

# APPALACHIAN SCHOOL OF LAW

## 2012-2013 CATALOG

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This catalog is published by the Appalachian School of Law, based on information as of September 2012, and contains information concerning campus life, career preparation, academic policies, and course offerings. The law school reserves the right to make alterations in course offerings and academic policies without prior notice in order to further the institution's purpose.

The information in the catalog is presented as a guide and is not the offer of a contract. It is not intended to nor does it contain all policies and regulations that relate to students. Students are expected to familiarize themselves with the academic policies contained in the catalog. Failure to do so does not excuse students from the requirements and regulations described herein.

The Appalachian School of Law admits students without regard to age, race, color, gender, sexual orientation, disability, religion, political affiliation, or national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of age, race, color, gender, sexual orientation, disability, religion, political affiliation, or national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and/or other school administered programs. ASL is an AA/EEO Employer.

Before enrolling in law school, students should determine whether the state in which they intend to practice has special requirements for admission to the bar concerning pre-legal training, domicile, filing notice of intent to practice before entering law school, certification of character and fitness, appointment of a preceptor, law school curriculum, and the like. Students are responsible for ascertaining and meeting these requirements.

The Appalachian School of Law is fully accredited by the American Bar Association. The American Bar Association may be contacted through the Section of Legal Education and Admissions to the Bar, 321 North Clark Street, Chicago, Illinois 60654-7598; telephone (312) 988-6739.

The Appalachian School of Law has been certified by the State Council of Higher Education for Virginia to operate in Virginia.

## TABLE OF CONTENTS

	<b>Page</b>
ACADEMIC CALENDAR 2012-2013 .....	3
MISSION OF THE LAW SCHOOL .....	4
HISTORY OF THE LAW SCHOOL .....	4-5
FACILITIES.....	5-6
LAW LIBRARY .....	6
Description .....	6
Hours.....	6
BOARD OF TRUSTEES .....	7
ADMINISTRATION & FACULTY .....	8-13
FACULTY ACCESSIBILITY .....	13
PROFESSIONAL STAFF .....	13
CAREER SERVICES.....	14
ADMISSIONS .....	15-17
Policy .....	15
Eligibility for Admissions .....	15-16
Application & Admissions Procedure .....	16
Seat Deposit.....	16-17
Deferrals.....	17
Transfer Students.....	17
Submission of Transcripts.....	17
TUITION & FEES .....	18
WITHDRAWAL FROM CLASSES AND REFUND OF TUITION .....	18-19
FINANCIAL ASSISTANCE .....	20
Loans .....	20
Merit Scholarships .....	21
Other Scholarships .....	21
Veterans' Benefits.....	21
Federal Work Study.....	21-22
CURRICULUM .....	23-26
Program Offered .....	23
Community Service .....	23-24
Prescribed Curriculum--Full-time Students .....	24-25
Part-time Students .....	25-26
COURSE DESCRIPTIONS.....	27-38
ACADEMIC SUPPORT.....	39
STUDENT ORGANIZATIONS.....	40-44
ACADEMIC STANDARDS & POLICIES .....	45-46

General.....	45
Full-time Status .....	45
Academic Standards .....	45-46
Exams and Grade Reports .....	46
Code of Academic Conduct.....	46
Disciplinary Process .....	46
STUDENT GRIEVANCES.....	47-49
STUDENTS' RIGHTS, PRIVILEGES, AND RESPONSIBILITIES .....	50-53
ALCOHOL & DRUG POLICY.....	54-55
DISABILITY POLICY .....	56

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## ACADEMIC CALENDAR 2012-2013

### **2012 FALL SEMESTER**

Introduction to Law & Torts:	Monday, August 13, 2012 – Friday, August 17, 2012
Fall Semester classes begin:	Monday, August 20, 2012
Holidays:	Monday, September 3, 2012 Monday, November 19 – Friday, November 23, 2012
Last day of Fall Semester classes:	Monday, December 3, 2012
Fall Semester final examinations:	Wednesday, December 5, 2012 – Friday, December 14, 2012

### **2013 SPRING SEMESTER**

Spring Semester classes begin:	Thursday, January 10, 2013
Holidays:	Monday, January 21, 2013 Monday, March 4, 2013 – Friday, March 8, 2013
Last day of Spring Semester classes:	Friday, April 26, 2013
Spring Semester examinations:	Tuesday, April 30, 2013 – Friday, May 10, 2013
Commencement	Saturday, May 11, 2013

Note: Inclement weather days, if needed, will be made up during breaks, weekends, or at the end of the semesters.

## **MISSION OF THE LAW SCHOOL**

The Appalachian School of Law was organized in 1994 as an independent not-for-profit educational institution located in the Town of Grundy, Virginia. Governed by a Board of Trustees, the Law School provides a high quality program for the professional preparation of lawyers--the Juris Doctor or J.D. degree. The general curriculum emphasizes dispute resolution, ethics, and professional responsibility. Students will gain insights into the time-honored role of the attorney as counselor and representative of the court who seeks balance between the interests of the client and those of the public and strives for fairness and justice.

This relatively small law school maintains a learning environment centered on students. A nationally recruited, well-qualified, and diverse faculty has instruction as its primary commitment. Up-to-date computers, software, peripherals, and other electronic technology enhance the classrooms, seminars, moot court, offices, and other facilities. The law library, characterized by a comprehensive current and retrospective collection of physically present materials and other information accessible through microforms and computer-managed information bases, is readily available to students, faculty, and the public. Students and faculty also engage in scholarship and contribute to the community and profession through service activities.

The Appalachian School of Law students, while largely representative of the region, come from throughout the nation and are both traditional and nontraditional with respect to age. Their cultural, racial, ethnic, and economic diversity enriches and furthers the institution's educational mission.

The Appalachian School of Law began offering its law degree program courses at the Grundy campus beginning in the fall of 1997. In the future, the Law School may provide continuing legal education courses in the nearby Tri-Cities, Tennessee/Virginia area and surrounding region.

## **HISTORY OF THE LAW SCHOOL**

In late 1993, Joseph E. Wolfe, a Norton, Virginia attorney, proposed to establish a law school in southwestern Virginia. Within six months his proposal attracted the support of regional business executives, civic leaders, attorneys, and educators. In late 1994, a Steering Committee formed that eventually grew to eighty members. This committee chartered the Law School as a Virginia non-stock corporation, secured tax-exempt status from the Internal Revenue Service, and drafted the Law

School's preliminary mission statement. The Steering Committee also prepared a feasibility study for the new law school.

In early May 1995 the State Council of Higher Education for Virginia approved establishment of the Law School.

In April 1996 Buchanan County signed a compact with the Law School, under the terms of which the Law School received its main and library buildings and their grounds, funds for renovation of the buildings, and funds towards operating costs. The Appalachian Regional Commission, a federal agency, also contributed funds to the Law School's operating costs.

In April 1997, the Commonwealth of Virginia Council of Higher Education granted the Law School authorization to enroll students in courses leading to the Juris Doctor (J.D.) degree. The Law School held its first faculty meeting on August 8, 1997, and its first classes on August 12, 1997, with nine faculty members in residence and seventy-one students in attendance.

The Law School Charter Class of 2000 graduated on May 12, 2000. On February 19, 2001, the Law School received provisional approval from the American Bar Association. On June 12, 2006, the Law School received full approval from the American Bar Association. The Law School currently enrolls approximately 360 students.

## **FACILITIES**

The Law School has a four-building campus located near the center of Grundy, Virginia. The award-winning classroom building contains 47,000 square feet and was extensively renovated for the Law School in 1997. It is a two-story structure built around an open quadrangle and houses classrooms, faculty and staff offices, and space for student organizations. The classrooms include the Appellate Courtroom, the Trial Courtroom, and several smaller classrooms and seminar rooms. Most classrooms are wired for network access for laptop computers and have electrical outlets at each seat. In addition to wired network connections, the main classroom building and library have access to the Internet through a wireless network. The library collection is housed in the library building, which is adjacent to the classroom building. The third building houses privately-operated restaurant. The fourth building will be renovated in the near future to accommodate the planned Appalachian Natural Resources Law Center and Clinic.

The Law School also uses dedicated space in the adjacent Booth Center including the School's Business Office, Institutional Development, Career Services, Alumni Relations, and a 150-seat classroom.

## **LAW LIBRARY**

### **Description**

The Library has a core collection of reporters and codes, law reviews, treatises, and legislative history materials in print and microfiche. Supplementing the traditional research tools are over two dozen online legal databases (including Westlaw and LexisNexis). The collection is enhanced by our Appalachian Collection, containing both fiction and nonfiction materials dealing with our local area. The librarians offer assistance in using the collection by providing ongoing training classes, one-on-one assistance, and printed research guides. The Library is a full government depository, and also provides interlibrary loans to students and faculty when other materials are needed.

The two-story building, built as an elementary school in 1951, provides space for the collection as well as study space in individual carrels, tables, and group study rooms. Students can access our wireless network from anywhere in the building; public access computers are also available throughout the Library.

### **Hours**

More information about the Library, including the hours of operation, can be found on our web page at <http://www.asl.edu/library>

The Law School is governed by a Board of Trustees. The Board members, who are appointed to three-year terms, are distinguished leaders from central Appalachia who are strongly dedicated to the mission and goals of the Law School. The current Board members and officers are:

Honorable Birg E. Sergent Chair Pennington Gap, Virginia	Honorable Keary Williams Vice-Chair Grundy, Virginia
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Dawneda Williams Secretary Wise, Virginia	Honorable George Allen Alexandria, Virginia
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Charlie Ellis Abingdon, Virginia	Jerry W. Kilgore Richmond, Virginia
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Lucy S. McGough Dean and President Ex-officio, non-voting Grundy, Virginia	

The Appalachian School of Law is a Virginia-registered non-stock corporation. The powers, duties, and responsibilities of the governing Board of Trustees, Dean and Chief Operating Officer, and Faculty are contained in the Corporate Charter,

Corporate By-laws, and Academic Standards, which are on file in the Law Library and available by mail upon request from the Office of the Dean.

## **ADMINISTRATION & FACULTY**

### **Lucy S. McGough, Dean and President**

B.A., Agnes Scott College, 1962; J.D. with Distinction, Emory University, 1966; LL.M., Harvard University, 1971. Lucy S. McGough became Dean of the Appalachian School of Law in July 2012. She received her J.D. with Distinction in 1966 from Emory University Law School and was elected to the Bryan Society (Order of the Coif). She received her LL.M. in 1971 from Harvard University School of Law. She taught at Louisiana State University for over 25 years prior to coming to Appalachian School of Law. While at LSU, she taught Criminal Justice I, Family Law, Trusts & Estates, Juvenile Law Seminar and occasionally Mediation. She co-taught the Juvenile Defense Representation Clinic at LSU in which third-year law students represent real juveniles in the East Baton Rouge Juvenile Court. She was engaged in work in connection with the LSU's MacArthur Foundation grant to create a model juvenile defense clinic that can be adapted by other American law schools. While at LSU, she was very active in law reform work, serving among other responsibilities, as the Reporter of the Children's Code Advisory Committee to the State Law Institute and as a member of the State Public Defender Board. Dean McGough is also involved in law school accreditation activities. She previously sat as a member of the ABA Law School Accreditation Committee and currently is a member of the ABA Committee charged with producing a new set of accreditation standards for American law schools. Dean McGough authored or co-authored over 10 books and 49 law review articles.

### **Sandra Keen McGlothlin, Associate Dean for Academic Affairs and Associate Professor of Law**

B.A., University of Virginia, 1978; J.D., T.C. Williams School of Law of the University of Richmond, 1981. Formerly: Associate, Williams & Gibson, Grundy, Virginia; Partner, McGlothlin & McGlothlin, Grundy, Virginia; President, Buchanan County Bar Association; Member, Town Council of the Town of Grundy, Virginia; Member, Virginia Coalfield Regional Tourism Development Authority; Vice-Mayor, Town of Grundy, Virginia; Member, Virginia Transportation Advisory Council. Published: VIRGINIA PRACTICE: CIVIL DISCOVERY (co-author). Courses taught: Family Law; Virginia Procedure; Family Law Practice; Juvenile Law Practice.

**Charles J. Condon, Associate Dean for Information Services and Director of the Law Library, and Associate Professor of Law**

B.A., Florida Atlantic University (1975); J.D., Nova Southeastern University College of Law, (1980); LL.M., Agriculture Law, University of Arkansas College of Law (1993); M.L.S., University of Southern Mississippi (1994). Formerly: Faculty Member and Computer Services/Reference Librarian, Northern Illinois University College of Law; Public Services Librarian, University of Toledo College of Law. Courses: Remedies and Pretrial Practice.

**Patrick R. Baker, Assistant Professor of Law**

B.A., Virginia Military Academy, J.D., Appalachian School of Law. Licensed to practice in Tennessee and Virginia. Formerly in private practice with the Abingdon, Virginia office of PennStuart. Prof. Baker's scholarship focuses on Mineral and Energy Law. Courses taught: Virginia Civil Procedure, Legal Process I and II.

**Judith M. Barger, Professor of Law**

B.S., *magna cum laude*, Accounting, Wright State University, 1990; J.D., Georgetown University Law Center, 1993. Formerly: Senior Writing Fellow, Georgetown University Law Center; Law Clerk, Circuit Court for the 31<sup>st</sup> Judicial Circuit, Manassas, Virginia; Assistant Public Defender, Fairfax County, Virginia; Associate, Piliero, Mazza & Pargament, Washington, D.C. Published: VIRGINIA PRACTICE: CIVIL DISCOVERY (co-author). Courses taught: Criminal Law; Criminal Procedure; Criminal Practice; Advanced Criminal Issues Seminar; Advanced Criminal Advocacy; Appellate Advocacy.

**Mark Belleville, Associate Professor of Law**

B.A., Philosophy, Miami University, with Departmental and University Honors; J.D. with Honors from the Ohio State University College of Law. Formerly, 12 years as a business litigator and counselor with the well-respected law firms of Woods Rogers PLC in Blacksburg and Calfee Halter & Griswold LLP in Cleveland and Columbus. His litigation practice focused on commercial contract disputes, tort and products liability, environmental litigation, a variety of business torts, labor litigation and premises liability. On behalf of a utility client, Professor Belleville obtained the first summary judgment in Ohio in defense of a premises liability asbestos claim, and participated in the drafting significant asbestos reform legislation. He has also successfully negotiated and avoided multi-million dollar environmental claims on behalf of municipal and industrial clients. He is licensed to practice in Pennsylvania, Ohio and Virginia. Professor Belleville teaches Contracts, Appellate Advocacy, and Sustainable Energy Seminar.

**James W. Bowers, Professor of Law**

B.A., Yale University, 1964; LL.B., Yale Law School, 1967. Professor Bowers is a Montana native. While at Yale University, he was a National Merit Scholar and Economic (Honors) Major. He was awarded a Yale National Scholarship at Yale Law School where he was Runner-up in the Thurman Arnold Moot Court Competition. He served as Captain for the United States Army Intelligence Corps. After Army service in Vietnam, he practiced law in St. Paul, Minnesota, became a part-time teacher at a night law school located there, and in 1978, became a full-time law professor at Texas Tech Law School in Lubbock. Professor Bowers joined the LSU Law Center Faculty in 1982. Professor Bowers has authored one book and over 14 law review articles.

**Priscilla N. Harris, Associate Professor of Law**

B.A., Florida State University, 1982; J.D., University of Pennsylvania Law School, 1986. Formerly: Associate, Reed Smith Shaw & McClay, Philadelphia, Pennsylvania; Associate, Bell, Boyd & Lloyd, Washington, D.C.; Staff Attorney, Michigan Court of Appeals, Detroit, Michigan; Partner, Harris Law Offices, Orange Park, Florida. Courses taught: Torts; Advanced Torts; Conflict of Laws; Environmental Law Seminar.

**Stewart L. Harris, Professor of Law**

A.B., Woodrow Wilson School of Public and International Affairs, Princeton University, 1983; J.D., University of Pennsylvania Law School, 1986. Formerly: Honors Program Attorney, U.S. Army Corps of Engineers; Lecturer, Oakland University; Associate, Hill Lewis, P.C., Birmingham, Michigan; Partner, Harris Law Offices, Orange Park, Florida; Instructor, University of Florida College of Law. Published: Capital University Law Review; National Law Journal. Courses taught: Civil Procedure I & II; Constitutional Law I & II.

**Maryann Herman, Assistant Professor of Law**

B.A., Siena Heights College, 1997; J.D., Wayne State University, 2003. Maryann Herman joined ASL after having worked for a national bar exam preparation company for eight years, where she authored review materials and assisted students with their studies. After law school, Professor Herman practiced with a legal clinic, which served low-income Chicago residents.

**Derrick Howard, Associate Professor of Law, Externship Director**

B.A., University of Pittsburgh; J.D., University of Pittsburgh School of Law. Formerly, private practice with the law firm of Kirkpatrick & Lockhart, LLP:

partner in Howard & Hosay Law Group, LC, in Pittsburgh. Courses taught: Property I & II, Natural Resources, Real Estate Transactions Practice.

**Kendall D. Isaac, Assistant Professor of Law**

B.A., The Ohio State University, 1994; J.D., Capital University Law School, 2005. Formerly in private practice with The Isaac firm, L.L.C., and as an associate with Reminger & Reminger, Columbus Ohio. Courses taught: Appellate Advocacy; Dispute Resolution; Advanced Negotiation; Client Interviewing and Counseling.

**Danielle Smith Kiser, Visiting Professor of Law**

B.A. The College of William and Mary, 1994; J.D., Washington & Lee University School of Law, 2000. Professor Kiser has been in private practice for twelve years, most recently as Associate General Counsel in the Legal Department of King Pharmaceuticals, Inc. in Bristol, Tennessee. Professor Kiser oversaw the company's human pharmaceutical labor and employment matters, was responsible for negotiating and advising on the company's secured financings, and worked on complex transactions such as the \$3.6 billion acquisition of King by Pfizer Inc. Prior to joining King Pharmaceuticals, Inc., Professor Kiser was an associate attorney at Penn, Stuart & Eskridge, also in Bristol, Tennessee. Professor Kiser's practice has focused on corporate transactions, real estate, and employment matters. She received her J.D. from Washington & Lee University School of Law. Courses taught: Legal Process I & II.

**Michael W. Loudenslager, Professor of Law, Director of Legal Process**

B.A., *summa cum laude*, Economics and Political Science, Miami University of Ohio, 1991; J.D., *cum laude*, Washington & Lee University School of Law, 1994. Formerly: Notes & Comments Editor, Washington & Lee Law Review; Associate, Taft, Stettinius & Hollister, Cincinnati, Ohio; Associate Professor of Lawyering Skills, University of Dayton School of Law. Published: Washington & Lee Law Review; Baylor Law Review; Brigham Young University Journal of Public Law. Courses taught: Legal Process I & II; Professional Responsibility.

**Douglas McKechnie, Associate Professor of Law**

B.A., *summa cum laude*, Ohio University; J.D., *cum laude*, University of Pittsburgh School of Law. He also received a Scandinavian Studies Certificate from Odense University in Denmark. Previously: judicial clerk in the Superior Court of Connecticut, private practice with Healey & Hornack, P.C. in Pittsburgh, in the areas of employment law, civil rights and liberties. Courses taught: Legal Process I & II, Pretrial Practice, First Amendment.

**John W. Murrey, III, Visiting Assistant Professor of Law**

B.S., Engineering Physics, University of Tennessee at Knoxville, 1964; J.D., University of Tennessee College of Law, 1966. Member, Order of the Coif. Formerly: Member, Tennessee Law Review; Judge Advocate, United States Air Force; Partner, Witt, Gaither & Whitaker, Chattanooga, Tennessee. Courses taught: Business Associations; Debtor-Creditor Law; Secured Transactions; Small Business Entities; Payment Systems.

**Alan Oxford, Associate Professor of Law**

B.A., Oklahoma Baptist University; J.D. (with honors), University of Oklahoma. Member: Order of the Coif. Prior to attending law school, Professor Oxford practiced as a Certified Public Accountant. Previously: private practice and of counsel with Drummond Law, PLLC, Tulsa, Oklahoma, and five years adjunct professor at the Tulsa College of Law. Courses taught: Estate Planning, Estates & Trusts, and Federal Taxation, Payment Systems.

**Stephen P. Parsons, Visiting Assistant Professor of Law**

B.A., David Lipscomb College; J.D., University of Tennessee College of Law. Member: Order of the Coif. Formerly, Associate and Partner, Stophel, Caldwell & Heggie, Chattanooga, Tennessee; Partner, Wagner, Myers and Sanger, Knoxville, Tennessee; Principal, Parsons Law Firm, Greeneville, Tennessee. Courses taught: Contracts I and II; Evidence; Sales.

**Dale F. Rubin, Professor of Law**

B.A., Psychology, Stanford University, 1966; J.D., University of California at Berkeley, 1970. Formerly: Associate, Heller, Ehrman, White & McAuliffe, San Francisco; International Legal Center Fellow, Barbados; practitioner, Oakland, California, representing World Airways, East Bay Municipal Utility District, City of Berkeley, Trans-Bay Engineers, Inc.; Associate Professor of Law, Willamette University College of Law; private consultant, public financing. Published: University of Toledo Law Review; St. Louis University Public Law Review; Idaho Law Review; Northern Kentucky Law Review; Oregon Business Law Digest; the Public Law Review; Urban Lawyer; University of Richmond Law Review; Journal of World Trade Law; Anglo-American Law Review. Former editor, American Bar Association Public Transportation Newsletter and the Oregon State Bar Business Law Digest; current editor, ABA State and Local Government Section newsletter. Member, ABA Steering Committee on the Unmet Legal Needs of Children. Courses taught: Corporate Governance Seminar; Administrative Law; Employment Law; State and Local Government Practicum.

**Thomas R. Scott, Jr., Visiting Assistant Professor of Law & General Counsel**  
B.A., Government & Political Science, Hampden-Sydney College, 1974; J.D., T.C. Williams School of Law of the University of Richmond, 1976. Formerly: Moot Court Board, T.C. Williams School of Law; Substitute Judge, Virginia 29<sup>th</sup> Judicial District; Fellow, American College of Trial Lawyers; Advocate, American Board of Trial Advocacy; Member, Tenth District Ethics Committee; Faculty Member, Virginia State Bar Course on Professionalism; Member, Governor's Advisory Commission on Workers' Compensation; Member, Town of Grundy Town Council; Member, Virginia State Bar Council. Presently: Partner, Street Law Firm, Grundy, Virginia. Courses taught: Trial Advocacy; Legal Process I and II.

**Paula M. Young, Professor of Law**

B.A., Political Science, Washington University, 1978; J.D., Washington University School of Law, 1982; LL.M., University of Missouri-Columbia, 2002. Formerly: Member, Urban Law Journal; Associate, Hall, Estill, Hardwick, Gable, Golden & Nelson, Tulsa, Oklahoma; Associate, Skadden, Arps, Slate, Meagher & Flom, Washington, D.C.; Associate, Suelthaus & Kaplan, St. Louis, Missouri; Partner, McCarthy, Leonard, Kaemmerer, Owen, Lamkin & McGovern, St. Louis, Missouri; Proprietor, Pathways Mediation and Arbitration Center, St. Louis, Missouri. Published: Ohio State Journal on Dispute Resolution; numerous articles in bar journals and newsletters. Courses taught: Dispute Resolution; Certified Civil Mediation; Insurance Practicum.

**ADJUNCT FACULTY**

Charles Arnold, J.D.

Edward J. Kelly, J.D.

**FACULTY ACCESSIBILITY**

The Board of Trustees has adopted the following Faculty Accessibility Policy: The Appalachian School of Law is committed to its role as a professional school dedicated to training outstanding lawyers in a learning environment centered on students. Therefore, the school is committed to the ideal that faculty members are teachers both in the classroom and outside the classroom in less formal settings, such as student lounge areas and faculty offices. Faculty members are expected to be on the school campus and accessible to students for the majority of the operating hours of the school during any semester in which they have course assignments. During other portions of the year, faculty members are expected to

be accessible to the extent consistent with their other job performance expectations.

## **PROFESSIONAL STAFF**

Director of Admissions and Student Services	Mary A. Ragland, B.A., M.B.A.
Director of the Business Office	Patricia Deel, B.S.
Director of Career Services & Alumni Relations	Janie Castle, J.D.
Director of Community Service & Personnel and Students' Ombudsperson	Jina M. Sauls, B.A., J.D.
Director of Information Services	Brian Presley, B.S.
Director of Institutional Development	Karen Harvey, CFRE
Director of Reporting, Student Records, and Regulatory Compliance and Registrar	Crystal Dye, B.S., M.I.T
Access Services Librarian	Rebecca Belcher, B.S., M.L.S.
Acting Collection Management Librarian	Beth Stanley, B.S., M.L.I.S.
Administrative Assistant to the Dean	Brenda Oxford, B.A.
Admissions Counselor	TBA
Admissions and Outreach Technology Coordinator	Taylor R. Burgess, B.A.
Associate Library Director	Glenna Owens, B.A., M.L.S.
Financial Aid Officer	TBA
Network Administrator	Joshua Snead, B.S.
Public Services Librarian	Chris King, B.A., J.D., M.L.I.S.
Reference Librarian	Nicholas Stump, B.S., J.D.
Student Services Assistant	David Brookshire, B.S.

## **CAREER SERVICES**

The Career Services office functions to help students develop their career goals and objectives, and to introduce potential employers to the Law School. Students are served by the Career Services office in their second and third years of law school as they evaluate their career goals in terms of specialization, geographic placement and personal preferences. The Director assists students in resume preparation, job searches, arranges for on-campus interviewing, facilitates student attendance at public interest and corporate job fairs, and helps students apply for judicial clerkships.

The Career Services Director serves to increase the visibility of the Law School and its graduates by communicating on a regular basis with potential employers. This includes developing contacts with law firms and local, state and federal

governmental agencies that routinely hire law school graduates in an effort to support the career goals of the students of the Law School. The Career Services Director facilitates off-campus interviews with those potential employers who are not able to recruit on-campus.

## **ADMISSIONS**

### **Policy**

General policy regarding qualifications needed for students seeking admission to the Law School is set by the faculty, with individual admission decisions made by the faculty Admissions Committee. The Law School accepts for admission those students who will benefit from a challenging curriculum in a professional environment. Admission decisions are not based on a single criterion; rather, each item will be considered in relation to the applicant's total qualifications. In addition to the undergraduate transcripts and Law School Admissions Test (LSAT) score, other considerations include an applicant's graduate work, character, work history, professional promise, personal commitment, recommendations, life experience, and other non-academic achievements.

The Law School does not discriminate in admissions decisions on the basis of age, citizenship, color, disability, national origin, political affiliation, race, religion, gender, sexual orientation, or veteran status. The Law School is committed to providing full opportunities for the study of law and entry into the legal profession by qualified members of groups that have been victims of discrimination in various forms. To this end, the potential of applicants from these groups is of special concern in the individualized admissions process. The Law School encourages qualified women and minorities, people with disabilities, and people who have overcome significant disadvantages to apply for admission. Applicants are free to disclose in the application or their personal statements information concerning their gender, race, disability, or past disadvantages if they wish the Admissions Committee to consider that information as a factor.

### **Eligibility for Admissions**

The Law School requires a bachelor's degree from an accredited institution, an LSAT score, two letters of recommendation, a personal statement, and an application fee. The Appalachian School of Law accepts application fee payments processed through the Law School Admissions Council as well as direct check or money order payments in US funds.

All applicants are required to subscribe to the Law School Data Assembly Service (LSDAS). All documents received by the Law School in connection with such applications for admission become the property of the Appalachian School of Law. Under no circumstance will they be duplicated, returned to the applicant, or forwarded to any agency, college, or university.

*Appalachian School of Law applicants must be United States citizens or individuals who are considered permanent legal residents. The Appalachian School of Law is not authorized by the Department of Homeland Security US Citizenship and Immigration Services to issue I-20 documents required to obtain the F-1 student visa.*

### **Application & Admissions Procedure**

All applicants must submit an ASL application form. The ASL Admissions Staff will request a copy of the applicant's Law School Data Assembly Service (LSDAS) report that should include two letters of recommendation. In addition, applicants may submit additional letters specific to their application to ASL if they so choose to the Office of Student Services, Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.

First-year students are admitted only in the Fall Semester. Admissions are made on a rolling basis as applications are received. The Admissions Committee accepts, rejects, or places the application on hold for later review. Most applicants can expect to receive an admissions decision shortly after the Law School receives all of the application material. In the case of applicants who are completing their undergraduate degree at the time of application, admission to the Law School will be conditioned on proof of a conferred bachelor's degree.

While the Law School has no formal application deadline, applicants who desire full consideration for acceptance should complete the application process by April 1, with February LSAT scores to follow, if applicable.

Some applicants may be invited to participate in our Pre-Admission Special Opportunity (PASO) program. We have designed the PASO program for students who have the potential to succeed as law students and lawyers, but whose skills and talents may not be reflected fully by the traditional measures of the LSAT and undergraduate performance. PASO is a program that provides participants an opportunity to experience law school course work and an opportunity for the faculty to evaluate the students' performance to assess the ability to succeed in law school. PASO participants who successfully complete the program may be offered admission to the entering class in August of the year in which they complete the

program or in the following year's entering class, depending upon availability factors.

### **Seat Deposit**

Admitted students will receive a letter informing them of acceptance and requesting that a \$200 seat deposit be submitted to the Law School within a specified time. A second seat deposit of \$300 is due June 1. The seat deposit is credited toward the Fall Semester tuition and/or fees. Admitted applicants who are awarded full-tuition scholarships are still required to submit seat deposits to reserve a seat in the incoming first-year class. Because an accepted student is not guaranteed a place in the Fall entering class until the student's seat deposit has been received and accepted by the Law School, students who have been accepted for admission should submit their seat deposits as soon as possible. Seat deposits are not refundable after April 1.

### **Deferrals**

Deferrals of admission are rarely granted.

### **Transfer Students**

The Law School may accept transfer students from ABA-approved or state-approved law schools in accordance to ABA Standard 506 upon demonstration that the student would have qualified for entrance into the School as a first year student and the student either is or was a student in good standing at the prior law school.

### **Submission of Transcripts**

American Bar Association rules require students to submit official transcripts for all work undertaken at other higher education institutions either before the admitted student registers at the Law School or within a reasonable time thereafter. Students who fail to submit the required transcripts to the Law School may be administratively withdrawn from courses, barred from taking exams, or have their grades withheld. In addition, the Financial Aid Office will not disburse federal funds until receipt of a bachelor's degree is confirmed by receipt of an official degree-granting transcript.

## TUITION & FEES

The tuition and fees for students entering the Law School in the 2012-2013 academic year are listed below. Tuition is guaranteed not to increase during the three years as long as the student maintains uninterrupted enrollment. A withdrawal or leave will result in a change of tuition to the new current tuition rate upon the student's return. Each applicant's seat deposits are credited toward the first semester's tuition.

Tuition	\$31,000	(\$15,000 per semester)
Activity Fee	\$325	(\$162.50 per semester)
Laptop Computer	Market Price	(an optional one-time expense)
Summer Externship Fee	\$200	(payable Spring Semester of first year)
Part-time tuition rate of	\$990	(per credit hour/requires approval from Dean's Office)
Visitor administrative fee	\$ 1,000	(upon commencement of visit)
Transcripts	\$0	(current students and alumni for employment or bar applications);
Transcripts	\$5	(former students and non-employment or bar application purposes)
Transfer package fee	\$25	(per school application)
Expedited Shipping	\$20	If expedited shipping is requested for any of the above transcript requests, the expedited shipping charge is required.

## WITHDRAWAL FROM CLASSES AND REFUND OF TUITION

*Students who voluntarily withdraw from the School are responsible for paying all assessed tuition and fees due for that semester.* For purposes of determining the amount of tuition owed by a withdrawing student, the Law School follows the method described by the federal *Return of Title IV Funds* regulations to calculate the percentage of the academic term completed. The amount of tuition owed by a student will be assessed based upon the percentage of time the student spent in academic attendance. For the purposes of this policy, the Introduction to Law class is included in the definition of semester for first-year students. This policy will apply to all students regardless of whether the student received Title IV funds. Student fees are not refundable.

Up through the 60% point in each period of enrollment, a pro rata schedule will be used to determine the amount of tuition the student owes at the time of

withdrawal. After the 60% point in the period of enrollment, a student owes 100% of the tuition for that semester.

Because the amount of tuition owed depends on the number of calendar days of the academic term completed by the withdrawing student, *any student contemplating withdrawal should contact the Financial Aid Office for a calculation of tuition and fees owed as of the student's intended withdrawal date.*

Withdrawal forms are available from the Director of Reporting, Student Records, and Regulatory Compliance and Registrar. Withdrawal is effective only upon completion of the Law School's withdrawal form, approval of that form by the Dean or his or her designee, and payment of all tuition or fees owed to the Law School. Any tuition paid by the student prior to withdrawal that exceeds the amount for which the student is responsible will be refunded by the Law School to the student at the address provided to the Law School by the student within three weeks of the date of withdrawal. However, if the Law School is obligated under the terms of a student's loan program to remit the excess tuition to a lender or other appropriate agency, the Law School will do so.

An interruption in enrollment will permanently deactivate all scholarship awards.

## **FINANCIAL ASSISTANCE**

A legal education is a major investment of time and money. All potential students should plan early during the application process and consider carefully, before entering, the costs and obligations of a legal education. The first step in the financial aid process is the completion of a FAFSA.

Although some assistance is available, students and their families are expected to make every reasonable effort to contribute through their own resources. The importance of responsible borrowing cannot be stressed enough. Students who borrow conservatively will find more flexibility in their future legal employment options. Counseling on student budgeting and financing options is available from Student Services. Prior to graduation or in the event that the student leaves law school, a student must complete exit counseling <https://www.nsls.ed.gov> before the end of the final semester or academic year. Federal regulations state that the Appalachian School of Law is responsible for ensuring that all students who receive Federal Financial Aid while enrolled at ASL complete exit counseling.

## **Loans**

The Law School participates in the William D. Ford Federal Direct Loan (Direct Loan) Program beginning July 1, 2010. Students who previously received loans through the Federal Family Education Loan (FFEL) Program will now borrow through the Direct Loan Program. Instead of a bank lending the money, the U.S. Department of Education lends the money directly to students through the student's school.

Students should complete a Free Application for Federal Student Aid (FAFSA) at <http://www.fafsa.ed.gov>. A Federal Student Aid PIN is required to complete the FAFSA. PINS may be obtained at [www.pin.ed.gov](http://www.pin.ed.gov). First-Time Student Loan Borrowers must complete a Direct Loan Master Promissory Note (MPN) and complete Direct Loan Entrance Counseling. To complete a Direct Loan MPN electronically, the student must have a Federal Student Aid PIN. The Federal Student Aid PIN is the same PIN used to complete the Free Application for Federal Student Aid (FAFSA). Direct Loan Entrance Counseling and Direct Loan Master Promissory notes must be completed electronically via the StudentLoans.gov Web site at <https://studentloans.gov>.

For additional information, contact the Financial Aid Office at 800-895-7411, ext. 1207.

## **Merit Scholarships**

The Appalachian School of Law is committed to recognizing the outstanding scholastic achievements of its entering students. The School therefore has established several levels of academic scholarships. Prospective students should contact the Financial Aid Office or check the Law School's website to determine the current eligibility criteria for these scholarships. The School will endeavor to make these awards to all applicants who meet these eligibility criteria. However, prospective students are encouraged to complete their applications and submit their seat deposits as soon as possible in the event that the scholarships become oversubscribed.

## **Other Scholarships**

The Law School annually allocates monies for scholarships that are either need- or merit-based. For the 2012-2013 academic year, the Law School has set aside over one million dollars in scholarship money. In addition to the Merit Scholarship program described above, the Appalachian Scholars and the Buchanan County

Scholarship funds provide for awards that can range up to one half of tuition. Awards are given for one academic year and may be renewed, depending on need and academic performance. Appalachian Scholars are chosen by the Dean based on demonstrated financial need and either entering credentials or performance at the Law School (for upper-level students). Buchanan County Scholarships are granted by the Buchanan County Board of Supervisors based on demonstrated financial need, entering credentials or performance, and place of permanent residence.

### **Veterans' Benefits**

The Law School has been approved under the provisions of Public Law 89-358 for eligible persons to receive veterans' benefits in connection with the J.D. degree. For more information, contact ASL's Financial Aid Office at 1-800-895-7411, extension 1207.

### **Federal Work Study**

The Law School participates in the Federal Work Study (FWS) program. A limited number of employment opportunities are available to students enrolled at the Law School. These jobs pay at least the minimum wage and may not exceed twenty hours per week. All students employed by the Law School must participate in the FWS program.

Federal regulations require that eligible students selected to participate in the FWS program must file a Free Application for Federal Student Aid (FAFSA) and meet the federal definition of financial need. Students should be aware that FWS earnings are treated as a part of the student's overall financial aid package; that is, the total amount of a student's FWS earnings, scholarships, grants, loans, etc., may not exceed his or her cost of attendance.

Students interested in participating in the FWS program should contact the Financial Aid Office for a determination of their eligibility.

## **CURRICULUM**

### **Program Offered**

The Law School offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree (for students entering in the Fall of 2012) include completion of ninety-one semester credits, including a summer externship, and six semesters (or the equivalent thereof) in full-time residence. In addition, a student must obtain a cumulative grade point average of C (2.0) or better in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

The Law School provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. The Law School offers a rigorous program for the professional preparation of lawyers by a nationally recruited, well-qualified, and diverse faculty which is particularly committed to a high level of student instruction in substantive law, professional responsibility, dispute resolution, and practice skills. The faculty also emphasizes scholarship and community service while modeling excellence, integrity, and independence in the best traditions of the legal profession.

### **Community Service**

The Law School's mission is to develop professionals who will serve as community leaders and community advocates. The Law School provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from the Law School, each student must complete 25 hours of community service each semester. During their first semester in law school, students satisfy this requirement by taking the mandatory Introduction to Community Service class, which meets once per week throughout the Fall semester.

As just a few examples of community service provided by members of the Law School community, Law School faculty and students have implemented a weekly conflict resolution program in the Buchanan County elementary schools, tutored in the public schools, provided assistance to the County mapping project, participated in a study of gender bias in the court system commissioned by the Virginia Supreme Court, worked with the Buchanan County Humane Society, performed home repairs and improvements for low-income residents through Buchanan Neighbors United, assisted Family Crisis Support Services, and participated in a youth mentoring program. Students and faculty may create alternative service projects as well. For example, students have worked on an annexation project in an adjacent county, worked at a food bank, created personnel policies and a pay plan

for a small town, coached a high school athletic team or other clubs, worked at a local nursing home, monitored water quality in the Levisa River, worked as child advocates in the court system, and taught dispute resolution techniques in local schools.

### **Prescribed Curriculum--Full-time Students**

Students begin their first year at ASL by taking the Introduction to Law course. For the rest of the first year, students take required courses in Civil Procedure I & II, Contracts I & II, Criminal Law, Legal Process I & II, Property I & II, Strategies for Legal Success I and Torts.

Students typically complete the required Externship course during the summer after their first year. Students also must successfully complete the following required upper-level courses prior to graduation: Business Associations; Constitutional Law I; Constitutional Law II; Criminal Procedure; Dispute Resolution; Estates and Trusts; Evidence; Family Law; Payment Systems, two Practicum courses; Professional Responsibility; Secured Transactions, Bar Preparations Studies and a Seminar. Students also must take a prescribed number of Capstone Courses, including at least one State Practice Elective, in their third year.

Prior to graduation from the Law School, students also must satisfy two upper-level writing requirements. First, students must successfully complete the Seminar Writing Requirement, which requires the student to complete an expository or argumentative research paper of at least twenty pages in length, not including endnotes or footnotes. Most students satisfy the Seminar Writing Requirement by completing one of the Seminar courses during their third year of studies, although some students satisfy the requirement through work on Law Journal or Moot Court.

Second, all students must successfully complete at least one course designated as satisfying the Upper-Level Writing Skills Requirement. The purpose of this Requirement is to insure that all students receive substantial exposure, beyond the first-year Legal Process courses, to the types of writing and drafting that attorneys typically encounter in the practice of law. For a course to satisfy the Upper-Level Writing Skills Requirement, writing or drafting assignments must comprise at least a quarter of the work for the course. Courses that satisfy the Requirement will be designated by the Dean and the Associate Dean.

The courses required and the sequence in which those courses are taken changes from time to time and may change during a student's period of studies at the Law School. Presently, however, the Faculty anticipates that full-time students entering the Law School in 2012-2013 will take courses in the following sequence:

<b>First Year – Fall</b>		<b>First Year – Spring</b>	
Introduction to Law & Torts	1	Civil Procedure II	3
Civil Procedure I	2	Contracts II	3
Contracts I	3	Criminal Law	3
Legal Process I	3	Legal Process II	3
Property I	3	Property II	3
Torts	3		
Strategies for Legal Success	1		
<b>Total</b>	<b>16</b>	<b>Total</b>	<b>15</b>
<b>Summer after First Year</b>			
Externship	3		
<b>Second Year – Fall</b>		<b>Second Year – Spring</b>	
Constitutional Law I	3	Constitutional Law II	3
Dispute Resolution or Appellate Advocacy	2-3	Business Associations	4
Evidence	4	Estates & Trusts	4
Professional Responsibility	3	Dispute Resolution or 3-Credit Capstone Elective	2-3
Criminal Procedure	3		
<b>Total</b>	<b>15-16</b>	<b>Total</b>	<b>13-14</b>
<b>Third Year – Fall</b>		<b>Third Year – Spring</b>	
Family Law	3	Capstone Electives (3)	9
Secured Transactions	3	Practicum	4
Payment Systems	3		
Practicum	4		
Seminar	2		
<b>Total</b>	<b>15</b>	<b>Total</b>	<b>13</b>

### Part-time Students

The Law School does not have a regular part-time program. Special permission from the Dean is required to enroll as a part-time student. If a student has received approval from the Dean to enroll part-time, each semester, the student

must arrange his or her schedule of courses with the Associate Dean. Prior to graduation, the part-time student must complete all courses required of students in the three years of the full-time curriculum.

Students taking less than twelve credit hours or who are taking less than the prescribed number of curricular courses are considered to be part-time. Students who drop to part-time status will result in a loss of merit scholarship and may also result in decreased eligibility for student loans.

Any student who registers for less than the prescribed number of courses required by the curriculum, will be billed full-time tuition unless the student has obtained written permission to enroll part-time.

## COURSE DESCRIPTIONS

**Appellate Advocacy** (three credit hours) focuses on the art of oral advocacy and provides further instruction in persuasive writing. Students write appellate briefs and present oral arguments.

**Bar Preparation Studies** (3 credits) The Bar Preparation Studies (BPS) is a bar preparatory course that will build on the analytical, writing and organizational skills taught across the ASL curriculum with the goal of enhancing a student's ability to prepare for the July bar examination. Although the most intensive preparation for the bar will occur in the six to eight weeks before the bar examination, BPS will prepare students for that period of study and practice by introducing them to the format and components of the bar exam and the scope of the task, and by conveying information about study and organizational skills. Students will review selected substantive topics, learn methods by which to review the tested areas of law, complete practice essay, multiple choice and performance test questions, and receive individualized feedback on written answers. This course is not intended to replace commercial bar preparation courses. While this course focuses on the Multistate Bar Examination subjects (Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property and Torts), the class will also be divided into smaller sections, with additional meeting sessions to be scheduled, based on the state bar exam being taken by students.

**Business Associations** (four credit hours) is a study of the law concerning business entities, including: the factors affecting the selection of the form of a business enterprise; the nature of corporate entities; and the promotion, organization, activities, financing, management, and dissolution of business corporations. In addition to discussing the law of corporations, the course covers the principles by which one party may act as agent for another and the law governing unincorporated business organizations such as partnerships, limited partnerships, limited liability companies, and limited liability partnerships.

**Capstone Courses** (three hours) are designed to provide students with a comprehensive review of various subject matters essential to the practice of law. Third year students are required to take a fixed amount of Capstone Courses. Capstone Courses vary from year to year, but include such courses as:

- **Administrative Law** (three credit hours) examines the role of the formal and informal administrative processes in our society, and emphasizes the powers and procedures common to all administrative agencies and the relationships among the legislative, judicial, and executive branches in the development of public policy.
- **Advanced Criminal Procedure** (three credit hours) provides an

overview of constitutional and other procedural issues inherent in the criminal process. Course coverage includes double jeopardy, entrapment, grand jury, confrontation clause, joinder and severance, and various jury issues.

- **Advanced Torts** (three credit hours) expands on the issues examined in the first year Torts course. It focuses on privacy and business torts.
- **Conflict of Laws** (three credit hours) is a study of the law relating to transactions with elements in more than one state or nation, jurisdiction of courts and enforcement of foreign judgments, constitutional issues, and the theoretical basis of choice of law.
- **Debtor-Creditor Law** (three credit hours) offers a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on federal bankruptcy law and focus on the rights of unsecured creditors. Traditional state remedies such as attachment, garnishment, execution, fraudulent conveyance, and debtors' exemptions also are covered.
- **Federal Income Taxation** (three credit hours) gives a basic understanding of federal income taxation relating to individuals and teaches the use and interpretation of complex statutes and regulations.
- **First Amendment** (three credit hours) deals with the complex and ever-evolving jurisprudence regarding the First Amendment to the United States Constitution. Primary emphasis will be on the many facets of freedom of expression, but freedom of religion will also be covered. Classes will trace the long history of First Amendment interpretation in the United States Supreme Court to illuminate the cutting-edge state of the law as it now stands. Focus will be on modern variations in First Amendment law generated by such phenomena as the internet, mass media communications, the war on terror, and other revolutionary developments in society and technology. Topics will include national security restrictions on free speech, obscenity/pornography, defamation, hate speech laws, and flag burning, among many others.
- **Remedies** (three credit hours) is a study of the forms of legal and equitable remedies, the substantive law of restitution, and the problems of measuring damages and non-monetary forms of remedy. Various remedies are explored in both litigation and alternative dispute resolution contexts.
- **Sales** (three credit hours) is the study of the law of contracts for the sale of tangible, movable items. The course focuses on Articles II and IIA of the Uniform Commercial Code.

- **Virginia Procedure** (three credit hours) covers the subject of procedure from the point of view of practice in the Virginia state courts, with heaviest emphasis on civil procedure. Expected topics include self-help, subject matter jurisdiction, personal jurisdiction, service of process, venue, parties, pleading, discovery, pre-trial motions, motions at trial, post-verdict motions, judgments, costs, and appeals.

**Civil Procedure I** (two credit hours) is a general survey of court procedure in civil cases using federal civil procedure as a model. The course covers the jurisdiction of courts (both personal and subject matter), venue, and removal of cases from state to federal court.

**Civil Procedure II** (three credit hours) is a continuation of Civil Procedure I. It covers pleading, discovery, disposition without trial, joinder of claims and parties, and effects of judgments.

**Constitutional Law I** (three credit hours) is a study of the provisions in the United States Constitution governing our form of government and the powers of the federal judiciary, legislature, and executive. The course also reviews relations between the federal government and the states.

**Constitutional Law II** (three credit hours) is a study of the limitations on governmental power over individuals inherent in constitutional provisions relating to due process and equal protection and freedom of speech and religion. The course evaluates the restrictions on private action mandated or permitted by these constitutional provisions.

**Contracts I** (three credit hours) encompasses the study of legally enforceable promises, termed “contracts.” The course encompasses the study of what types of promises are legally enforceable, what it takes to form a contract, what the obligations of the parties are, what constitutes breach, and what remedies are available upon breach.

**Contracts II** (three credit hours) is a continuation of Contracts I.

**Criminal Law** (three credit hours) is an inquiry into the sources and goals of the criminal law, general principles of liability and defenses, and the characteristics of particular crimes.

**Criminal Procedure** (three credit hours) is a survey of federal procedures and constitutional safeguards applicable in the criminal justice system, focusing on police investigation and arrest. Particular emphasis is given to Fourth Amendment issues.

**Dispute Resolution** (two credit hours) provides students with a working knowledge of dispute resolution theory and practice. The major dispute resolution

processes are examined critically with discussion of their strengths and weaknesses. Particular emphasis is given to negotiation, mediation, arbitration, and ethics. Legal, ethical, and policy issues that arise in the use of dispute resolution processes also are examined. A major theme throughout the course is the selection of appropriate dispute resolution forums and representation of clients in dispute resolution.

**Estates and Trusts** (four credit hours) is a study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also covers a study of the formation and management of trusts, including the rights and responsibilities of settlors, rights and responsibilities of trustees, rights and responsibilities of beneficiaries, the doctrine of cy pres, and the concept of fiduciary duty. In addition, the course introduces the federal transfer tax system and related estate planning opportunities and techniques.

**Evidence** (four credit hours) is an examination of the rules governing the admissibility of evidence in civil and criminal trials, with particular emphasis on the Federal Rules of Evidence. Topics covered include relevancy, the hearsay rule and its exceptions, examination, cross-examination, and impeachment of witnesses, witness competency, opinion and scientific evidence, admissibility of writings, judicial notice, and burdens of proof and presumptions.

**Externship** (three credit hours) allows students to apply the skills learned in the core curriculum. Students typically take this course during the summer following their first year of studies at the Law School. Students work for a total of approximately 200 unpaid hours in a judge's chambers, public law office, or public interest organization under the direct supervision of a licensed attorney. Each student is assigned to a full-time faculty coordinator and the faculty coordinators conduct an orientation and a debriefing session before and after the externships. Externship placements for students have included federal magistrate, district court, and circuit judges; state Supreme Court justices in Virginia, Kentucky, Tennessee, and North Carolina; state trial judges in Virginia, West Virginia, and Kentucky; U.S. Environmental Protection Agency and U.S. Department of Justice; Virginia Attorney General's Office; Virginia, West Virginia, and Kentucky Legal Services offices; Tennessee District Attorneys; Virginia Commonwealth Attorneys; West Virginia District Attorneys; North Carolina District Attorneys; Kentucky County Attorneys; Georgia District Attorney; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observe court proceedings, research legal issues, perform factual investigations, draft pleadings and legal memoranda, draft judicial opinions, update law libraries, and assist with trial strategy and problem solving.

**Family Law** (three credit hours) covers various subject areas in family law. The main topics covered are marriage, divorce, division of property, spousal support, child custody and visitation, child support, adoption, and domestic violence.

**Independent Study** (one to three credit hours) involves assigned readings, conferences, research, and writing in specialized or advanced areas of the law. Proposals for Independent Study must be approved by the supervising professor and by the Dean or Associate Dean for Academic Affairs.

**Introduction to Law & Torts** (one credit hour) is an introduction to legal analysis and the legal process. The subject matter of the course will vary from year to year. In 2011, for example, the course will examine the law of intentional torts.

**Law Journal** (two credit hours) credit is awarded to students who successfully complete two years of service on the Appalachian Journal of Law, including at least one year as a member of the Board of the Journal, and who produces a note of publishable quality. Successful completion of the requirements is determined by the Journal's Faculty Advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the Seminar requirement or for a two-credit-hour elective course, at the student's option.

**Legal Process I** (three credit hours) explores the basic methods of legal analysis and legal research, and how to write clear and concise predictive legal analyses. Students are assigned a number of research and writing projects, which may include briefing cases and drafting office memoranda and client communications. Students also gain experience in editing and rewriting.

**Legal Process II** (three credit hours) is a continuation of Legal Process I in which students receive further detailed instruction in and extensive practice with combining research and writing by doing the research for problems and preparing extensive written memoranda or other legal documents in response to assigned problems. Persuasive writing and advocacy are introduced.

**Moot Court** (two credit hours) credit is awarded to students who successfully complete two years of service on the Moot Court Board, who compete in an interscholastic Moot Court competition, and who independently prepare at least one brief. Successful completion of the requirements is determined by the Moot Court Program's Faculty Advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the Seminar requirement or for a two-credit-hour elective course, at the student's option.

**Payment Systems** (three credit hours) is a study of the laws governing the mechanisms for the transfer of value from one party to another, including the law

governing credit cards, letters of credit, and electronic funds transfer, with a primary focus on the law governing negotiable instruments. Also covered is the law governing the check-collection process and the bank-customer relationship. This is also a course in statutory construction, focusing on Articles 3 and 4 of the Uniform Commercial Code, as well as certain federal statutes.

**Practicum** (four credit hours) courses are designed to give students practical, skills-based training. These courses combine skills training with additional instruction in a particular substantive area of the law. Practicum courses are open to third-year students only and enrollment is limited. The Practicum offerings vary from year to year, but include such courses as:

- **Advanced Negotiation** offers students the opportunity to develop further the skills learned in Dispute Resolution. It will focus on simulations and negotiation exercises intended to give students more first-hand experience in applying interest-based negotiation techniques. The course examines the skills, constraints, and dynamics of negotiation. Students will also learn a theoretical framework for understanding negotiation practice in a variety of contexts through readings from the fields of law, psychology, business, and communication. Prior successful completion of Dispute Resolution is a prerequisite for this course.
- **Certified Civil Mediation** will help students progress towards the entry-level mediator certification required by the Supreme Court of Virginia for persons who want the court to list them as court-referred mediators. The course will provide students with the first element of the certification requirements by providing at least 20 hours of professional mediation skills training. For students who will practice outside Virginia, this class may receive reciprocal recognition as the basic mediation training required in other states. Mediation requires a diverse set of skills that consider the legal context of the dispute, the interests and psychological needs of the parties, the emotions fueling the dispute, the parties' need for apology and forgiveness, and the techniques for helping parties reach reconciliation. Good mediators are skillful at listening, questioning, paraphrasing, and reframing. This course will give students the ability to develop these skills through readings, demonstrations and role-play exercises. The course also will satisfy the upper level writing requirement. Students will write an 18-20 page paper analyzing a "difficult conversation" they had with another person. Students also will conduct a complete mediation role-play as the second component of the grade in this class.
- **Client Interviewing and Counseling** will introduce students to fundamental lawyering skills involved in the critical process of client interviewing and counseling. This course will cover basic interviewing techniques; psychological

factors affecting the interviewing process; facilitating and structuring the interview; clarification of statements and ascertaining legal issues; dealing with client resistance and hostility; efforts towards resolution; and the nature and conduct of the counseling process. It will also introduce students to an emerging approach to client representation called Collaborative Law. Students will read materials on communication, psychology, and law. Interactive role-plays and simulations will help students to put the concepts from the reading material into direct practice and application.

- **Criminal Practice** includes both substantive instruction and skills training on pre- and post-trial criminal practice issues. Students will prepare written motions and participate in simulated in-class exercises involving indictment and charging decisions, client relations, bail and release, investigation, discovery, preliminary hearings, pre-trial motions, guilty pleas, sentencing, and probation. The course focuses on both defense and prosecution issues and students will have the opportunity to experience both sides of criminal practice through in-class exercises.
- **Employment Law & Practice** surveys common law, statutory, and constitutional regulation of the employment relationship. Topics covered will include employment at will, employment contracts, employment discrimination under both Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act, and various federal wage and hour statutes. If time permits, the course may cover OSHA regulations governing safety in the workplace. The course does not include any coverage of laws pertaining to unionization of workers. This course will also contain a writing component, including but not limited to short research papers based on the law of the state where a student will be taking the bar, interviewing clients and drafting an employment contract, interviewing clients in preparation for filing both an EEOC complaint and a Title VII complaint, and drafting the complaints and other pleadings associated with a multiple-count Title VII complaint.
- **Estate Planning** develops students' skills relating to the disposition of property during lifetime and at death. The first part of the course will examine federal estate and gift taxation. The second part of the course will focus on developing estate plans and drafting the instruments (e.g., wills, trusts, etc.) necessary to implement such plans so as to accomplish a client's non-tax objectives while minimizing estate taxes, gift taxes, and income taxes.
- **Family Law Practice** will focus on substantive instruction and skills training in issues most prevalent to a family law practitioner. The course will cover selected subject areas in family law, such as annulment, divorce grounds and defenses, spousal support, child support, property division upon dissolution of marriage, ante-nuptial agreements, post-nuptial agreements, and child custody and

visitation. Students will receive instruction in the preparation of pleadings, motions, court orders, and agreements. Students will also participate in simulated in-class exercises, including in-class simulated client interviews and court hearings.

- **Insurance Law Practice** will focus on substantive instruction and writing skills training in issues most relevant to an insurance law practice. The course will include study of selected subject areas in insurance law, including automobile, fire and casualty (homeowners), liability, health, and disability. Among other topics covered will be the formation and operation of the insurance contract, coverage and exclusions, insurable interests, the claims process, subrogation, and vehicles to determine coverage issues such as declaratory judgment actions.
- **Law Office Practice** provides grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents, e.g., various types of contracts, rather than litigation documents. The course includes practice exercises simulating work with clients and the other parties on business transactions. Topics covered in the office management component include: structure of law firms; financial issues (including compensation, billing, fees, and trust accounts); business development (marketing and advertising); law practice tools; and personnel, office, and operational issues.
- **Pretrial Practice** focuses on the handling and preparation of a civil case from the time a client walks in the lawyer's office to the eve of trial. Specific topic covered will include: client interviewing and counseling; tactical considerations of where and what to file; preparation of the pleadings; taking and defending discovery; interviewing witnesses; and preparation of pretrial motions. Students will prepare a series of written documents and take part in a variety of in-class exercises.
- **Real Estate Transactions** focuses on how commercial and residential real estate is conveyed. Lecture will discuss legal theories of title, transfer, and ownership issues. Students will prepare written projects that will require research of title records, statutes, and precedent. Projects will follow real property as it is conveyed, mortgaged, leased, and foreclosed. Condominium issues and mineral rights transfers will be addressed. Students will work with a local attorney to gain experience in current issues. Skills elements of this course include real estate title search; drafting of purchase and sales agreements, deeds, mortgages, UCC statements, closing settlement statements, and leases; drafting and review of easements, attachments, and other encumbrances; and drafting and scheduling of foreclosure sale.

- **Small Business Entities** includes a study of issues relating to the formation of a small business. Coverage will include an understanding of business governance structures needed for a choice of the most appropriate business entity to meet the client's needs; the drafting of basic organizational documents, such as articles of incorporation, bylaws, resolutions, and minutes for corporations, partnership agreement provisions, and articles of organization and operating agreement provisions for limited liability companies (LLC's). It also will include a review of accounting and tax issues and other issues related to the purchase of a business.
- **State and Local Government Practicum** will give students the opportunity to explore the multitude of problems faced by state and local governments (including New Orleans) and to draft statutes designed to address such problems. It will examine current cases of interest to state and local governments and discuss their merit. Issues such as homelessness, affordable housing, voting rights, juvenile rights, eminent domain, economic development, and the Freedom of Information Act will be addressed.
- **Sustainable Energy Law Practicum** will focus on the legal implications of burgeoning "green" policies and technologies in the development and delivery of energy. Specific topics covered will include the policies behind curbing greenhouse gases, especially carbon; international agreements with respect to carbon emissions and greenhouse gases, and the challenges posed by the legitimate concerns of developing and poorer nations; in-depth analysis of pending federal, state and local laws with respect to emission controls and renewable energy; the legal implications of a carbon capture and sequestration program; the legal implications of carbon cap and trade, and carbon taxation programs; a review of legal issues unique to various renewable energy technologies such as wind, solar, geothermal, hydro, ocean and tidal and biofuels; and other legal issues pertinent to burgeoning "green" technologies, such as intellectual property obstacles to the spread of green technology, government subsidies and other encouragement for the development of green technologies, and land-use issues. This course contains a writing component, including but not limited to, position papers of various nations heading into continuing post-Kyoto negotiations; lease and/or land use agreements permitting the underground storage of carbon; regulations that will implement pending carbon control legislation; agreements for buying and selling carbon credits; plans for citing a green energy project; proposals for grants and/or funding of "green" projects; and research papers in a "green" energy area of interest. There are no prerequisites for this class although basic environmental law or natural resources law may be helpful.

- **Trial Advocacy** is an intensive course in the analysis, skills, and techniques of trials. The course includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony, and summations. Each participant will take part in at least one full simulated trial.

**Professional Responsibility** (three credit hours) is the instruction in the history, structure, goals, duties, values, and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients, the legal profession, courts, and the public.

**Property I** (three credit hours) is an introduction to the law of personal property and real property, including estates and other interests in land, real property marketing and conveyancing, landlord and tenant issues, nuisance, regulatory limitations on land use, and eminent domain and inverse condemnation.

**Property II** (three credit hours) is a continuation of Property I.

**Secured Transactions** (three credit hours) studies credit transactions in which a loan is secured by an interest in personal property, as governed by Article 9 of the Uniform Commercial Code. With secured loans, the debtor and lender agree that if the debtor does not pay, the lender can take certain items of property (collateral) from the debtor. The course examines the mechanics of making secured loans, the rules that govern repossessing the collateral if the debtor does not pay, and what can happen to security interests if the debtor goes bankrupt. The course also examines the priority rules that rank competing claims to the same collateral.

**Seminar** (two credit hours) courses require students to complete an expository or argumentative research paper under the supervision of a faculty member. Each third-year student elects one seminar course. The Seminar offerings vary from year to year. The following Seminar courses were offered during recent academic years.

- **Alternative Dispute Resolution in Criminal Cases** recognizes that the vast majority of criminal cases in the United States never go to trial but are instead resolved through an alternative form of dispute resolution. In this seminar, students will critically examine these processes, both as forms of dispute resolution and for their greater policy implications. This seminar will focus on more traditional forms of ADR in criminal cases such as negotiation of settlements through plea bargaining. In addition, this seminar will examine restorative justice, a victim/community-centered approach to crime and its impact. Restorative justice is increasingly used in criminal cases

in the United States through a variety of different techniques including victim/offender conferencing, victim/family conferencing, and victim impact panels. This seminar will also examine truth and reconciliation commissions as a form of alternative dispute resolution in societies torn apart by war or by regimes that engaged in serious and long term violations of human rights.

- **Arbitration** will expose students to the great breadth of the field of arbitration, including arbitration in the commercial, labor, employment, consumer, construction, insurance, sports, securities, health care, and international context. The course will consider the following topics: the origins of arbitration; how arbitration compares to other dispute resolution processes; binding versus non-binding arbitration; how arbitration fits in the system of justice; historical judicial attitudes about private binding arbitration; goals in drafting agreements to arbitrate; the use of third party administrators (like the American Arbitration Association); how agreements to arbitrate are enforced and challenged (including international agreements to arbitrate); the arbitrability of federal statutory claims; the pre-emption of state arbitration law; how arbitral awards are enforced and challenged; and arbitral ethics. The course also requires students to independently research and write a 20-page seminar paper. Students will share their research with other students during the last part of the class. The instructor will also ask students to research the appellate briefs submitted to the U.S. Supreme Court in several significant cases. The instructor will ask those students to prepare short oral arguments based on those briefs.
- **Corporate Governance** is premised on the belief that, as corporations gain more power over our lives, it is vitally important that an examination be undertaken regarding how corporations are governed and what responsibilities they have to the people. This seminar will begin with an examination of the Enron scandals, focusing specifically on Congress's role in facilitating the disaster and the remedial statutes that Congress enacted in an attempt to prevent such fiascos. The seminar will examine the impact of major corporations like Wal-Mart on both the American and the global landscape. The course will also explore whether corporations should have an obligation to act in socially responsible ways
- **Disability Law** examines federal and state legislation governing compensation of disabled persons.
- **Environmental Law** (three credit hours) examines selected topics in the law governing the protection of air, water, and land from pollution. The first sessions cover brief overviews of the Clean Water Act, the Clean Air Act, Resource Conservation and Recovery Act, and the "Superfund" law;

competing conceptual approaches to environmental regulation; the political and bureaucratic aspects of environmental regulation as a model of regulation generally; emerging notions of environmental justice; the role of citizen enforcement; and environmental issues facing the mining industry. The last sessions are devoted to presentation and discussion of student research papers. Reading materials include some of the classic selections from the literature of economics, political science, and philosophy that underlie current legal debates in environmental law, as well as the more familiar components of judicial decisions, administrative materials, and case law.

- **Intellectual Property** focuses on the basics of patent, copyright, trademark, and trade secret law.
- **Natural Resources** examines the specialized property rules governing estates in natural resources, the correlative rights of surface and mineral owners, and the rights to explore, mine and extract, develop, and transport natural resources, with primary emphasis on “hard” minerals. As a compliment to existing courses in Administrative and Environmental law, the course examines selected issues of natural resources regulation from the perspective of the regulated community.
- **Practice before the Social Security Administration** addresses the substantive and procedural law and various practice skills applicable to representing clients with disability claims before the Social Security Administration.

**Strategies for Legal Success** (one credit hour) helps students improve the essential skills needed to succeed in law school, including critical thinking, reading, and listening as well as effective case briefing, note taking, outlining, and exam writing. This course also promotes an understanding of the law of Agency that students will encounter in Torts, Contracts, Property, and Business Associations.

**Torts** (three credit hours) reviews the standards and principles governing legal liability for intentional and unintentional invasions of interests of personality and property, including such topics as assault, battery, negligence, strict liability, and products liability.

## **ACADEMIC SUPPORT**

The Student Learning and Testing Enrichment program, or SLATE, is an integral part of the Appalachian School of Law’s commitment to provide all students the

chance to succeed in law school. SLATE encompasses the law school's bar preparation, academic success, and writing center programs.

SLATE seeks to help students master those legal study skills necessary for success in law school, on the bar exam, and in legal practice. SLATE offers a range of programs for students prior to law school, for students at all levels of law school, and for graduating students preparing to take a bar examination.

SLATE consists of several components, but the cornerstones of the program are the mandatory courses at the beginning and end of the student's matriculation at the law school. All incoming students are required to take Strategies for Legal Success, a one-semester course during a 1L's Fall semester, which helps students improve the essential skills needed to succeed in law school, including critical thinking, reading, and listening as well as effective case briefing, note taking, outlining, and exam writing. This course also promotes an understanding of the law of Agency that students will encounter in Torts, Contracts, Property, and Business Associations.

SLATE also includes a writing center to assist students with the mechanics of writing, individual tutoring in both substance and lawyering skills, regular workshops for second- and third-year students, and an alumni-mentoring program as well as a specialized bar-support mentoring program for third-year students and alumni.

## **STUDENT ORGANIZATIONS (Partial List)**

### **Student Bar Association**

The Student Bar Association of the Appalachian School of Law is governed by four officers, nine Senators, and four Honor Court Justices. Every ASL student is a member of the Student Bar Association by virtue of enrollment. The SBA serves the ASL student body in the formation of law school policy and student governance. In addition, the SBA organizes social events and community service events and facilitates the formation of new student organizations. The SBA plays an important role in serving as a liaison between the students and the faculty and administration. The SBA organizes the ASL Speaker Series, which brings attorneys, judges, and other persons to ASL to speak on topics related to the study of law and the legal profession. These events help broaden students' awareness of current events and better prepare them for entry into the legal profession.

### **American Constitution Society**

The American Constitution Society is a national organization of law students, law professors, practicing lawyers, and others. We seek to revitalize and transform the legal debate, from our classrooms to our courtrooms. We seek to counter the dominant vision of American law today, a narrow conservative vision that lacks appropriate regard for the ways in which the law affects people's lives. We seek to restore the fundamental principles of human dignity, individual rights and liberties, genuine equality, and access to justice to their rightful—and traditionally central—place in American law.

### **Appalachian School of Law Recycling Program**

The Appalachian School of Law Recycling Team was established to further the preservation of the greater Grundy area and the larger global environment by recycling. Each week over 1,500 aluminum cans and around five hundred pounds of paper are collected and recycled by law school students. The team collects electronic recyclables, such as laptops and cell phones, each spring. In 2006, the team also began recycling printer cartridges. All funds collected by the program benefit the L. Anthony Sutin Endowment Fund, which helps to defray the cost of tuition for area students interested in public service law. The ASL Recycling Program saw student involvement in recycling increase over ten times between the Fall of 2004 and the Spring of 2006. Currently, the ASL Recycling Program is comprised of approximately fifty law students. Membership in the ASL Recycling Program also helps students secure community service hours required for

graduation

from

ASL.

### **Association of Women in Law**

Association of Women in Law (“Where there’s A.W.I.L., there’s a way”) is an egalitarian, consensus-based organization concerned with issues facing women in law. The group, which welcomes all students, participates in community service projects, networks with women lawyers in the Appalachian region, and hosts discussions of gender-related topics.

### **ASL Memorial 5K Run/Walk**

The ASL Memorial 5K Run/Walk, held annually the first Saturday morning in April with a pasta dinner provided the Friday prior to the race, is a community service project designed to foster and promote the memory of Tony Sutin, Tom Blackwell, and Angela Dales. The organized event endeavors to build stronger ties with the local community while offering community service opportunities to ASL staff and volunteers. Proceeds of the race benefit the Anthony Sutin and Thomas Blackwell Endowment Scholarship Funds, which benefit future ASL students in memory of those who died on January 16, 2002.

### **Association of Trial Lawyers of America**

The ASL chapter of the national Association of Trial Lawyers of America (ATLA) encourages law students and future trial lawyers to become actively involved in promoting the civil justice system and championing the cause of those who deserve redress for injury to person or property. ASL/ATLA seeks to acquaint its members with the practical aspects of trial work, to provide the benefits of membership in ATLA and its affiliated state organizations, and to foster mentoring and professional relationships between area trial lawyers and the student members. During its first three years, ASL/ATLA fielded two teams for the national Student Trial Advocacy Competition and sponsored half-day seminars on basic advocacy skills.

### **Black Law Students Association**

The purpose of the Black Law Students’ Association is to represent the diverse views of the black community through the black law students and associates who represent them at the Appalachian School of Law; to promote the welfare of its members through educational, professional, cultural, and social programs; and to provide a forum for the discussion of local and national issues affecting both the black law student community and the law school community as a whole.

### **Christian Legal Society**

The Christian Legal Society (“CLS”) is a non-denominational membership organization of lawyers, judges, law professors, and law students, working in association with others, to follow the command of Jesus “to do justice with the love of God.” (Luke 11:42, Matthew 23:23). CLS is international in scope, with more than 90 attorney chapters and 165 law student chapters located in more than 1100 cities, in all 50 states and in 10 foreign countries. The mission of CLS is to identify, equip, and mobilize “a national grassroots network of lawyers and law students committed to proclaiming, loving and serving Jesus Christ, through all that we do in the practice of law, and by advocating biblical conflict reconciliation, public justice, religious freedom and the sanctity of human life.” The ASL chapter of CLS meets regularly throughout the school year to share prayer, Bible study, and fellowship. The chapter also works on projects of service to the law school and the community. All are welcome to attend.

### **Criminal Law Society**

The Criminal Law Society of the Appalachian School of Law is dedicated to keeping students informed of developments in the criminal law area, as well as increasing students’ exposure to networking and career opportunities. Toward this end, the Society will sponsor discussion groups, invite outside speakers, and promote curricular and co-curricular activities in the criminal law field. The Society is apolitical; however, the Society will facilitate student membership in political groups representing defense attorneys or prosecutors.

### **Democratic Society**

The Democratic Society at the Appalachian School of Law exists to facilitate and encourage the full participation of all ASL students in choosing their elected officials and controlling their political destiny. It is dedicated to the preservation of all of the rights enumerated in Article I of the Constitution. The Democratic Society of ASL exercises full equality with Democratic organizations in other law schools in controlling the activities and establishing the principles of the national Democratic Party. Our Society endorses the principles contained in the Charter of the Democratic Party of the United States, bound always by the United States Constitution.

### **Diverse Students in Law**

Diverse Students in Law is a student organization dedicated to promoting diversity in the law profession and to ensure equal opportunity and inclusion for law students regardless of race, sex, disability, sexual orientation, and identity. The organization was formed to articulate and promote the needs and goals of the Diverse Culture of the law students represented on campus. Diverse Students in Law hopes to accomplish this goal by fostering and encouraging an attitude of professional competence and to focus upon the relationship of the diverse cultures that attorneys will represent in the legal system.

### **Federalist Society**

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

### **Gay and Straight Legal Alliance**

The Gay and Straight Legal Alliance is a student organization affiliate of the National Lesbian and Gay Law Association (NLGLA), a national association of lawyers, judges, and other legal professionals. Its mission includes keeping its members and the ASL community informed of the effects of current law on people based on their sexual orientation. The Alliance has sponsored film nights and discussion groups in the past. In the future, the Alliance also plans to host outside speakers on LGBT topics. Membership is open to all members of the ASL community.

### **Libertarian Society**

The Libertarian Society of the Appalachian School of Law is a student organization dedicated to promoting the ideals and principles of the Libertarian Party. Established at ASL in November 2003, the LSASL adheres to the principle “that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.” The LSASL is open to all students, faculty, and staff of ASL, as well as any member of the community, who wishes to attend and participate in the meetings and activities of the organization.

## **Phi Alpha Delta**

The L. Anthony Sutin Chapter of the Phi Alpha Delta Legal Fraternity was chartered in 2002. Phi Alpha Delta is the world's largest legal fraternity. The purpose of the fraternity is to form a strong bond uniting students and teachers of the law with members of the Bench and Bar in a fraternal fellowship designed to advance the ideals of liberty and equal justice under law; to stimulate excellence in scholarship; to inspire the virtues of compassion and courage; to foster integrity and professional competence; to promote the welfare of its members; and to encourage their moral, intellectual, and cultural advancement; so that each member may enjoy a lifetime of honorable professional and public service.

## **Phi Delta Phi**

The Phi Delta Phi International Legal Fraternity, established in the year 1869 to promote a higher standard of professional ethics, is among the oldest legal organizations in North America. It holds a unique position in the history of the North American bench, bar, and the law schools. Phi Delta Phi is the world's largest legal fraternity whose membership is restricted to students and practitioners of the law. Phi Delta Phi holds monthly meetings for fellowship and planning. Yearly events include: "GrundyPalooza," an Initiation Ceremony and cocktail party in the Fall Semester and "Ethics Week" in the Spring semester

## **Republican Law Students Association**

The RLSA is a local Republican student organization formed at the Appalachian School of Law to foster and promote the mission and goals of the Republican Party. All ASL students, faculty, and staff are welcome to join. The RLSA holds bi-monthly meetings during the academic semester and hosts the annual All-American Ball during the Fall semester.

## **Sutin Public Interest Association**

Sutin Public Interest Association is ASL's chapter of Equal Justice Works, formerly the National Association of Public Interest Law. The objective of this association is to promote awareness, educate, and empower public service-minded law students in upholding Dean Sutin's strong beliefs in serving the public. The founders of this organization were dedicated to surmounting barriers to equal justice that affect millions of low-income individuals and families. Today, the association leads the country in organizing, training, and supporting public service-minded law students, and in creating summer and postgraduate public interest jobs.

## **ACADEMIC STANDARDS & POLICIES**

### **General**

The Law School Academic Standards contain the policies and rules governing Student Academic Conduct, Registration, Attendance, Examinations, Papers and Projects, Grade Standards and Grading Policies, Student Retention, Leaves of Absences, and Graduation Requirements. A digital copy of the Academic Standards is posted on the law school's web site, [www.asl.edu](http://www.asl.edu).

During Orientation, each matriculating student is provided notice as to the location of the Academic Standards. Copies of the Academic Standards are also available by request from the Student Services Office and are kept on reserve in the Law Library. Some essential provisions are summarized below. Students are responsible for reading and becoming familiar with new or revised policies as they become available.

### **Full-time Status**

All students must be full-time students, except those who have received special permission from the Dean. Full-time students must enroll in the complete prescribed sequence of courses for each semester in which they are enrolled.

In accordance with the American Bar Association's Standards for Approval of Law Schools, no full-time student may work more than twenty hours per week during any week in any term or semester in which the student is enrolled. The student bears the burden of proving compliance with this work limitation, and the Law School, at its sole discretion, may at any time require the student to provide proof of compliance. Any student who cannot prove satisfactorily the student's compliance with the work limitation may not be awarded full-time residence credit for the semester or semesters in which the student exceeded the work limitation. Failure to obtain full-time residency credit means that a student who exceeds the twenty-hour limit will not have sufficient residency credits to graduate in three years and will be required to spend a fourth year in law school. Furthermore, violation of the work limitation is a Code of Academic Conduct violation and is, therefore, subject to additional sanction. The Law School strongly encourages first-year law students to refrain from any outside employment or, if they must work, to limit their employment to 15 hours a week or fewer.

## **Academic Standards**

Students must have at least a C (2.0) average at all times after three semesters at the Law School or be academically dismissed. For the 1L year, grades are 'Proficient,' 'Not Proficient,' and 'F.' After two semesters of the 1L year, a student having more than 16 credit hours of 'Not Proficient' or of 'F' shall be academically dismissed. If after two semesters in the School, a student has received between 12 and 16 credit hours of "Not Proficient" or "Fail" grades, such student shall be dismissed from the School for academic deficiency but may petition to be placed on academic probation. In some cases, a student who has been academically dismissed may petition to be allowed to continue on probation or to restart the program. The full grading, retention, and petition policies are described in the Academic Standards.

## **Exams and Grade Reports**

Grade reports are accessible to each individual student through the ASL Student Access System. Students who have financial balances owing to the Law School may be administratively withdrawn from courses, barred from taking exams, or have their grades or transcripts withheld.

## **Code of Academic Conduct**

A student may be placed on probation, suspended, or dismissed for conduct unbecoming a student of law. Conduct unbecoming a student of law includes:

- (1) violating any rule or regulation of the School;
- (2) plagiarism, fraud, deceit, misrepresentation, or dishonesty;
- (3) violating any rule or regulation which would disqualify the student from taking the bar examination;
- (4) any conduct which, if done by a lawyer, would subject the lawyer to the disciplinary processes of the state bar;
- (5) harassing, hostile, threatening, or intimidating actions toward other law students, faculty, staff, or administrators, or a manner disruptive of the academic program;
- (6) refusing to attend professional counseling or submit to a psychological evaluation at the request of the School;
- (7) requesting another person to sign a student's name on the attendance sheet during a class that he or she did not attend, arrived late for or left early for; or signing another student's name on an attendance sheet.

## **Disciplinary Process**

Students, faculty, or employees of the Law School who suspect a violation of the Code of Academic Conduct (Code) must report the violation to the Dean. For violations regarding class assignments or examinations, a grade will be turned in as if no violation occurred, but the grade will be held by the registrar pending an investigation.

Alleged violations of the Code of Academic Conduct will be investigated and resolved in accordance with the Law School's Academic Standards.

## **STUDENT GRIEVANCES**

The Board of Trustees has adopted the following Grievance Policy:

A person with a grievance against students, employees, volunteers, or other visitors or participants in Law School sponsored programs or activities regarding any matter at the School not governed by the Academic Standards, including, for example, treatment by a faculty or staff member or another student, harassment, discrimination, retaliation for filing a grievance, etc., shall make that grievance known in writing to the Ombudsperson. Grievances not in writing, anonymous, or filed by third parties will be investigated to the fullest extent possible.

1. The Ombudsperson shall investigate the grievance. The Ombudsperson may obtain assistance with this responsibility from other appropriate persons who are not connected to the grievance.
2. The Ombudsperson and any other appropriate persons involved in the investigation of the grievance will attempt to preserve all parties' anonymity throughout the investigation.
3. The Ombudsperson may impose interim measures for the pendency of the investigation when there is a need to protect the person filing the grievance from further contact with the person the grievance was filed against. These may include, but are not limited to, temporary suspensions, or agreements of no contact. If these measures are imposed and subsequent positive resolution of the grievance occurs, the Law School may take the following reasonable steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as necessary.
4. Within three weeks of receiving the grievance, the Ombudsperson shall make an initial resolution of the grievance and will inform the parties of this resolution. The initial resolution will consist of a determination of fact, determination of the merits of the allegation, imposition of sanctions (if appropriate), and any other appropriate information regarding the investigation. The three week timeline may

- be extended by the Law School if all parties are provided written notice to his or her address of record.
5. Possible sanctions include but are not limited to:
    - (a) Students: warning, fines, educational projects, additional community service, counseling, no contact order, disciplinary probation, disciplinary suspension, administrative hold, and expulsion.
    - (b) Employee: suspension with or without pay, counseling, or motion for appropriate termination.
    - (c) Non-Law School Employees or Non-Law School Students will be sanctioned to the maximum extent possible.
  6. If any party involved is unsatisfied with the Ombudsperson's initial resolution of the grievance, he or she may request that the Ombudsperson hold a hearing on the grievance within 10 working days of the initial resolution.
  7. If a hearing is held, the following procedural rules shall apply:
    - (a) The hearing shall be held within 10 working days of the request for the hearing. The 10 day timeline may be extended by the Law School if all parties are provided written notice to his or her address of record.
    - (b) The Associate Dean shall preside over the hearing
    - (c) The two parties to the hearing are:
      - i. The Law School representative stating the position of the grievance or a designee as appropriate; and
      - ii. The person the grievance was brought against, the accused.
    - (d) All parties may choose one counselor to attend the hearing with that party at the party's own expense. In the event that a counselor disrupts the proceedings he or she shall be removed from the hearing.
    - (e) The order of the hearing shall be:
      - i. Reading of the grievance.
      - ii. A statement by the Law School representative or designee.
      - iii. A statement by the accused or designee.
      - iv. Presentation of evidence and witnesses by both parties
      - v. The Associate Dean may also call witnesses at this time.
      - vi. Closing statement of the Law School representative or designee.
      - vii. Reply to the charges by the accused or designee
    - (f) The Law School shall bear the initial burden of producing evidence and shall bear the burden of persuasion. The standard of proof applied shall be the preponderance of the evidence.
    - (g) A record of the hearing shall be created.
  8. Upon completion of the hearing, the Associate Dean shall make a decision in writing on the validity of the grievance and the appropriate institutional response thereto, if any, within 45 calendar days. The 45 day timeline may be extended by

- the Law School if all parties are provided written notice to his or her address of record. Absent an appeal to the Dean, the decision of the Associate Dean is final.
9. Any party, if not satisfied with the decision of the Associate Dean, may appeal that decision in writing to the Dean provided that notice of appeal is received by the Dean within ten working days. The Dean shall review the record of the proceeding before the Associate Dean, and conduct further investigations as are deemed appropriate. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind the sanction, or resubmit the grievance to the Associate Dean with appropriate instructions. The decision of the Dean shall be final and shall be rendered in writing within 45 calendar days of the student appeal.  
The 45 day timeline may be extended by the Law School if all parties are provided written notice to his or her address of record.
  10. The records of all grievances, all grievance hearings, and all final decisions on grievances will be kept by the Dean, Associate Dean, Ombudsperson, or their designee for a period of not less than five years, and these records will be available to other people only with the express and specific approval of the Ombudsperson, Associate Dean, or the Dean.
  11. If the Ombudsperson is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Associate Dean shall appoint a faculty member to perform the role of the Ombudsperson in the grievance process.
  12. If the Associate Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Dean shall appoint a tenured faculty member to perform the role of the Associate Dean in the grievance process.
  13. If the Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the chairman of the Board of Trustees or his designee from among the members of the Board of Trustees shall perform the role of the Dean in this grievance process.
  14. The procedure outlined in this Grievance Policy shall not apply to grievances concerning grades. Any grievance concerning a grade shall be governed by the appropriate provisions of the Academic Standards and Policies.
  15. No student shall be subjected to unfair action as a result of filing a grievance under this policy.
  16. Clery Act: The Law School is in compliance with federal legislation known as the "Clery Act." The legislation requires institutions to make available to prospective students, currently enrolled students, and interested parties

information about campus safety policies and procedures, established safety programs, and statistics concerning crimes that have taken place on campus.

Consistent with its emphasis on alternative dispute resolution, the Law School encourages the informal resolution of student grievances.

## **STUDENTS' RIGHTS, PRIVILEGES, AND RESPONSIBILITIES:**

### **Notification of Rights under FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the Appalachian School of Law (ASL) receives a request for access.

A student should submit to the Registrar, Director of Student Services, Dean, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The ASL official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the ASL official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask ASL to amend a record should write the ASL official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If ASL decides not to amend the record as requested, ASL will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before ASL discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

ASL discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by ASL in an administrative, supervisory, academic or research, or support staff position (including security personnel); a person or company with whom ASL has contracted as its agent to provide a service instead of using ASL employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a

disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for ASL. Upon request, ASL also may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by ASL to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Appalachian School of Law (“ASL”), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, ASL may disclose appropriately designated "directory information" without written consent, unless you have advised ASL to the contrary in writing. The primary purpose of directory information is to allow ASL to include this type of information from your education records in certain law school publications. Examples include:

- Dean’s List or other recognition lists; and
- Graduation programs.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, newspapers and other media publishing press release information about honors, awards, ASL activities, and graduation.

If you do not want ASL to disclose directory information from your education records without your prior written consent, you must notify the Director of Reporting, Student Records, and Regulatory Compliance and Registrar in writing by

November 1 of each academic year. ASL has designated the following information as directory information:

- Student's name
- Student's Hometown
- Participation in officially recognized activities
- Photograph
- Degrees, honors, and awards received
- Dates of attendance
- The most recent educational agency or institution attended

Law School policy prohibits discrimination on the basis of age, citizenship, color, handicap, disability, national origin, political affiliation, race, religion, gender, sexual orientation, or veteran status. This policy extends to all rights, privileges, programs, and activities, including admissions, employment, and financial assistance, as is required by law, including Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and the Americans With Disabilities Act of 1990, and regulations there under.

The Law School subscribes to the philosophy that the integrity of our legal system relies upon the integrity of our country's lawyers. As future lawyers, it is imperative that our students adhere to the highest standards of ethics. Students, therefore, are subject to the standards promulgated in the Code of Academic Conduct in the Academic Standards and Policies. In addition, attendance in class is critical to learning the material and developing the skills taught at the Law School. The Law School adheres to a rigorous mandatory attendance policy, under which students who miss more than a specified number of class meetings receive a failing grade for the course. The precise details of the attendance policy are in the Academic Standards and Policies.

The ASL application requires disclosure of information relating to character and fitness. The applicant signs to acknowledge that the information is complete and accurate. During Introduction to Law, students are expressly reminded that the character and fitness representations will be disclosed by ASL to Bar Examiners, and that non-disclosure to ASL as part of the initial application may be treated by Bar Examiners as a separate fitness issue. Since the serious nature of the application inquiries may be different than the experience and expectations of some students, a period of time after the Introduction to Law discussion is

provided for amendments to the ASL application. ASL reserves the right to review those amendatory disclosures to determine whether continued attendance at ASL will be appropriate. In order to fulfill the purpose of those disclosures from ASL's perspective, the following policies concerning disclosure are implemented:

1. Disclosures made through amendment to the application prior to December 1 of the first 1L semester will be considered by the Associate Dean for Academic Affairs and, if accepted, will be attached to the application.

2. All amendments made after December 1 of the first 1L semester will be clearly dated, and the date will be noted in any subsequent disclosure made by ASL to any state Bar Examiners.

3. Except as provided in 4 below, no amendments to ASL applications will be considered after June 1 following completion of the 2L year (that is, June 1 prior to commencement of the 3L year).

4. Disclosure of events relating to character and fitness (responsive to the ASL application) which occur during attendance at ASL is subject to an on-going obligation of the student. Therefore, amendments after June 1 following the 2L year for such events occurring after June 1 will be considered by the Associate Dean.

## **ALCOHOL & DRUG POLICY**

It is the policy of the Appalachian School of Law to provide a drug-free, healthful, safe, and secure work and educational environment. Employees and students are required and expected to report to their class or student activities in appropriate mental and physical condition to meet the requirements and expectations of their respective roles.

Appalachian School of Law prohibits the unlawful manufacture, distribution, dispensation, possession, or use of narcotics, drugs, other controlled substances, or alcohol at the workplace and in the educational setting. Unlawful for these purposes means in violation of federal/state/local regulations, policy, procedures, and rules, as well as legal statutes. Workplace means either on Law School premises or while conducting Law School business away from the Law School premises. Educational setting includes both institutional premises and approved educational sites off campus.

In order to prevent the consequences of alcohol and other drug abuse at the workplace and in the educational setting, Appalachian School of Law has implemented this policy to ensure a drug-free work and educational environment.

Appalachian School of Law recognizes that chemical dependency through use of controlled or uncontrolled substances, including alcohol, is a treatable illness. The Law School supports and recommends employee and student rehabilitation and assistance programs and encourages employees and students to use such programs.

The Law School will also implement drug-free awareness programs for employees and students. Such programs will annually ensure that employees and students are aware that:

Alcohol and other drug abuse at the workplace and in the educational setting is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury, poor health, or even death.

Alcohol and other drug abuse can also significantly lower performance on the job and in the classroom, thus impacting on the Law School and its mission as well as seriously affecting the student's educational and career goals.

Employees must report any personal conviction under a criminal drug statute for conduct at the workplace to their personnel officer within five days.

It is a condition of employment and admission that all employees and students must abide by the policy on alcohol and other drug use as well as related procedures, statements, laws, and guidelines. Violation of any provision may result in disciplinary action up to and including termination or expulsion, and may have further legal consequences consistent with federal and state laws and regulations. In addition, management may require an employee or student to enter an employee/student assistance or drug rehabilitation program as a condition of employment or enrollment.

Use of Employee Assistance Programs (EAP), Student Assistance Programs (SAP), or drug/alcohol rehabilitation services is encouraged.

## **DISABILITY POLICY**

The Law School does not discriminate against individuals with disabilities in its program of legal education, as those disabilities are defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 706; 45 C.F.R. § 84.3(k)(3); and the Americans With Disabilities Act, 42 U.S.C. §§ 12101, et seq. In an effort to provide full opportunities to individuals with disabilities, the Law School offers individualization and reasonable accommodation, as required by law. Reasonable accommodations are those that do not fundamentally alter the nature of the Law School's educational program, and can be provided without undue financial or administrative burden, and without lowering academic and other essential performance standards. In the past, the Law School's students have included those with physical, visual, and learning disabilities.

Students who wish to request an accommodation should contact the Associate Dean, who is the Law School's Section 504 coordinator for students. The procedures for requesting an accommodation are set forth in sections VII.D and VII.E.3 of the Academic Standards. A copy of the Academic Standards is given to each student upon matriculation at the Law School, and copies of the current version of the Academic Standards also may be found on the Law School's website ([www.asl.edu](http://www.asl.edu)) and at the reserve desk in the Law School's library. Individuals who believe they have been discriminated against on the basis of a disability may file a complaint under the Law School's Grievance Policy. The Grievance Policy is found in this Bulletin, which is distributed to all students at the beginning of each academic year. Copies of the Bulletin also may be obtained from the Law School's Student Services Office or the Law School's website.

## NOTES