission to exceed the maximum credit units but will not be permitted to take more than 18 units in a trimester. Petitions will only be granted upon showing of exceptional circumstances and strong academic standing of the petitioner. 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 3.00 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.

#### **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.

### **3.04 OVERLOAD TUITION**

The trimester tuition charge permits part-time students to take a maximum load of 11 units each trimester and full-time students to take a maximum load of 17 units each trimester without additional charge. Part-time students who are permitted by the Vice Dean for Academic Affairs to exceed 11 units or full-time students who are permitted to exceed 17 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.

### **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 Vice 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 Vice Dean for Academic Affairs, provided the professor does not object.
4. the provisions of Academic Policy 1.02 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 Vice 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 Vice 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 Vice 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 F 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" (withdrew).

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

With the approval of the Vice 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 5 absences, in those classes which meet twice a week; or 8 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 Vice Dean for Academic Affairs.

### **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 Vice Dean for Academic Affairs when a student has exceeded the permissible number of absences.

When a student has been withdrawn from a course because he/she has exceeded the permissible number of absences, a grade of F 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 EXP, PRAC, 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 EXP, PRAC, or SW classes, a professor may raise or lower the final course grade submitted by the professor by up to three points on the 95-50 scale for class participation and preparation. (This final course grade then shall be converted into a letter (A+ through F) grade by the Law School Registrar, as described in Academic Policy 6.02(A).) In EXP, PRAC, and SW courses, the instructor may base a substantial portion of the grade on class participation.

#### **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 Vice 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 Vice 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 Vice Dean for Academic Affairs 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 Vice Dean for Academic Affairs may approve the use of graders. The Vice 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 not 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 Vice 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. Faculty will submit to the Law School Registrar grades 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

These grades then will be converted by the Registrar to a letter (A+ through F) based grading scale, as follows:

<u>Number Grade</u>	<u>Course Grade</u>
93-95	A+
90-92	A
87-89	A-
85-86	B+
80-84	B
77-79	B-
75-76	C+
74	C
69-73	C-
65-68	D+
60-64	D
55-59	D-
50-54	F

Student transcripts will reflect these letter (A+ through F) grades.

B. Credit towards graduation is awarded for grades of D- to A+. No credit towards graduation will be awarded for grades of F, although those grades will be computed into the grade point average.

C. Faculty shall distribute the grades within their individual courses according to the following faculty approved guidelines. These 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. Once faculty submit grades according to these guidelines, the Law School Registrar shall convert the grades into letter (A+ through F) grades as described in Academic Policy 6.02(A).

I. First Trimester of first year.

<u>Grade</u>	<u>Allowable Range</u>
90-95	5-10%
85-89	5-15%
80-84	10-20%
74-79	30-70%
69-73	10-15%
50-68	5-10%

II. Second Trimester of first year.

<u>Grade</u>	<u>Allowable Range</u>
90-95	5-10%
85-89	5-15%
80-84	10-20%
74-79	30-70%
69-73	10-15%
50-68	0-5%

III. Upper Division Classes of more than 40.

<u>Grade</u>	<u>Allowable Range</u>
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.

<u>Grade</u>	<u>Allowable Range</u>
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).

<u>Grade</u>	<u>Allowable Range</u>
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 A-(87-89) or below than A or A+ (90-95).

D. For each graded class, a student will receive a letter grade (A+ through F) and a corresponding point total (PTS) for that class. The PTS number for a course is determined by multiplying the original grade submitted by the faculty on the 50-95 grading scale with the number of graded units for that course. (For example, a three unit course with a grade of 85 would receive 255 points.) The PTS totals will eventually be used to determine class rank and GPA. The GPA is determined by dividing the point totals (PTS) by the total number of units to determine the number grade equivalent on the 50-95 grade scale. This number is then converted to the corresponding grade point on the new grade scale.

<u>GPA</u> <u>(50.00– 95.00 Scale)</u>	<u>GPA</u> <u>(0.00 – 4.33 Scale)</u>
93.00-95.00	4.17-4.33
90.00-92.99	3.84-4.16
87.00-89.99	3.51-3.83
85.00-86.99	3.33-3.50
80.00-84.99	2.80-3.32
77.00-79.99	2.42-2.79
75.00-76.99	2.12-2.41
74.00-74.99	2.00-2.11
69.00-73.99	1.46-1.99
65.00-68.99	1.17-1.45
60.00-64.99	0.70-1.16
55.00-59.99	0.01-0.69
50.00-54.99	0.00



### **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 1.02), Academic Achievement Workshop, and Independent Study.

In a pass/fail course, the quality of work must be at least a C to receive a pass. Performance quality of C- or below will be reported as a grade of F. A grade of F 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 F, 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 Vice 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 Vice 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 90 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 3.56 or higher will be granted the degree of Juris Doctor magna cum laude.

Students who graduate with a cumulative grade point average of 3.33, but less than 3.56, 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 3.33 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 3.33, 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 3.33 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 3.33, 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 57 credit units or more is classified as a third-year student. A student who has successfully completed less than 57 credit units, but who has completed 27 or more units, is classified as a second-year student. A student who has successfully completed less than 27 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 57 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 57 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 57 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/her 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 of 2.00 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 2.00 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 27 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 cumulative grade point average of at least 2.00. 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 cumulative grade point average of at least 2.00.

**7.22** Students not continued into the upper division who have five (5) or more course grades below C 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 C have the right to be readmitted as first-year entering students with the first entering class starting more than two 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 cumulative grade point average is below 2.00 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 2.00, 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 2.00 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 2.00 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 2.00 (but with a cumulative average of 2.00 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 2.00 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 2.00 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 Vice 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 Vice Dean for Academic Affairs. 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 and first year part-time students who voluntarily withdraw prior to the final examination period of their first trimester have the right to be readmitted as first year entering students. First year part-time students who voluntarily withdraw prior to the final examination period of their second trimester and whose cumulative grade point average is 2.00 or above also have the right to be readmitted as first year entering students. 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 withdrawal. 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. Students matriculating prior to Fall 2017, are subject to the rule in place at the time of matriculation.

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 cumulative grade point average is 2.00 or above, or first-year part-time students who voluntarily withdraw prior to the final examination period of their third trimester and whose cumulative grade point average is 2.00 or above, have the right to return as first year full-time second trimester students or as first-year part-time third trimester students within one year from the date of withdrawal. 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. Students who do not return within one year from the date of withdrawal may apply to the Academic Affairs Committee for readmission. If the Committee grants readmission, it shall determine the standing of such a student and specify the necessary requirements for graduation.

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 cumulative grade point average is below 2.00 and first year part-time students who voluntarily withdraw prior to the final examination period of their second or third trimester and whose cumulative grade point average is below 2.00 have the right to be readmitted as first year entering students with the first entering class starting more than 10 months 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 10 months from the date of withdrawal 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. Students matriculating prior to Fall 2017, are subject to the rule in place at the time of matriculation.

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 Vice Dean for Academic Affairs 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.

## **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 Vice 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 Vice 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 may be granted upon a showing of need or pursuant to an established program of California Western. The petitioning student must have a cumulative G.P.A. of 2.72 or better. 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 may be granted only in extraordinary circumstances, or pursuant to an established program of California Western. The Vice 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 2.72 or better.

2. Attendance at another law school must be pursuant to an established program of California Western or there must be extraordinary circumstances for granting the petition. (Financial need and work opportunities are not considered “extraordinary circumstances” 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 2.02 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 Vice Dean for Academic Affairs 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 Vice 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 U.S. 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 one trimester courses in Legal Skills I, and Introduction to U.S. Law.
3. LL.M candidates must complete the LL.M. legal writing requirement described in 11.04 (which may require taking the Legal Scholarship Training Seminar).
4. Earn a minimum of 18 credits (units) for the M.C.L. or a minimum of 24 credits (units) for the LL.M.
5. 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. Two trimesters of 65 class days each constitute the one required academic year. To be considered a full-time student, a student must enroll for a minimum of nine (9) class hours per week per trimester for M.C.L. students and for a minimum of twelve (12) class hours per week for LL.M. students. An LL.M/MCL student who is not in the U.S. on an F-1 (student) visa may choose to attend part-time. Such a student would meet the residence requirement by attending for three trimesters and enrolling in no fewer than five credits per trimester.

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

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

#### **11.04 LL.M. WRITING REQUIREMENT**

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

1. Approval of courses for LWR credit shall be determined by the Director of the LL.M program. The LL.M Writing Requirement (LWR) can be satisfied with the successful completion of either of the following projects:

- (i) An original, in-depth research paper, which may be produced as part of an approved course of at least 2 credits that requires a paper. In exceptional cases and with the permission of the Director,

the paper may be produced as an independent study project of at least 2 credits. If produced as part of an approved course, this paper shall comply with the requirements of that course. If produced as an independent study project, this paper shall be a minimum of 30 pages, typed, and double-spaced (excluding footnotes), in a form consistent with an approved form book.

(ii) A practice-oriented project that is produced as part of an approved Practicum course of at least 2 credits, which shall comply with the requirements of that course.

2. If a student undertakes the LWR in connection with an approved writing course for credit or a designated Practicum course for credit, then the student may not receive any additional credits for the paper or project produced beyond those granted by the SW or Practicum course. If a student fulfills the LWR by completing a paper as part of an independent study project, then the student may receive at least 2 credits for such project.

3. All LWR independent study projects must be supervised by a full-time faculty member from topic selection through final draft, and the faculty member must certify the project's successful completion.

4. All students fulfilling the LWR by writing a paper for an approved course or as an independent study project must participate in the Legal Scholarship Training Seminar. This non-credit, non-graded course is offered each trimester.

5. The Director of the LL.M programs is authorized to establish additional requirements regarding the LWR in order to fulfill the purposes of the LL.M program.

#### **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. Grades shall be calculated in accordance with Academic Policy 6.02. Students who receive failing grades (F) in two or more courses will be academically disqualified for their inability to do satisfactory work under Academic Policy 7.11.

#### **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 December. An LL.M./M.C.L. student may walk through commencement exercises upon completion of one (1) trimester (of not less than 8 passed credits) with permission of the Vice Dean for Academic Affairs, but will not officially graduate until the requisite 18 (M.C.L.) or 24 (LL.M.) credits are successfully completed. The student will need to fill out a petition available in the Vice Dean of Academic Affairs' Office.

## **11.08 TRANSFER FROM LL.M PROGRAM TO J.D. PROGRAM**

Successful LL.M. students at California Western may apply to enter the J.D. program as transfer students and receive credit for eligible coursework taken as LL.M. students. Candidates who apply under this provision will not be required to take the LSAT exam.

The applicant's grades and the coursework completed in the LL.M. program will be the primary considerations in deciding whether a student will be allowed to transfer into the J.D. program. To be eligible to apply, students must have (1) completed a minimum of 17 credits and a maximum of 26 credits of course work in J.D. eligible courses (i.e. excluding courses that are only available to LL.M. students), including at least two courses in bar tested subjects with grades of not less than 2.0, and (2) earned a minimum cumulative GPA of 2.12. Admission and transfer of credits toward the J.D. degree will be determined in light of a number of factors including scholastic aptitude as demonstrated by performance in courses taken at California Western, and recommendations from California Western professors. The number of transfer credits accepted will be determined by the Vice Dean and the chair(s) of the Admissions Committee. LL.M. students may not receive J.D. credit for any courses that were only available to LL.M. students.

Students admitted to the J.D. program must complete all of the academic requirements for the J.D. degree, including all first-year and upper-level required coursework. Students must complete all required first-year coursework (unless they took any of these courses as an LL.M. student) and receive a cumulative GPA of 2.0 or better in those first-year courses (whenever taken) to continue beyond their fourth trimester of law school (including the two trimesters they were in the LL.M. program). Once students transfer into the J.D. program, they must comply with and satisfy all of the J.D. Academic Policies and will be graded and treated as J.D. students, including being subject to Academic Policies 2.01(c) and 9.01(c).

## **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 externship 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 EXTERNSHIPS**

Students are required to pass the minimum of 12 credits of prescribed coursework prior to commencing the externship. Students are required to work 40 hours a week for 14 weeks in their externship and follow all office policies as defined by the office where they are interning in as well as school polices as defined by the Student Handbook and the Program Director. Students may be withdrawn from the externship and receive a failing grade at any time if it is determined by the Vice Dean of Academic Affairs, in consultation with the Program Director, that the student is not

following office policies or school policies or otherwise not satisfactorily fulfilling their externship 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 externship 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 C. The externship shall be graded pass/fail.

### **XIII. MASTER OF ADVANCED STUDIES IN HEALTH POLICY AND LAW**

This joint master's degree program from UC San Diego and California Western School of Law focuses on educating healthcare and legal professionals who need to be better informed and more influential in the shaping of healthcare law and policy. The program is designed to bridge the differences between healthcare and law to establish a common understanding of principles guiding each profession and to discover productive, practical solutions to the challenges ahead.

#### **13.01 CANDIDACY**

Candidates for the MAS degree in Health Policy and Law must possess the following criterion prior to matriculating into the program:

- Possession of an appropriate medical, healthcare, legal, or related degree.
- Undergraduate or post-baccalaureate record (a minimum GPA of 3.0 in the final two years of study expected).
- Minimum 3 years of relevant work experience, or the equivalent.
- Completion of online application for graduate admission.
- Resume or curriculum vitae illustrating experience and achievements.
- Compelling statement of purpose including a description of individual strengths and interests, how the program will benefit the applicant professionally, and potential ideas for the capstone projects.
- Letters of recommendation (3).
- TOEFL scores (English as a second language applicants only).

#### **13.02 GENERAL REQUIREMENTS**

To be eligible for conferral of the Master of Advance Studies in Health Policy and Law degree (MAS-HLAW), a student must complete the following requirements:

- Complete 24 credits or quarter (16 semester) units of Required Courses.
- Complete minimum 12 credits of quarter (8 semester) unit of Prescribed Elective Courses (must take a minimum of 4 units from each Group A, B, and C).
- Complete minimum 9 credits of quarter (6 semester) units of General Elective Courses.
- Complete 3 credits of quarter (2 semester) units of Independent Study Proposal and 3 credits of quarter (2semester) units of Independent Study Project.
- Attain a GPA of 3.0 or higher upon graduation.

- File with HLAW Department a formal application to graduate.

### **13.03 OTHER REQUIREMENTS**

- There is no residency requirement for MAS-HLAW.
- GRE/LSAT/GMAT results are not required for the MAS degree.

### **13.04 GRADING**

- HLAW students shall be graded on a number grading scale from 50 to 95, with a grade lower than 66 considered an unsatisfactory grade. The number grading system is converted to a letter grade when the courses are transferred from CWSL to UCSD.
- MAS HLAW candidates shall have their papers and examinations graded with all other students, and their grades shall be submitted to the Registrar and HLAW Department at UCSD. Registrar shall maintain a record of the number grade for informational purposes.

### **13.05 EARLY GRADUATION**

Graduation for the HLAW candidates at CWSL normally occurs after completion of the Independent Study Project (ISP), usually in December or June of the academic year. A MAS HLAW student may walk through graduation exercises while completing the ISP with prior approval of the Department but will not officially graduate until the requisite ISP course is successfully completed. UCSD's Commencement ceremony takes place in June.

## **XIV. ONLINE LL.M. PROGRAMS**

### **14.01 CANDIDATES**

Candidates for the online Spanish-language LL.M. degree with a Concentration in Trial Advocacy must have successfully completed a professional degree in law in his/her non-U.S. countries of origin by the time of their matriculation in the Program.

### **14.02 DEGREE REQUIREMENTS**

To be eligible for the LL.M. degree, a candidate is required to have completed 24 credit hours in the courses prescribed for the program. The program includes a one-week period of residency in San Diego at the beginning of the program, three trimesters of online study, and a one-week capstone period of residency in San Diego at the end of the program.

Candidates shall be governed by the Statement of Academic Policies, except where those Policies only apply to JD or MCL candidates. In the event of a conflict between Part XIV and the other parts of the Academic Policies, the provisions of Part XIV shall apply. Candidates 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.

Candidates in the online LL.M. programs shall be governed by the Student Agreement, as well as any other rules of online conduct that may be prescribed by the Law School, their professors, or the Directors of the program.

### **14.03 GRADING**

All candidates shall receive grades consistent with the school's current grading policies. However, the grade curve will not be applicable to candidates in the online LL.M. programs. The minimum passing grade for all online LL.M. classes is C.

APPENDIX A  
**Plagiarism**  
**California Western School of Law**  
**Student Acknowledgment**  
**(Prof. Matthew A. Ritter, M.Div., J.D., Ph.D.)**  
**(As updated in 2018 by Prof. Roberta Thyfault, J.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>

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

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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 Amisrepresentation.").

<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 127 (5th ed. 2017).

<sup>6</sup>*Plagiarism*, BLACK'S LAW DICTIONARY (9th ed. 2009).

<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 127-28 (citing Terri Le Clereq, *Intent to Deceive*, 8 THE SECOND DRAFT 3 (1993)).

<sup>8</sup>*Cf. id.* at 128-29 (a more exacting and less discretionary delineation of these same citation conventions).

<sup>9</sup>*See id.* at 129 (employs the five-word rule of thumb: borrowing five or more consecutive words requires use of quotation marks).

<sup>10</sup>THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 5 (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).

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

<sup>12</sup>*See* FAJANS & FALK, *supra* note 5, at 130-31.

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>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 131-32. 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.*