

# THE APPALACHIAN SCHOOL OF LAW

## 2015-2016 CATALOG

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This catalog is published by the Appalachian School of Law (ASL), based on information as of July, 2015, and contains information concerning campus life, career preparation, academic policies, and course offerings. **ASL 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.

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# ACADEMIC CALENDAR FOR 2014-2015

<b>Introduction to Law</b>	<b>August 10, 2015 – August 14, 2015</b>
<b>Fall Semester Classes Begin</b>	<b>August 17, 2015</b>
<b>Holiday</b>	<b>September 7, 2015</b>
<b>Thanksgiving Break</b>	<b>November 23-27, 2015</b>
<b>Last Class Day</b>	<b>November 30, 2015</b>
<b>Exam Period</b>	<b>December 2-11, 2015</b>
<b>January Intersession</b>	<b>January 4-8, 2016</b>
<b>Spring Classes Begin</b>	<b>January 11, 2016 (Monday)</b>
<b>Holiday</b>	<b>January 18, 2016</b>
<b>Spring Break</b>	<b>March 7-11, 2016</b>
<b>Last Class Day</b>	<b>April 25, 2016</b>
<b>Exam Period</b>	<b>April 27 – May 6, 2016</b>
<b>Commencement</b>	<b>May 7, 2016</b>

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

## **MISSION OF the Appalachian School of Law**

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, ASL 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.

The Appalachian School of Law confers the Juris Master degree after the completion of three semesters of study, if a student is in good standing. It is now estimated that over 300 careers call for some fundamental knowledge of law and legal regulations.

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. Additionally, ASL currently provides continuing legal education courses in the nearby Tri-Cities, Tennessee/Virginia area and surrounding region.

## **HISTORY OF ASL**

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 ASL as a Virginia non-stock corporation, secured tax-exempt status from the Internal Revenue Service, and drafted ASL'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 ASL.

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

In April 1997, the Commonwealth of Virginia Council of Higher Education granted ASL authorization to enroll students in courses leading to the Juris Doctor (J.D.) degree. ASL 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.

ASL Charter Class of 2000 graduated on May 12, 2000. On February 19, 2001, ASL received provisional approval from the American Bar Association. On June 12, 2006, ASL received full approval from the American Bar Association.

## **FACILITIES**

ASL 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 ASL 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 a privately-operated restaurant. The fourth building is the Dean's Residence located on Walnut Street. ASL also uses dedicated space in the adjacent Booth Center including the School's Business Office, Law Journal, Natural Resources Law Journal, 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 The Appalachian School of Law 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>

## Board of Trustees

ASL 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 ASL. The current Board members and officers are:

TITLE:	Employee:	City, State
Chair	Hon. Teresa M. Chafin	Grundy, Virginia
Treasurer	Michael McGlothlin	Grundy, Virginia
Vice-Treasurer	Lowell Dexter Ray	Vansant, Virginia
Secretary	Suzanne Kerney-Quillen	Weber City, Virginia
Assistant Secretary	Wade McGeorge	Hurley, Virginia
Trustee Member	Trey Adkins	Hurley, Virginia
Trustee Member	Honorable George Allen	Alexandria, Virginia
Trustee Member	Jim Wayne Childress	Grundy, Virginia
Trustee Member	Honorable Chad Dotson	Wise, Virginia
Trustee Member	James Keen	Vansant, Virginia
Trustee Member	Jerry W. Kilgore	Richmond, Virginia
Trustee Member	Donald Ratliff	Big Stone Gap, Virginia
Trustee Member	Garry Roger Rife	Grundy, Virginia
Trustee Member	Reece Hale Robertson	Grundy, Virginia
Trustee Member	Honorable Birg Sargent	Pennington Gap, Virginia
Trustee Member	Joseph E. Wolfe, Esq.	Norton, Virginia
General Counsel to the Board	Thomas R. Scott, Jr. Esq.	Grundy, Virginia
Alumni President	Drew Taylor	Marietta, Tennessee

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**

### **Daniel H. Caldwell, Interim Dean**

B.A. Political Science, Old Dominion University, J.D. University of Virginia. Dean Caldwell became Program Counsel for ASL's Natural Resources Law Program in January 2012, after 34 years of practice. In 2014 he also became the Director of ASL's Continuing Legal and Community Education Program. As counsel to the Program, he oversaw the implementation and administration of the Program. Formerly, Principal and Shareholder, McElroy, Hodges & Caldwell, Abingdon, VA; Managing Director, PennStuart, Abingdon, VA. His representation included mineral and energy clients on general corporate and transactional issues in both state and federal court.

### **Sandra Keen McGlothlin, Dean of Admissions, 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 & Wife, 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.

### **Patrick R. Baker, Associate Professor of Law (1 year leave of absence, Dean of Students, Davis & Elkins College)**

B.A., Virginia Military Academy, J.D., The Appalachian School of Law, *cum laude*. Licensed to practice in Tennessee and Virginia. Formerly in private practice with the Abingdon, Virginia office of PennStuart & Eskridge. Professor Baker's scholarship focuses on Property, Regulatory, Administrative, and Energy Law. Courses taught: Virginia Procedure, Legal Process I and II, Administrative Law, Coal & Hard Mineral Law, Water Law, and Oil and Gas Law.

### **Chelsea Baldwin, Assistant Professor of Law and Director of the Academic Success and Bar Preparation Studies Program**

B. A. in Communication Studies from Southwestern University in Georgetown, TX, Master of Education in Applied Behavioral Studies with a Certificate in Professional Counseling from Oklahoma City University, and J.D. from Oklahoma City University School of Law in Oklahoma City, OK. Professor Baldwin will be primarily responsible for developing, leading, coordinating, and implementing programs that

support ASL's goals of assisting law students as they develop and improve legal study and test-taking skills, adjust to the challenges of law school, pass the bar exam, and prepare to enter law practice. Formerly: Oklahoma City University School of Law, as the Assistant Director of Academic Achievement, and private law practice in Oklahoma City where she focused on family law issues and was an essay grader and tutor through BARBRI.

**Judith M. Barger, Professor of Law (1 year leave of absence, Visiting Professor at Atlanta's John Marshall School of Law)**

B.S., *magna cum laude*, Political Science/Accounting, Wright State University; J.D., Georgetown University Law Center. 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. Professor Barger's practice experience includes defending individuals charged with serious felony offenses, and assisting Native American Tribes in forming their own court systems and trained tribal police officers. Her published work includes: *Innocence Found: Retribution, Capital Punishment and the Eighth Amendment*, 46 *Loy. L.A. Rev.* 1 (2012); *Law and Order in the Emerald City: Using the Wizard of Oz to Illustrate Homicide Principles*, 10 *Ohio St. J. Crim. L.* 629 (2013); *Avoiding Atkins v. Virginia: How States are Circumventing Both the Letter and the Spirit of the Court's Mandate*, 13 *Berkeley J. Crim. L.* 215 (2008); *VIRGINIA PRACTICE: CIVIL DISCOVERY* (co-author). Courses taught: Criminal Law; Criminal Procedure; Advanced Criminal Procedure; Criminal Practice; Advanced Criminal Issues Seminar; Advanced Criminal Advocacy.

**Mark Belleville, Associate Professor of Law (1 year leave of absence, Energy Law and Policy Fellow at UC Berkeley College 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, Appellate Advocacy Natural Resources, Sustainable energy Law Practice, Law Office Management, The Law of Renewables.

### **Joe Buffington, Visiting Assistant Professor of Law**

B.A. Johns Hopkins University, M.S. Georgetown University, M.A. UCLA, J.D. Southwestern Law School, Ph.D. UCLA. Professor Buffington has taught at UCLA, was an Academic Support Instructor at Southwestern University School of Law, has worked as a private tutor for the California Bar Exam and the MBE. Formerly: in private solo practice in Los Angeles, California.

### **Hillary Burgess Leary, Visiting Assistant Professor of Law**

A.B from the University of Chicago, and J.D. from the North Carolina School of Law at Chapel Hill, North Carolina. Professor Burgess participated in the Penn State Dickinson School of Law Study Abroad program in Europe where she studied International Human Rights and Criminal Justice, and the Supreme Court of the United States with Chief Justice William Rehnquist. She has taught at the Charlotte School of Law, at Rutgers University School of Law and at Hofstra University School of Law. Courses she has taught include: Alternative Dispute Resolution, Critical Legal Skills (workshop series), Academic Success Workshops, Legal Methods, Property I & II, Introduction to the Study of Law, Psychology and the Law, and Administrative Law.

### **Charles J. Condon, 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). For many years, Professor Condon served as the Associate Dean for Information Services and Director of the Law Library at ASL. Formerly: Faculty Member and Computer Services/Reference Librarian, Northern Illinois University.

### **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; Partner, Harris Law Offices, Orange Park, Florida; Visiting Professor, University of Tennessee College of

Law. Published: University of Pittsburgh Law Review; The Appalachian School of Law Journal of Law; Capital University Law Review; National Law Journal. Courses taught: Civil Procedure I & II; Constitutional Law I & II; First Amendment Elective.

**Nancy Ota, Visiting Assistant Professor of Law**

B.S. University of California at Berkley, M.B.A. A.B. Freeman School of Business at Tulane University, and J.D. from Stanford Law School. Professor Ota was a Future Teaching Law Scholar and a Teaching Fellow at Georgetown University Law Center. Before joining the faculty at Albany Law School where she taught Contracts, Bankruptcy, Sales & Payment Law, Creditor Rights & Debtor Protections, Sales Law, Secured Transactions, Immigration Law & Policy, International Business Transactions, Business Organizations, Negotiable Instruments, Commercial Law Survey, and Issues in Law & Society (race, gender, sexual orientation, nationality & class). Previously, she taught at the University of Baltimore School of Law and the University of Toledo School of Law.

**Thomas R. Scott, Jr., Visiting Assistant Professor of Law & General Counsel**

B.A., Government & Political Science, Hampden-Sydney College, four year Wrestling letterman, and team captain in his senior year, 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; Member, Tenth District Ethics Committee; Member, Governor's Advisory Commission on Workers' Compensation; Faculty Member, Virginia State Bar Course on Professionalism; Chairman, Virginia State Bar Disciplinary Board; member, Virginia State Bar Council; member Virginia State Bar Client Protection Fund Board; member, Town of Grundy Town Council. Professor Scott has appeared on The Today Show, Good Morning America, Nightline, Primetime, and Larry King Live in conjunction with the Virginia case, Commonwealth v. Roger Keith Coleman. He will be inducted as a Fellow in the Virginia Law Foundation in January, 2015. Presently: Partner, Street Law Firm, Grundy, Virginia. Courses taught: Trial Advocacy; Insurance Law; Legal Process I and II.

**ADJUNCT FACULTY**

**Frank Harrington**

**Emma Jones**

**Hon. Larry Kirksey**

**Kenneth R. Russell**

## **SPECIAL NATURAL RESOURCES LAW FACULTY**

### **Justice Elizabeth A. McClanahan**

Justice Elizabeth A. McClanahan serves as Academic Chair and ASL's first Street Memorial Distinguished Visitor in Real Estate Law. She was the 1994 El Paso Fellow at the University of Colorado Natural Resources Law Center. She has served as Virginia's chief deputy attorney general, as a judge on the Virginia Court of Appeals for eight years, and was elevated in 2011 to the Virginia Supreme Court.

## **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

TITLE:	Employee:
Access Services Librarian	Rebecca Belcher, B.S., M.L.S.
Financial Aid Officer	David Brookshire, B.S.
Director of Career Services	Professor Joe Buffington, B.A., M.S., M.A., J.D., Ph.D.
Director of the Business Office	Patricia Deel, B.S.
Writing and Public Relations Specialist	Rebecca Elswick, B.A., B.A., M.Ed.
Administrator for Reaccreditation and Special Projects	Becky England, M.Ed.
Public Services Librarian	Chris King, B.A., J.D., M.L.I.S.
Acting Director	Glenna Owens, B.A., M.L.S.
Director of Information Services	Brian Presley, B.S.
Director of Community Service & Personnel	Jina M. Sauls, B.A., J.D.
Director of Admissions	Kendall Smith, B.A., M.A.L.A.
Director of Marketing & Institutional Development	Position to be filled
Regional Admissions Officer	Corie Rife, B.S., J.D.
Registrar, Director of Reporting and Regulatory Compliance	Beth Stanley, B.S., M.S.I.S.
Programs Coordinator	Erin Taylor, B.A., J.D.
Network Administrator	Glen Turner, B.S.

## ADMINISTRATIVE STAFF & SUPPORT

<b>TITLE:</b>	<b>Employee:</b>
Faculty Assistant for Academic Programs	Sandra Baker
Maintenance	Andy Boldt
Circulation Assistant	Jeree Boyd
Assistant to Offices of Community Service and Personnel	Jennie Clevinger
Admissions and Financial Aid Assistant	Alex Compton
Housekeeping	Christine Doughten
Circulation Assistant	Michelle Elswick
Maintenance Supervisor	Jeff Hutchinson
Secretary to Career Services and Development	Tonya Moore
Assistant to the Registrar and Admissions	Marcia Owens
Business Office Clerk	Patricia Ratliff
Business Office Clerk	Christy Rose
Housekeeping	Virginia Stinson
Administrative Assistant to the Associate Dean and Events Coordinator	Patty Street
Administrative Assistant to the Dean	Peggy Street
Serials Assistant	Teresa Yates

## **CAREER SERVICES**

The Career Services office functions to help students and alumni develop their career goals and objectives, and to cultivate relationships with potential employers. Students are served by the Career Services office beginning October 15<sup>th</sup> of the first year of law school as they evaluate their career goals in terms of specialization, geographic placement, and personal preferences. The Director assists students in resume and cover letter preparation, assists with job searches, arranges for on-campus interviewing, facilitates student attendance at job fairs, coordinates applications for judicial clerkships, and provides programming regarding various career-related topics.

The Career Services Director serves to increase the visibility of ASL and its graduates by communicating with potential employers. This includes developing contacts with law firms, public interest organizations, and governmental agencies that routinely hire law school graduates in an effort to support the career goals of the students of ASL. The Career Services Director facilitates off-campus interviews and resume collections for those potential employers who are not able to recruit on-campus.

## **ADMISSIONS – Juris Doctor Program**

### **Policy**

General policy regarding qualifications needed for students seeking admission to ASL is set by the faculty, with individual admission decisions made by the faculty Admissions Committee. ASL 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.

ASL 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. ASL 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. ASL 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.

The Appalachian School of Law confers the Juris Master degree after the completion of three semesters of study, if a student is in good standing. It is now estimated that over 300 careers call for some fundamental knowledge of law and legal regulations.

### **Eligibility for Admissions**

ASL requires a bachelor's degree from an accredited institution, an LSAT score, two letters of recommendation, a personal statement, and any posted application fee. The Appalachian School of Law accepts application fee payments processed through ASL Admissions Council.

All applicants are required to subscribe to ASL Admissions Council Credential Assembly Service (CAS). All documents received by ASL 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.

*The 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 Credential Assembly Service (CAS) report that should include two letters of recommendation. In addition, applicants may submit up to two additional letters specific to their application to ASL if they so choose to the Office of Admissions, The Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.

First-year students are admitted 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 ASL receives all of the application material. In the case of applicants who are completing their undergraduate degree at the time of application, admission to ASL will be conditioned on proof of a conferred bachelor's degree.

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

### **Seat Deposit**

Admitted students will receive a letter informing them of acceptance and requesting that a \$200 seat deposit be submitted to ASL 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 ASL, 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, but considered by the Admissions Committee on a case-by-case basis.

### **Transfer Students**

ASL may accept transfer students from ABA-approved or state-approved law schools in accordance to ABA Standard 505 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 ASL or within a reasonable time thereafter. Students who fail to

submit the required transcripts to ASL 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 ASL in the 2015-2016 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	\$31,000.00	(\$15,500 per semester)
Activity Fee	\$325.00	(\$162.50 per semester)
Laptop Computer	Market Price	(an optional one-time expense – up to \$1,000)
Summer Externship Fee	\$200.00	(payable Spring Semester of first year)
Part-time tuition rate of	\$990.00	(per credit hour/requires approval from Dean's office)
Summer School Classes	\$1,000.00	(per credit hour)
Visitor administrative fee	\$1,000.00	(upon commencement of visit)
Transcripts	\$0.00	(current students and alumni for employment or bar applications)
Transcripts	\$5.00	(former students and non-employment or bar application purposes)
Transfer package fee	\$25.00	(per school application)
Expedited shipping	\$20.00	If expedited shipping is requested for any of the above transcript requests, the expedited shipping charge is required.
Graduation fee	\$100.00	(payable Spring Semester of third year)

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

An interruption in enrollment will permanently deactivate all scholarship awards.

## **BOARD OF TRUSTEES' REFUND**

For the 2015-16 academic year, ASL will provide a \$5,000 tuition refund to all enrolled students in good standing. Every 1L student with no more than 6 credit hours of NP's, and every 2L and 3L in Good Standing will receive a check for \$2,500 on February 1, 2016. The second installment of \$2,500 will be issued on June 1, 2016 to every second semester 1L, every 2L and 3L students who are in Good Standing.

## **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 the Financial Aid Office. Prior to graduation or in the event that the student leaves law school, a student must complete exit counseling <https://www.studentloans.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 Appalachian School of Law 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. 1211.

## **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 ASL'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**

ASL annually allocates monies for scholarships that are either need- or merit-based. For the 2015-2016 academic year, ASL has set aside over one million dollars in scholarship money. In addition to the Merit Scholarship program described above, the Appalachian School of Law 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. The Appalachian School of Law Scholars are chosen by the Dean based on demonstrated financial need and either entering credentials or performance at ASL (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**

ASL 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. ASL is a Yellow Ribbon qualified school. For more information, contact ASL's Financial Aid Office at 1-800-895-7411, extension 1211.

## **Federal Work Study**

ASL participates in the Federal Work Study (FWS) program. A limited number of employment opportunities are available to students enrolled at ASL. These jobs pay

at least the minimum wage and may not exceed twenty hours per week. All students employed by ASL 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 -- Juris Doctor Program**

### **Program Offered**

ASL offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree (for students entering in the Fall of 2015) include completion of ninety 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 2.1 or better in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

ASL provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. ASL 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**

ASL's mission is to develop professionals who will serve as community leaders and community advocates. ASL provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from ASL, 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 direct community service provided by members of ASL community, Law students have volunteered with the Buchanan County Commonwealth's Attorney, students have tutored and mentored in the public school system, students have assisted Buchanan County by providing property research for the Great Eastern Trail and Spearhead Trail project, students have assisted the Buchanan County Humane Society and volunteered with the Volunteer Income Tax Assistance ("VITA") project. Students and faculty may create alternative service projects as well. For example, students have 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 and worked as child advocates in the court system.

## **EXTERNSHIPS/CLINICS**

Since its inception, The Appalachian School of Law has distinguished itself from other law schools by providing our students with practical legal experience well before graduation. ASL's externship program is a central part of the school's commitment to equipping students with practical lawyering skills. The externship also gives our students a chance to network and make connections that may aid students in their future law careers. During their externships, students may:

- Assist with trial strategy
- Draft judicial opinions
- Draft pleadings and legal memoranda
- Interview clients
- Observe court proceedings
- Perform factual investigations
- Research legal issues
- Update law libraries
- Represent real clients
- Practice Client interviewing
- Mediate Disputes & Apply Alternative Dispute Resolution
- Hone courtroom presentation and evidentiary techniques

### **First Year Summer Externship Program**

For six weeks between their first and second years of school, all ASL students earn three hours of academic credit by spending at least 200 hours working under the

supervision of an experienced attorney. This allows our students to take what they have learned in the classroom and apply it to the real world in public interest or pro bono legal environments during the summer. This experience then informs and transforms their remaining studies at ASL. The externship placements have the added advantage of fulfilling bar admission requirements such as the State of New York's prerequisite that those seeking admission to the bar complete 50 hours of pro bono work before the bar examination. With more than 500 approved site partners, ASL has one of the country's largest databases of externship opportunities for our students. Follow these links to review an alphabetical list of our site partners by category or state.

## **Second Year Summer Internship Program**

Beginning in the summer of 2013, ASL expanded its traditional externship program to include competitive placements for our most distinguished students. Through this component of the externship program, students compete for placement at sites that focus their practices in the areas of (1) natural resources and environmental law, (2) the judiciary and (3) administrative law. Students who are selected for these internships may receive a stipend to offset travel and living expenses.

## **Third Year Live Client Clinics**

ASL also created live client clinics for third year law students seeking to further enhance their experiential learning opportunities. Students enrolled in this track of the externship program must enroll in a corresponding seminar or practicum. The corresponding seminar or practicum is taught by ASL's faculty in partnership with an attorney at the clinic who instructs the student in the relevant area of the law.

If you have additional questions, contact ASL's Externship Director, Dean Dan Caldwell.

## **SUMMER / INTERSESSION COURSES**

Courses may be offered in January or summer intersessions, as student interest and faculty availability allows. Intersessions are condensed format courses offered for academic credit. The cost for the intersession courses is currently \$1,000 per credit hour. Specifics on January Intersession offerings will be made available during the fall semester at the time of registration for spring classes in the following year. Specifics on summer session offerings will be made available during the spring semester at the time of registration for fall classes in the following year. Intersession course offerings

provide courses that students may take to expand the breadth of their legal education, but no required courses are offered during either of the intersessions. Courses offered during past January and Summer Intersessions include: Intro to Natural Resources, Lawyerpreneur, The Law of Renewables, Workers' Compensation, Law Office Management, Oil and Gas Law, Law and Religion, Regulation of Energy Markets and Utilities, and Arbitration.

*Please contact Financial Aid at extension 1211 for more information on the cost of the Summer/Intersession courses.*

## **Prescribed Curriculum -- Full-time Students -- J.D. Program**

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 in their third year.

Prior to graduation from ASL, 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 ASL. Presently, however, the Faculty anticipates that full-time students entering ASL in 2015-2016 will take courses in the following sequence:

<b>First Year – Fall</b>		<b>First Year – Spring</b>	
Civil Procedure I	2	Civil Procedure II	3
Contracts I	3	Contracts II	3
Legal Process I & Strategies	4	Criminal Law	3
Property I	3	Legal Process II	3
Torts	4	Property II	3
<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	2-3	Business Associations	4
Appellate Advocacy		Wills & Estates	3
Evidence	4	Dispute Resolution or	2-3
Professional Responsibility	3	Appellate Advocacy	
Criminal Procedure	3		
<b>Total</b>	<b>15-16</b>	<b>Total</b>	<b>12-13</b>
<b>Third Year – Fall</b>		<b>Third Year – Spring</b>	
Family Law	3	Capstone Electives (3)	9
Secured Transactions & Payment Systems	4	Practicum	4
Practicum	4		
Seminar	2		
Complementary Course	2-3		
<b>Total</b>	<b>15-16</b>	<b>Total</b>	<b>13</b>

**Prior to graduation, a total of 90 credit-hours of course work must be completed in compliance with the curricular structure established by the faculty.**

## Part-time Students

ASL 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.

## **Certificate Programs**

ASL has two post-graduate certificate programs, one associated with the J.D. program, and one available to professionals who have completed a Bachelor's degree, and who seek to enhance their professional standing, but who do not need to obtain a J.D. degree.

### **The J.D. Certificate Program**

By focusing their upper level studies in specific areas of legal education, students pursuing a J.D. degree may earn a certificate in one of three areas of study: Natural Resources Law, Litigation, or Lawyer As A Problem Solver. These certificates inform prospective employers that a student's legal education, in addition to fulfilling the general requirements necessary to receive the Juris Doctorate, has been concentrated in a specific area of legal education. ASL's certificates are awarded to students whose upper level coursework fulfills the requirements established for each of the programs. Certificates in the J.D. program are awarded only for coursework completed during a student's matriculation.

A student will receive a **Lawyer as a Problem Solver Certificate** with a corresponding notation in the student's permanent academic record if he or she meets the following criteria: complete at least 23 credit-hours of coursework as established for the program (11 hours of required first and second year courses, 6 to 8 hours of Dispute Resolution Electives, 5 to 8 hours of Procedure and Practicum Electives.)

A student will receive a **Litigation Certificate** (Criminal, Civil, or general) with a corresponding notation in the student's permanent academic record if he or she meets the following criteria: Successfully complete at least 29 credit hours of litigation related course work (26 credit hours of required courses, and at least 3 hours

of Elective courses; and, receive a grade of “PR” in all required first year courses, and have at least a cumulative 3.0 grade point average in the upper level courses that qualify the student to receive the certificate.) The category of certificate a student will receive (Criminal, Civil, or general) will be determined by the nature of the courses the student pursues.

A student will receive a **Certificate in Natural Resources Law** with a corresponding notation in the student’s permanent academic record if he or she meets the following criteria:

1. Successfully completes 15 hours of credit in specified natural resources classes and programs.
  - (a) Up to three of the required 15 hours may be fulfilled by (a) earning credit for work with the Natural Resources Law Journal (2 hours), (b) earning credit for participation on a qualifying moot court team (2 hours) , (c) successfully completing a course through Virginia Tech’s Graduate School of Natural Resources that has been approved for credit as part of the Virginia Tech Certificate in Graduate Studies in Natural Resources (3 hours) , (d) earning credit through work at a clinic overseen by ASL’s Natural Resources Law Program (1-3 hours) , or (e) earning credit through Independent Study on an approved topic (2 hours).
  - (b) At least 12 of the 15 hours must be earned by obtaining passing grades in approved natural resources classes.
  - (c) The Natural Resources Law committee will have the authority to determine classes, programs, competitions and topics that qualify for credit, and to otherwise modify the credit requirements for achieving the Certificate.
2. Achieves at least a cumulative 3.0 grade point average in the graded ASL courses that count towards the 15 qualifying credit hours.
3. Meets all other requirements to graduate from ASL.

The Curriculum Committee and Academic Standards, with approval from the Dean and Associate Dean for Academic Affairs, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program. Specific course requirements may change from semester to semester, thus information about available courses for the certificate programs is provided to students during the registration period for each semester.

## **Professional Certificate Program**

Professionals who have completed a Bachelor's degree may enroll in courses at ASL for the purpose of receiving a certificate from the school that will enhance their professional standing by documenting law-related studies relevant to the professional's field of employment. ASL offers three Certificates: Human Resources and Management Regulation; Natural Resources and Energy Regulation; and, Legal Studies. Professionals may complete these courses at their own pace, but must complete a minimum of 12 and a maximum of 15 credit hours of coursework in order to receive a certificate. The credit hour price for the professional certificate program is \$1,250 per credit hour.

## **Juris Master's Degree Program**

ASL will confer the degree of Juris Master upon all candidates for the Juris Doctor program successfully completing their third semester of law school in good academic standing. Awarding ASL students the Juris Master's degree provides them recognition for mastering basic legal skills, and is in keeping with ASL's leadership role in the legal education community, where the school has earned well-deserved national repute for its commitment to legal education access, community service, and student externships. Not only does it recognize their achievement, but it also provides a valuable degree to law students who determine, due to changes in life circumstances, that completing the J.D. is not feasible at the time. Attaining this degree ensures that the students receive something of value that will increase their career marketability. Students qualifying for The Appalachian School of Law's Juris Master degree will receive their J.M. diplomas during a ceremony in ASL's Appellate Courtroom after their third full semester.

## 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 (Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property and Torts), the class will also be divided into smaller sections, based on the state bar exam being taken by students, that will meet in extra meetings on top of the scheduled class to discuss jurisdiction-specific information and skills.
- **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 Electives** (2 or 3 hours) 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 electives. Capstone electives vary from year to year, but include such courses as:

### **Administrative Law**

(3 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**

(3 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**

(3 credit hours) 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**

(3 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 a 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**

(3 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**

(3 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**

(3 credit hours) 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.

### **Advanced Sales and Consumer Protection Law**

(3 credit hours) This course covers contracts for the sale or lease of goods under Articles 2 and 2A of the Uniform Commercial Code. A typical products liability lawsuit is reviewed to demonstrate the common interplay between 1) the UCC rules regarding sale or lease of goods, 2) common law principles of contract, and 3) tort theories in disputes involving goods.

The course also covers consumer protection laws by tracking consumer transactions from the obtaining of credit to false advertising, to false and misleading business practices, to product safety regulation including packaging and labelling, to the role of state tort law and fraudulent transfer law in consumer transactions, to regulation of debt collection practices, and to debt relief including the bankruptcy option. Coverage in this area includes the Magnuson-Moss Warranty Act; the Consumer Product Safety Act; the Hazardous Substances Act; the Food, Drug & Cosmetics Act; the Federal Trade Commission Act; the Truth in Lending Act; the Equal Credit Opportunity Act; the Fair Credit Reporting Act; the Fair Debt Collection Practices Act; state consumer protection statutes; and state fraudulent transfer laws.

A brief introduction to documents of title under UCC Article 7 and letters of credit under UCC Article 5 is provided.

## **Virginia Civil Procedure**

(3 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 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**

(2 credit hours) 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, pleading, discovery, disposition without trial, joinder of claims and parties, and effects of judgments.

- **Civil Procedure II**

(3 credit hours) A continuation of Civil Procedure I.

- **Constitutional Law I**

(3 credit hours) 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**

(3 credit hours) 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**

(3 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**  
(3 credit hours) 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**  
(3 credit hours) 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**  
(2 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**  
(4 credit hours) 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**  
(4 credit hours) 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**  
(3 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. 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 Attorneys; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observing court proceedings, researching legal issues, performing factual investigations, drafting pleadings and legal memoranda, drafting judicial opinions, updating law libraries, and assisting with trial strategy and problem solving.

- **Family Law**

(3 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, and adoption.

- **Independent Study**

(1 to 3 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 Curriculum Committee.

- **Insurance Law Practice**

(3 credit hours) 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. General Elective.

- **Introduction to Law**

(Non-credit course) An introduction to legal analysis and the legal process. The course introduces the student to the structure of the judicial system and the

thought processes used in it. In addition, there is significant emphasis on the nature of the legal profession, rules of conduct for lawyers, and the ideal of professionalism.

- **Law Journal**

(2 credit hours) Credit is awarded to students who successfully complete two years of service on the Appalachian School of Law 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 2-credit-hour elective course, at the student's option.

- **Legal Process I and Strategies for Success**

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

- **Legal Process II**

(3 credit hours) 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**

(2 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 2-credit-hour elective course, at the student's option.

- **Secured Transactions & Payment Systems**

(4 credit hours) Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers.

- **Practicum Courses** (4 credit hours) Practicum 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 in each course is limited. The practicum offerings vary from year to year.

### **Advanced Negotiations**

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, Counseling, and Negotiation**

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.

### **Coal Law**

Coal law is designed to familiarize students with the legal, business, and environmental issues facing the coal industry. Specifically, the course will cover the nature of ownership of subsurface minerals; methods of transferring ownership; implied rights; surface rights; leasing; royalties; and environmental and regulatory issues. Students will engage in class discussion of current topics as well as participate in an extensive practical skills exercise.

### **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 and Practice**

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.

### **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 topics 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; 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 (LLCs). 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**

Students explore the significant challenges facing the energy industry today, including climate change concerns, energy independence and security, traditional pollution, regulatory and litigation burdens, jobs, the price of electricity, “peak” supply, and increased energy demand. Students will gain an understanding of historical and current energy use, law and policy, both globally and nationally. The class is built around the following units: the international regime; national energy and environmental policy; coal law and policy; natural gas law and policy; transportation and oil; nuclear and renewable energy; and legislation and litigation. Students will represent nations in mock climate treaty negotiations; debate the “hot” energy issues of the day; and advise “clients” on energy-related regulations and agreements. Reading materials are compiled from source documents (treaties, regulations, laws and court decisions), government and industry studies and reports, and current commentary. There is a significant paper due at the end of the class.

### **Trial Advocacy**

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**

(3 credit hours) 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**

(3 credit hours) 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**

(3 credit hours) A continuation of Property I.

- **Secured Transactions and Payment Systems**

(3 credit hours) Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers.

- **Seminar Courses**

(2 credit hours) Seminar courses require students to complete an expository or argumentative research paper under the supervision of a full-time 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.

### **Agricultural Law: Food Safety, Security, Sustainability**

(2 credit hours) In recent years, our agricultural practices have come under increasing criticism. Our food supply has turned from traditional farming and traditional food sources to factory farming and processed foods, leading to a variety of food safety issues. At the same time, the very practices that allow farmers to produce enough food for the current population are creating environmental degradation that call into question the sustainability of our food security. The course examines the roles of governments in subsidizing farming and regulating food practices while balancing the tensions between food safety, food security, and sustainable food supplies.

### **Arbitration**

(2 credit hours) This course 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**

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' 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**

(2 credit hours) This course examines federal and state legislation governing compensation of disabled persons.

### **Environmental Law**

(3 credit hours) Examines selected topics in the law governing the protection of air, water, and land from pollution. Early class sessions will cover: (1) brief overviews of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act; (2) the impact of Climate Change on the permitting process; (3) additional areas of environmental law having regional connections, including mine permitting and regulation; (4) competing conceptual approaches to environmental regulation; (5) the political and bureaucratic aspects of environmental regulation as a model of regulation generally; (6) emerging notions of environmental justice; and (7) the role of citizen enforcement, including the implications of recent U.S. Supreme Court decisions dealing with the issue of standing. Reading materials will focus on judicial decisions, administrative materials, and case law but will also include selections from the literature of science, economics, and political science that underlie current legal debates in environmental law. Early classes will involve the students in informal presentations based on the reading materials. The last few classes will be devoted to presentation and discussion of student research papers.

### **Juvenile Law**

(3 credit hours) This course is a study of the three principal branches of juvenile court jurisdiction: delinquency, abuse/neglect and status offense proceedings as well as the basics of developmental psychology in exploring questions of capacity, competency and culpability. The course analyzes how the role of counsel differs from the role of a guardian ad

item or of a Court Appointed Special Advocate. Each student writes a 20-25 page research paper on some topic of juvenile law and makes a twenty minute presentation of the topic in class. The paper is critiqued, and the student edits and resubmits it for the final grade. This course satisfies the upper level writing requirement.

### **The Law of Governance, Risk Managements, and Compliance**

(2 credit hours) This is a seminar course in which students will consider the current status of the law regarding various controversial issues involving 1) corporate governance; 2) corporate compliance with generally accepted ethical standards, internal rules & standards of conduct, and government regulation; and 3) risk management. For each issue examined, the course will challenge students to contemplate, identify, and propose alternative approaches. Students are required to complete an original expository and/or argumentative research paper on a single topic from one of the three broad areas listed; such topic to be chosen in consultation with the instructor. The objectives of the course are 1) to deepen the students' understanding of how corporations actually function; 2) to improve and sharpen students' critical thinking, research, and writing skills; 3) to better prepare students to function effectively as corporate counsel; counsel to individuals or businesses harmed by corporate action related to these issues; a state or federal agency regulator; a local, state or federal lawmaker; or as a state or federal judge.

### **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.

- **Torts**

(4 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 Appalachian School of Law's Academic Support program is an integral part of the school's commitment to provide all students the chance to succeed in law school.

The Academic Support program seeks to help students master those legal study skills necessary for success in law school, on the bar exam, and in legal practice. The program 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.

The Academic Support program 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 ASL. 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. During their last semester, students take part in the Bar Preparation Studies course, where they learn skills necessary for success on both the multiple choice and essay portions of the bar exam.

## **STUDENT ORGANIZATIONS**

### **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.

### **The 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 School of Law 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.

### **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 ASL 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 ASL 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 Law 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.

## **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.

## **Outlaw**

The Outlaw 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.

## **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 ASLs. 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.

### **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.

# **ACADEMIC STANDARDS & POLICIES**

## **I. Function of These Standards**

### **A. Comprehensive Rules and Interstitial Rulemaking**

The function of these academic standards is to provide comprehensive rules for governing the academic rules to be applied to students of The Appalachian School of Law (the School). To the extent the rules fail to provide adequate guidance for administering a particular aspect of the students' academic program, the Dean may adopt temporary rules which shall have full force and effect until the Faculty adopts a permanent standard.

### **B. Adoption and Amendment**

The academic standards are adopted by majority vote of the Faculty and are subject to amendment by a majority vote of the Faculty.

### **C. Notice**

These standards are notice to all applicants, students, faculty members, and others of the rules, regulations, policies, and procedures described herein. This notice exists without regard to whether one has actually taken the opportunity to read the standards; the School will deal with all interested parties on the assumption that they have informed themselves as to these standards.

### **D. Availability**

The School will make efforts to provide reasonable access to these standards to interested people. This access may include availability of the standards at the School's law library.

## **II. Status of Students**

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

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. No full-time student may work more than twenty hours per week during any week in any term or

semester for which the student is enrolled. The student bears the burden of proving compliance with this work limitation, and the 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 shall be regarded as a part-time student, and the sanctions for exceeding the maximum student load for a part-time student will be imposed for any semester in which the student exceeded the maximum part-time load. Furthermore, violation of the work limitation is a Code of Academic Conduct violation and is therefore subject to additional sanction through that process.

## **B. Part-time**

A part-time student is any student:

- (a) working more than twenty hours per week, or
- (b) taking eleven or fewer credit hours in a semester.

## **III. Student Academic Conduct**

### **A. Code of Academic Conduct**

A student may be disciplined for conduct unbecoming a student of law. Conduct unbecoming a student of law includes, but is not limited to:

- (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 any state bar;
- (5) harassing, hostile, threatening, or intimidating actions toward other law students, faculty, staff or administrators, in a manner disruptive of the academic programs;
- (6) refusing to attend professional counseling or submit to a psychological evaluation at the request of the School;
- (7) requesting that another person 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.

With respect to conduct falling under Section III (A)(7), in addition to any other disciplinary actions deemed appropriate, a student shall be counted as absent during the class that he or she signed another student's name on the course attendance sheet.

## **B. Duty to Report**

Any student who has reason to believe a violation of the Code of Academic Conduct has occurred must report that belief to the Dean. Failure to do so is a violation of the Code of Academic Conduct.

## **C. Disciplinary Process**

### **1. Complaints for Violation of Code of Academic Standards**

Complaints for violation of the Code of Academic Conduct, Section III (A), shall be handled in accordance with procedures set forth in these standards.

### **2. Grading of Suspected Examination or Assignment**

An instructor suspecting a violation of the Code of Academic Conduct on any class assignment or examination must report the violation to the Dean. The instructor should grade the assignment or examination as if no violation occurred and should then turn in the grades with the request that they be held by the registrar pending an investigation.

## **IV. Curriculum**

### **A. Prescribed Curriculum**

#### **1. Prescribed Curriculum Generally**

All students must take the following courses, in the sequence specified by the Faculty: Business Associations; Civil Procedure I; Civil Procedure II; Constitutional Law I; Constitutional Law II; Contracts I; Contracts II; Criminal Law; Criminal Procedure; Dispute Resolution; Estates and Trusts; Evidence; Externship; Family Law; Introduction to Law; Legal Process I and Strategies for Success; Legal Process II; Payment Systems; two Practicum courses; Professional Responsibility; Property I; Property II; Secured Transactions and Payment Systems; and Torts. All students also must satisfy both the Seminar/Rigorous Writing Requirement and the Upper-Level Writing Skills Requirement. In addition, all students must take a prescribed number of Capstone Courses.

#### **2. Part-time Sequence**

For part-time students, the sequence of courses is arranged by the student with the Dean; however, prior to graduation, the part-time student must complete all courses required of full-time students.

## **B. Deviations from Prescribed Curriculum**

Absent permission of the Associate Dean for Academic Affairs, full-time students may not deviate from the prescribed sequence of courses.

## **C. Failure to Complete a Course Successfully**

Any student who, for whatever reason and in whatever fashion, does not successfully complete and receive credit in a required course must enroll in that course at the earliest available opportunity.

## **D. Seminar/Rigorous Writing Requirement**

### **1. Seminar Requirement Generally**

Except as provided below, each student must take a Seminar, in which, under the supervision of the faculty member teaching the student's Seminar, the student will complete one paper which is either an expository or argumentative writing of at least twenty double-spaced, typed (or word-processed) pages of text exclusive of footnotes. Each seminar shall provide individualized assessment including review of and feedback on at least one draft prior to submission of the final written product.

### **2. Independent Study**

Students may, with the permission of the Dean, take an Independent Study on a particular topic to fulfill the Seminar/Rigorous Writing Requirement. Students interested in pursuing an Independent Study must find a full-time professor who will agree to supervise their work, and the Independent Study must be completed within one semester. Under no circumstances shall an Independent Study be approved for use as a substitute for a required course other than the seminar/rigorous writing requirement.

### **3. Law Journal**

Students who successfully complete four semesters of service on the Appalachian School of Law Journal of Law, including at least two semesters as a member of the Board of the Journal, and who produce a note, which the Board of the Journal and the Journal's Faculty Advisor deem publishable, may substitute such service for the Seminar Requirement or a two-credit upper level elective course, at the student's choice. In such cases, the student shall be awarded two semester credit hours for "Law Journal" at the end of the student's final semester. Successful completion of service on the Journal will be determined by the Journal's Faculty Advisor. Students may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares.

#### **4. Moot Court**

Students who successfully complete four semesters of service on the Appalachian School of Law Moot Court Board, independently prepare at least one brief, and compete in an interscholastic Moot Court competition may substitute such service for the Seminar Requirement. Students who successfully complete four semesters of service on the Appalachian School of Law Moot Court Board and compete in an interscholastic Moot Court competition may substitute such service for a two-credit upper level elective course. In such cases, the student shall earn two semester credit hours for "Moot Court" at the end of the student's final semester. The Moot Court Program's Faculty Advisor(s) will determine whether students have successfully completed Moot Court service and are eligible for seminar or elective credit. Students may receive a total of two (2) credits for Moot Court activities, regardless of the number of competitions in which they compete.

#### **E. Upper-Level Writing Skills Requirement**

Each student must successfully complete at least one course that has been designated by the Curriculum Committee as satisfying the Upper-Level Writing Skills Requirement.

#### **F. Community Service Requirement**

Students are required to complete 25 hours of community service each semester. During their first semester, students satisfy this requirement by taking the mandatory Introduction to Community Service class. The Community Service Requirement may be waived by the Associate Dean for Academic Affairs for students on Academic Probation.

#### **G. Bar Preparation Studies Course**

All students are required to successfully complete the Bar Preparation Studies Course prior to graduation, subject to the following exceptions. Students who meet the following criteria may opt out of the Bar Preparation Studies Course, with faculty approval:

1. The student must have achieved a 3.00 or higher Academic Standards GPA after the Spring Semester of their 2L year (NOTE: Students whose Academic Standards GPA falls below 3.00 after the Fall semester of their 3L year will be required to adjust their Spring semester enrollment to include Bar Preparation Studies);

2. The student must have scored 145 or higher on the LSAT;
3. The student must not have received 8 or more credits of Not Proficient grades;  
AND
4. The student must not have been placed on academic probation at any time.

## **V. Registration**

### **A. Normal Registration Times**

Registration times for each semester or term shall be set by the Dean.

### **B. Late Registration**

Failure to register during the normal registration time for a semester or term will cause a student to lose any priority in registration.

### **C. Add/Drop Policies**

#### **1. Normal Time Period**

Students may change from one section to another in a course with optional topics (e.g., Seminar or Practicum offerings) during the first week of a semester if space is available.

#### **2. Absences Prior to Enrolling in a Section**

Absences from class sessions prior to shifting into a new section of a course with optional topics will be counted toward the total number of absences from the class.

### **D. Withdrawal From Courses**

At any time between the end of the add/drop period specified in Section V(C)(1) and the mid-way point in a course, a student may, with permission of the Associate Dean for Academic Affairs, drop a course and receive the grade of "W." The "mid-way point" means the time when 50% of the class minutes for a course have been held. At any time after the mid-way point in a course, a student who withdraws from a course shall receive the grade of "F." A student who withdraws from all courses and is granted a leave of absence shall receive the grade of "W" for all courses.

### **E. Maximum Student Load**

At no time may a student be enrolled in coursework that, if successfully completed, would exceed 20 percent of total coursework required by the School for graduation.

## **VI. Attendance**

### **A. Required Class Attendance; Computer Use**

Regular and punctual class attendance is required of all students in all courses. Attendance shall be taken in all courses. Attendance sign-in sheets shall be used, and students have the responsibility for making sure that they sign the sheet. Any student requesting that another person sign his or her name on the attendance sheet during a class that he or she did not attend, arrived late for or left early for; or any student who signs another student's name on an attendance sheet shall be deemed in violation of the Code of Academic Conduct (see Section III(A)(7) of the Academic Standards). Use of computers during class periods for any purpose other than note-taking is prohibited. The instructor may establish a more restrictive computer use policy.

### **B. General Rule**

No student may miss more than fifteen percent (15%) of the class meetings in any course or seminar. For example, for a course that meets three times per week, a student may miss no more than five classes; for a course that meets twice a week, a student may miss no more than four classes; for a course that meets once a week, a student may miss no more than two classes. A student who is tardy or who exits class early may be marked as absent. Under no circumstances shall a Professor be permitted to allow a student to "make up" an absence from a regularly scheduled class. Any student exceeding the maximum number of absences in a course shall receive the sanction set forth in Section VI (E) of the Academic Standards.

Externship Orientations and Debriefings are not subject to this General Rule. Absences from Externship Orientations or Debriefings may be excused by the Externship Director, for good cause evidenced in writing by a student requesting an excused absence.

### **C. Instructor's Rule**

An instructor may establish more restrictive class attendance policies if the students are notified in writing during the first week of classes. A student who is present but unprepared for class may be marked as absent if the instructor adopts this policy in writing during the first week of the semester. The student found to be absent because the student is unprepared shall be so advised by the instructor during or immediately after the class in question.

## **D. Exclusions**

A student's absence from any class meeting, if in observance of the student's religion or conscience shall not be computed toward the maximum number of absences.

## **E. Sanctions for Excessive Absences**

Any student who misses more classes than allowed by the above formula or an instructor's particular policies shall not be permitted to take the final examination or submit additional work. A student who misses more than the allowed number of classes in a course has not taken the course, and though the absences may be for good cause, such as sickness or death in the family, the student should re-take the course rather than sit for the examination or attempt the graded assignments. In the case of extraordinary circumstances, a student may petition, in writing delivered to the Associate Dean for Academic Affairs, for permission to withdraw and receive a grade of "W" as provided in Section VI (G) of these Academic Standards. In all other cases in which absences are excessive, a grade of "F" shall be given.

## **F. Notice**

Students must keep track of their absences. The School is under no obligation to notify students when their absences exceed the limits noted above.

## **G. Extraordinary Circumstances**

In extraordinary circumstances, a student who receives a failing grade due to excessive absences may petition the Associate Dean for Academic Affairs for relief. Upon proof of extraordinary circumstances, such as serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; attendance at school-sponsored academic events (such as interschool moot court, mock trial, negotiation, mediation, or client counseling competitions); or any other exceptional circumstance beyond the student's control which prevented the student from meeting attendance requirements, the Associate Dean for Academic Affairs may withdraw the failing grade and grant a withdrawal ("W") in the course. Any petition for change of grade from an "F" to a "W" under this subsection must be made within two weeks of the date the student is notified that the student's absences exceed the limit, or within two weeks of the date that a grade of "F" due to excessive absences is mailed or posted. A decision of the Associate Dean for Academic Affairs may be appealed to the Dean. The decision of the Dean upon appeal is final and not subject to further review or appeal.

## **VII. Examinations**

### **A. Anonymity**

#### **1. Confidential Grading Numbers Assigned**

Each semester all students enrolled at the School are assigned a number to use instead of their name or Social Security number on School examinations. These grading numbers are confidential.

#### **2. "Blind" Examination Grading**

Instructors are expected to inform students about course evaluation procedures at the beginning of each course. Students enrolled in classes in which the primary means of evaluation is an examination receive a "blind" examination grade. In those courses, the instructors assign grades to examinations without knowing the name or identity of the test taker. After instructors turn in the "blind" examination grades for their courses, they have the opportunity to match student grading numbers with student names. Instructors will then calculate final grades based on the evaluation procedures announced at the beginning of the course, including reflecting credit for additional course work or assignments, class participation, and other factors relevant to evaluating student work.

#### **3. Retention of Work upon which Grades Are Based**

The School will retain examinations and other written work on which a student's grade for a given course is based until the student has graduated, permanently transferred, withdrawn or been academically dismissed from ASL. Students will be permitted to review written work upon which a grade is based up to two weeks prior to the commencement of exams for the semester following the one in which the course was taken. Exams and other written work may be stored and/or reviewed, at the option of the Professor, either in the Registrar's Office, or a secure area designated by the Registrar's Office, or the Professor's office. If a Professor chooses to retain written material in his/her office, the Professor shall be responsible for the security of the material and shall only permit students to review the material in the Professor's, or a designated individual's, presence.

### **B. Departure from Examination Schedule**

#### **1. General Rule**

All students shall take examinations as scheduled. No student has the right to defer an examination. A student who fails to sit for an examination when scheduled, or who does not defer an examination according to these procedures, shall receive a failing grade in the course. Once a student receives notification of a grade, no petition for grade change shall be considered if the circumstances set forth in the petition demonstrate that the student should have, but did not, ask for an examination deferral.

## **2. When Deferral is Permitted**

A student is permitted to defer an examination only for good cause. Good cause includes serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; and any other similar emergency beyond the student's control which prevents the student from sitting for the examination when scheduled.

## **3. Procedure for Deferral of Examination**

No student may have an examination deferred without first applying to the Associate Dean for Academic Affairs for permission to defer an examination. Permission to defer an examination must be obtained prior to the scheduled examination day, unless the cause for deferral occurs on the examination day, and is due to circumstances beyond the student's control. Students who must defer a scheduled examination shall submit to the Associate Dean for Academic Affairs a written statement setting forth the nature of the emergency as soon after the emergency arises as is practicable, and should submit supporting documentation of the illness or emergency. If the Associate Dean grants permission to defer an examination, the Registrar shall notify the instructor whose examination is to be deferred. At the instructor's discretion, a new examination may be given to the student whose examination has been deferred. The revised examination date shall be set by the Associate Dean for Academic Affairs. The examination should be taken before the beginning of the next semester, except in extraordinary circumstances. Any appeal of the Associate Dean's decision shall be made, in writing to the Dean. The decision of the Dean on appeal is final and is not subject to further appeal or review.

## **C. Take-Home Pass/Fail Remedy for Extraordinary Circumstances**

In the event of a student's excused omission of a scheduled examination, the Dean may approve having the student take an appropriate take-home exam for the course on a pass/fail basis. The student taking an examination in this manner waives all right to anonymity.

## **D. Examination Accommodations for Students with Disabilities**

Students with medically verifiable disabilities may be provided extra time or other reasonable accommodations for completing examinations. Petitions for accommodations must be made to the Associate Dean for Academic Affairs within 30 days of the start of any semester for which the student desires accommodations. Each petition should be accompanied by evidence of the medical condition and evidence detailing the accommodations which have been provided the student in past educational settings or examinations. Particular weight is given to accommodations provided in taking the LSAT. The student whose request is granted is responsible for making appropriate arrangements with the School Administration. The decision of the Associate Dean for Academic Affairs may be appealed by petition, in writing, delivered to the Dean within 10 days following the decision. The decision of the Dean on the appeal is final and not subject to further appeal.

## **E. Use of Typing or Computer Equipment on Examinations**

### **1. Machines with Permanent or Retained Memory Devices**

Except as provided for in Section VII (E)(4), students may not use computers, word processors, or other machines with permanent or retained memory functions on closed-book examinations, and may not use computers, word processors, or other machines with permanent or retained memory functions on open-book examinations unless the instructor informs the entire class in the syllabus that these are permissible.

### **2. Students with Disabilities**

The rules in this part of VII (E) apply to students with medically verifiable disabilities. However, students with medically verifiable disabilities may use other necessary devices, such as dictation equipment, in examinations, if the use of the device is supported by medical evidence and approved by the Dean. Petitions to use such devices must be made (along with any other request for reasonable accommodations) to the Associate Dean for Academic Affairs within 30 days of the start of any semester for which the student desires use of the device or devices. Each petition should be accompanied by evidence of the medical condition and evidence of use of this or similar devices in past educational settings or examinations. Particular weight is given to the accommodations provided for taking the LSAT. The student whose request is granted is responsible for making appropriate arrangements with the School administration. The decision of the Associate Dean for Academic Affairs may be appealed by petition, in writing, delivered to the Dean within 10 days following the

decision. The decision of the Dean on the appeal is final and not subject to further appeal.

### **3. Exam Software**

Students may use a computer in conjunction with school-approved exam software on examinations for which such use has been approved by the instructor and the Registrar. In order to elect to use exam software on approved examinations, students must comply with all procedural requirements set forth by the Registrar. Students may not use typewriters on closed book, open book or any other type of examination.

### **F. Exam Administration Procedures**

Rules for the administration of final examinations shall be prepared by the Registrar, or an individual designated by the Dean, and approved by the Dean each semester. These Rules shall be reduced to writing and distributed to all students prior to the start of final examinations. A student who fails to comply with any examination rule may be subject to administrative sanction including a grade reduction, examination time reduction, or any other sanction deemed by the Dean to be appropriate under the circumstances.

## **VIII. Papers and Projects**

### **A. Anonymity Optional**

In any course which requires papers or projects other than in-class or take-home examinations, the instructor for the course may, but need not, make such arrangements for anonymous grading of such papers or projects as he or she deems appropriate.

### **B. Citation Rules**

The responsibility for learning the proper forms of citation lies with the individual student. Quotations must be properly placed within quotation marks and must be fully cited. In addition, all paraphrased material must be completely acknowledged. Whenever ideas or facts are derived from a student's reading and research, the sources must be clearly indicated.

## **C. Own Work Requirement**

### **1. Identification of Sources**

All work submitted to meet course requirements is expected to be the student's own work. In the preparation of work submitted to meet course requirements, students should always take great care to distinguish their own ideas and knowledge from information derived from other sources. The term "sources" includes not only published primary and secondary material, but also information and opinions gained directly from other people.

### **2. Collaboration**

Collaboration in the completion of assignments is prohibited unless explicitly permitted in writing by the instructor. Students must acknowledge any collaboration and its extent in all work submitted.

### **3. Resolution of Doubts**

Students who are in any doubt about the preparation of academic work should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

## **D. Double Dipping**

Students may not submit one paper for two or more courses or seminars. If a student wishes to create a second paper which draws in any way on work previously used for academic credit, the student must consult with both the instructor to whom the initial work was submitted and with the instructor to whom the new work will be submitted. Before the student may use the prior work, both instructors must certify in writing that the new work is of sufficiently greater scope or depth to warrant the use of the prior work for new academic credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden prior to giving their written approval of the proposed use. This rule applies to all course offerings whether at the School or elsewhere. A student who submits the same, or substantially the same, work in more than one course (whether it is the whole of the second work or only a portion thereof) without obtaining such prior written approval will be subject to disciplinary action.

## **IX. Grades and Grading Policies**

### **A. Grades**

#### **1. Available Grades**

The grades for first year students at the School shall be Proficient, Not Proficient, and F. The grades for second and third year students at the School shall be A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, F, I, W, X, P, AU and CR.

#### **2. Course Credit**

Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, P, Proficient, and Not Proficient are passing grades and confer credit for the course. The grade of F is a failing grade and confers no credit. Grades W, X, I, and AU are neither passing nor failing and they confer no credit. CR indicates credit conferred for courses transferred from other institutions, but no grade is assigned.

#### **3. Interpretations and Uses of Grades**

##### **i. A+**

A grade of A+ is given to any student who completes the requirements for a course and does so in a fashion that is far and away above the level of a merely outstanding performance. This grade is reserved for rare occasions and often is given only once, if at all, in a particular course. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.33.

##### **ii. A**

A grade of A is given to any student who completes the requirements for a course and does so in a fashion that is truly outstanding for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.00.

##### **iii. A-**

A grade of A- is given to any student who completes the requirements for a course and does so in a fashion that is generally outstanding work (but lacks slightly the consistency associated with truly outstanding work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.67.

##### **iv. B+**

A grade of B+ is given to any student who completes the requirements for a course and does so in a fashion that is very good, but not outstanding, work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.33.

**v. B**

A grade of B is given to any student who completes the requirements for a course and does so in a fashion that is good solid work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.00.

**vi. B-**

A grade of B- is given to any student who completes the requirements for a course and does so in a fashion that is generally good work (but lacks slightly the consistency associated with truly good work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.67.

**viii. C+**

A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of mere competence (but not rising to the level of good) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.33.

**viii. C**

A grade of C is given to any student who completes the requirements for a course and does so in a fashion that is competent (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.00.

**ix. C-**

A grade of C- is given to any student who completes the requirements for a course and does so in a fashion that is marginally competent work (but lacks the consistency necessary for truly competent work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.67.

**x. D+**

A grade of D+ is given to any student who completes the requirements for a course and does so in a fashion that reflects more than minimal skill (but does not rise to the

level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.33.

**xi. D**

A grade of D is given to any student who completes the requirements for a course and does so in a fashion that reflects minimal skill but not competence for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.00.

**xii. D-**

A grade of D- is given to any student who completes the requirements for a course and does so in a fashion that generally reflects some minimal skill (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 0.67.

**xiii. F**

A grade of F is given to any student who (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion or (c) violates Section VI(B) of the Academic Standards. This grade confers no credit for the course and is calculated in the grade average at the numerical value of 0.00. A grade of F received in a course graded under the Proficient/Not Proficient system confers no credit for the course, but shall not be calculated in the student's grade average.

**xiv. I**

No grade of I is ever given without the prior approval of the Associate Dean for Academic Affairs. An I is given to a student who has not completed the requirements for a course in a timely fashion, but, having demonstrated good cause as to why the work is not complete, has arranged with the Associate Dean for Academic Affairs and the instructor to complete the work within no more than six months. After six months, an unresolved I becomes an F. At no time does an I confer credit for the course, and it is not calculated in the grade average.

**xv. X**

A grade of X is posted on the transcript if the student through no fault of his or her own has not yet received a grade for a course. This grade covers those situations in

which a course is expected to take more than one semester to complete. The X grade does not confer credit for the course and is not calculated in the grade average.

**xvi. W**

Subject to section V (D), a grade of W is posted on the transcript when a student withdraws from a course. This withdrawal may only be done with permission of the Associate Dean for Academic Affairs. The W grade confers no credit and is not calculated in the grade average.

**xvii. P**

A grade of P is given to any student who passes a pass/fail course. This grade confers credit for the course, but is not calculated in the grade average.

**xviii. AU**

A grade of AU is given to any student who audits a course. This grade is not calculated in the grade average. A student may audit a course with permission of the instructor and the registrar.

**xix. Proficient**

A grade of Proficient is given to any student who completes the requirements for a course and does so in a fashion that is competent for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

**xx. Not Proficient**

A grade of Not Proficient is given to any student who completes the requirements for a course and does so in a fashion that is only marginally competent or reflects minimal skill (but does not rise to the level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

**4. Calculating Grade Averages**

Students shall receive two grade averages: a "cumulative grade average" which includes all letter grades received, and an "academic standards grade average" which includes all letter grades except for those received in the Externship course. The "academic standards grade average" shall be used only for purposes of determining academic dismissal, academic probation, and graduation eligibility subject to Sections X and XII (3) of these Standards. The "cumulative grade average" shall be used for all other purposes, including Dean's List and Class Rank, pursuant to Section IX (E). Decisions regarding award and retention of academic scholarships are within the discretion of the Dean, who shall not be limited by these grade average definitions.

The grade average is obtained in the following fashion: First, multiply the numerical value of each grade received by the number of credit hours for the course. This product is referred to as quality points. Second, add all of a student's quality points. Third, divide the sum of the student's quality points by the total number of credit hours for which the student has received a grade with numerical value (graded credit hours). The resulting number is the grade average. The grades of Proficient and Not Proficient have no numerical value.

The grade average of transfer students enrolled in a combination of Proficient/Not Proficient courses and numerically graded courses shall be calculated based on the numerically graded courses. If any student receives a grade of "F" in a Proficient/Not Proficient course, such grade will be calculated into the grade average. No student shall be eligible to receive a class ranking until he/she has completed as least twelve (12) credit hours of numerically graded courses at ASL. (See Section XI (E) of the Standards regarding treatment of transfer credits for purposes of calculating grade averages.)

## **B. Pass/Fail Grading**

### **1. Pass/Fail Grading Generally**

Any course in which grades with numerical value are not expected to be given will be graded on a pass/fail basis. Students who pass the course receive a P for the course. In order to receive a P, a student must perform at a level of work equivalent to a C- or above in a letter-graded course. Failure of a pass/fail course results in an F being posted on the transcript. This grade of F will be calculated into the grade average.

### **2. Pass/Fail Grading in Retaking Failed Course**

Students who retake a failed course are graded in that course on a pass/fail basis.

### **3. Pass/Fail Only for Entire Class**

Absent approval of the Associate Dean for Academic Affairs, pass/fail grading may only be used for an entire class, and no student or students shall be given a pass/fail option either before or after grades with numerical value are released. Law Journal, Moot Court, and Independent Study credit shall be graded on a pass/fail basis.

## **C. Grade Standards**

### **1. Generally**

For Torts, Criminal Law, Contracts I and II, Property I and II, and Civil Procedure I and II, the total number of Proficient grades shall not exceed 85% of the total number of students in the class. For Legal Process I and II, the total number of Proficient grades shall not exceed 88% of the total number of students in the class. In all required upper level courses (except as provided in section 2 below), the total grade average for all students shall not exceed 3.00. The Externship Course shall not be subject to a maximum grade average. However, no student shall receive a grade higher than "A" for the Externship Course.

### **2. Seminar, Practicum, and Elective Courses**

For all sections of Seminar, Practicum, and Elective courses, the total grade average for all students in the section shall not exceed 3.33 without the approval of the Dean.

### **3. Submission of Final Grades**

Final grades are to be submitted to the Dean, who will check for their compliance with the grading standard. Grades in compliance will be recorded, and grades not in compliance will be returned to the instructor.

### **4. Failure to Bring Grades into Compliance**

If an instructor, after a reasonable period of time, fails to bring the grades for a course into compliance with the grading standards, the Dean shall act in his or her discretion to bring the grades in compliance.

## **D. Changing Grades to Correct Arithmetical or Administrative Error or at the Instructor's Request**

After an instructor has submitted grades to the Dean, the grades are final and may not be changed except as provided in this Part IX. The Dean shall freely allow changes requested by an instructor in the case of a grade which was incorrectly given as a result of an arithmetical, administrative, or other "mechanical" error. The Dean shall allow other grade changes requested in writing by an instructor only when the Dean determines that most extraordinary circumstances exist.

## **E. Dean's List and Class Rank**

At the conclusion of each semester during the 2L and 3L years of study, the Dean will publish the Dean's List. The Dean's List is comprised of all full-time upper level students who rank in the top 25% of their class for the courses taken during that semester, based on cumulative grade average. No Dean's List will be prepared for the 1L year.

Continuously enrolled students of ASL shall receive a class rank after the distribution of grades for the fall semester of the second year of study, assuming the completion of at least twelve (12) credit hours of numerically graded courses. Such rank shall be based on grades in all numerically graded courses, including the Externship course, through the most recent completed semester. Visiting and Transfer students shall receive analogous class rankings once the requisite twelve (12) credit hours of numerically graded courses have been completed. Such analogous rankings will be calculated as if the student was continuously enrolled at ASL from the beginning of the first year of study, but shall not displace any continuously enrolled student. Analogous class rankings shall be denoted by an "(A)" on the student's transcript.

## **F. Intercessional Courses**

Grades received for courses taken during the January Intersession will not be included as part of a student's academic standards GPA or considered for purposes of determining the Dean's List until the end of the immediately following Spring Semester. Grades received for courses taken during the May and August Intersession will not be included as part of a student's academic standards GPA or considered for purposes of determining the Dean's List until the end of the immediately following Fall Semester.

## **X. Student Retention**

### **A. Student Is on Notice of Own Grades and Grade Average**

Every student shall be deemed to be on notice of the student's own grades and grade average as well as these rules for student retention. Any student who by virtue of these rules has been dismissed from the School, but who nevertheless attempts to continue enrollment and attendance in classes is responsible for tuition and fees charges incurred by the student's fraudulent attendance at the School.

## **B. Good Standing and Dismissal**

### **1. Good Standing Defined**

A student is considered to be in "Good Standing" at the School if (a) the student has not been dismissed for academic or non-academic reasons; (b) the student is not currently on academic probation, and (c) the student currently is in compliance with the Community Service Requirement.

### **2. Academic Dismissal**

If, after two semesters in the School, a student has received more than 16 credit hours of "Not Proficient" or "Fail" grades, such student shall be dismissed from the School for academic deficiency and may not be placed on probation. If after two semesters in the School, a student has received 12 to 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. At any time after three semesters in ASL, any student with an academic standards grade average below 2.10 shall be dismissed from school for academic deficiency. Upon receiving notice that his or her academic standards grade average is below 2.10, or in the case of a first year student, that he or she has received 12 to 16 credit hours of "Not Proficient" or "Fail" grades, a student may seek probationary status in accordance with Section X (C) of these standards by executing and filing a Request to Petition for Probation with the Office of the Dean. Upon such filing, the student will be granted Interim Probationary Status. Failure to file the petition within three working days of filing the Request to Petition for Probation will result in automatic denial of probation.

If the Committee grants the student's petition, his or her status will automatically convert from Interim Probationary to Probationary, subject to any conditions imposed by the Committee. If the Committee denies the petition, the student will be immediately withdrawn from law school. The denied student will receive no credit for the semester in which the student was in Interim Probationary Status, and the tuition paid for that semester will be refunded.

A student in Interim Probationary Status or in Probationary Status has not been dismissed from the School for purposes of Section X (B)(1).

## **C. Probation**

### **1. At Discretion of the Academic Standards Committee**

Except as provided in the last sentence of this paragraph, students who are dismissed for academic deficiency may petition to be placed on probation. The student's petition shall be submitted to the Dean, who shall refer it to the Academic Standards Committee. The Academic Standards Committee may grant the petition if the Committee finds (a) the student faced extraordinary circumstances which unquestionably greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances, (b) the extraordinary circumstances no longer exist, and (c) it is highly probable that the student's performance, absent the extraordinary circumstances, will result in an academic standards grade average of 2.10 or greater after completion of the probationary semester. A decision by the Committee to grant a student's petition must be by the affirmative vote of a majority of the members of the Committee. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has at least 15 credits of traditionally graded courses and an academic standards grade average below 1.90, or in the case of a first year student, has more than 16 credit hours of "Not Proficient" or "Fail" grades, at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's cumulative grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's grade point average is below 1.90; or (c) the student already has been on probation for two semesters.

Students transferring from another institution as an upper level student who are enrolled in any course graded by the standards of Proficient/Not Proficient and who have an academic standards grade average of 2.1 or above, must petition the Academic Standards Committee if they receive a grade of Not Proficient in any course. The Academic Standards Committee will determine whether the student should be placed on academic probation or may continue without probation. If the student's academic standards grade average is below a 2.1, such student is subject to the academic dismissal provisions of Section X (B)(2), as set forth above.

### **2. Terms and Conditions**

The Academic Standards Committee may grant probation subject to any terms or conditions it deems appropriate, including but not limited to (a) requiring the student to successfully complete specified undergraduate courses before resuming law courses, (b) mandating a leave of absence by the student, (c) imposing a lighter course

load (with the result of delaying the student's graduation), or (d) limiting the student's extracurricular and/or co-curricular activities.

### **3. Resolution of Probation**

A student whose academic standards grade average remains below 2.10 after any semester in which he or she was on academic probation shall be dismissed for academic deficiency, unless the student petitions the Academic Standards Committee for an extension of the probation and the petition is granted. Such petitions may be granted only in the rarest of circumstances. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has an academic standards grade point average below 1.90 at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's academic standards grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's academic standards grade point average is below 2.00; or (c) the student has already been on probation for two semesters.

### **4. Faculty Notice**

The Academic Standards Committee will notify all tenure track faculty by confidential means of the names of students being considered for academic probation, as well as the time and place of the meeting. Faculty who wish can attend the meetings, address the Committee, or provide any information helpful to the Committee in making its decisions.

### **5. Finality of Decisions**

The Academic Standards Committee's decisions regarding granting or denying a student petition for probation are final, notwithstanding any other provisions of these Academic Standards.

### **6. Requests for Reconsideration of a Decision on Probation**

Absent extraordinary circumstances, a student who has been denied probation by the Academic Standards Committee may request reconsideration of that decision only if:

- (1) the student's academic standards grade average is 2.00 or above;
- (2) the student has waited one year before applying for reconsideration; and
- (3) the student has demonstrated - by academic achievement in non-law school settings, community service activities or professional employment - that he or she

would likely succeed in raising their academic standards grade average to 2.10 or greater after completion of the probationary semester.

If the student's petition for reconsideration is granted, the student will be readmitted on probation.

## **D. Re-starts**

### **1. Re-start Available in Extraordinary Circumstances**

The Academic Standards Committee, in its sole discretion, may allow a student who has been dismissed for academic deficiency to re-enroll and re-start ASL program if the Committee finds the student (a) faced extraordinary circumstances which unquestionably, greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances and (b) the extraordinary circumstances no longer exist. A decision by the Committee to allow a student to re-start must be by the affirmative vote of a majority of the members of the Committee.

Students with an academic standards grade average of below 1.9, but at least 1.70 or greater, after the first semester following the first year of law school, may apply to re-start the second year of the academic program in the following Fall Semester if they earned at least 27 credits of Proficient in the first year. Students who were eligible for and applied to be placed on academic probation for the second semester following the first year of law school, but were denied, may apply to re-start the second year of the academic program in the following Fall Semester. Applications to re-start the second year of the academic program shall be subject to the same standards as set forth in the immediately preceding paragraph.

Students who have been academically dismissed from ASL, and are seeking readmission must apply under this provision (or Section X (C)(6) if applicable). Such students may not seek readmission through the regular Admissions process. Students who were previously dismissed from another law school, and are deemed by the Admissions Committee to be acceptable for admission, shall be referred to the Academic Standards Committee for final admission decision. The Academic Standards Committee may place any conditions it deems appropriate on the admission of such students.

## **2. One Year Delay before Re-start**

A student who is permitted to re-start ASL program must re-start in the Fall semester and must wait at least one semester after dismissal before re-starting.

## **3. Effect of Past Performance**

A student who is permitted to re-start ASL program must re-start in the Fall semester and must wait at least one semester after dismissal before re-starting.

A student who is permitted to re-start will not receive credit for any courses taken before the re-start regardless of the grade received in the course. The prior performance will remain on the transcript. However, the transcript will clearly state that the student has re-started, and the prior grades will not affect the grade average.

A student who is permitted to re-start the second year of the academic program will not receive credit for any courses taken in the semester following the first year of law school, regardless of the grade received in the course. The performance from that semester will remain on the transcript. However, the transcript will clearly state that the student re-started the second year, and grades from that prior semester will not affect the grade average. The student will receive credit for all first year courses in which they received a grade of Proficient or Not Proficient, and for any grade in the Externship Course which confers credit pursuant to Section IX (A)(2) of these Standards.

## **4. Appeals**

A decision by the Academic Standards Committee declining a student's request for re-start may be appealed by the student in writing to the Faculty as provided in Part XIII of these Standards.

## **XI. Leaves of Absence, Visits, Readmissions, and Transfers**

### **A. Leaves of Absence**

The Dean may grant a leave of absence to a student who requests the leave. The term of the leave shall be clearly stated at the time the leave is granted. Any extension of the leave requires the permission of the Dean. A student who has not completed the first calendar year of the program and obtains a leave of absence may need to restart the first year from the beginning. Credit for prior completion of courses is granted at

the sole discretion of the Dean. The decision of the Dean is final and is not subject to further review or appeal under these Academic Standards.

## **B. Visits to another Law School**

The School will not accept more than six credit hours from visits to other law schools, including summer study.

## **C. Readmissions**

A student who has left the School in good standing and other than to take a leave of absence may apply for readmission under this Section XI (C) of these Standards. Applicants should submit an application, a short essay on their reasons for applying for readmission, and, if they have attended another law school subsequent to their departure, a letter of good standing from the dean of such school and an official transcript.

## **D. Transfers**

A student who has attended another law school may be eligible for admission as a transfer student if the student has attended an ABA approved law school, the student is in good standing and is eligible to continue the study of law at that law school as demonstrated by a suitable letter from the dean of that school, and the student's performance at ASL was of acceptably high quality, as documented by an official transcript. The transfer applicant should also submit a copy of his or her LSDAS report. Transfers from schools not approved by the ABA will be considered on a case-by-case basis.

## **E. Transfer of Credits**

The School will normally not accept more than 30 hours of transfer credits from other law schools. Grades of less than a C (or the equivalent) will not be eligible for transfer, and transfer credits will be treated on a pass-fail basis for the purpose of computed grade point averages. Students receiving transfer credits must still meet the graduation requirements set forth in Part XII of these standards, except that (a) transfer credits from courses substantially identical to the course required in Section XII (A)(1) of these standards may be used to meet the course requirements of that section, and (b) up to 15 hours of transfer credits may substitute for the course requirements of that section even if not substantially identical, provided, however, that non-substantially identical substitutions may not be made for:

1. Contracts I and II, Torts, Property I and II, Legal Process I and II, Criminal Law, and Civil Procedure I and II;
2. Dispute Resolution;
3. Professional Responsibility; and
4. the required Practicum courses.

Transfer credit for a course that requires a rigorous writing as defined by Section IV (D) of these standards may be substituted for the seminar and rigorous writing requirements of Sections IV (D) and XII (A)(1) of these standards. Decisions regarding transfers, readmissions, and transfer of credits shall be in the sole discretion of the Associate Dean for Academic Affairs or a faculty member (or members) appointed by the Dean.

## **F. Sanctions**

Failure to comply with the provisions on leaves of absence or with conditions on a leave granted shall be grounds for the Dean to impose any sanction he or she deems appropriate, including but not limited to refusal to accept transferred credits (regardless of the grade received), probation (with whatever conditions the Dean deems appropriate attached thereto), or dismissal.

## **XII. Graduation**

### **A. Requirements**

#### **1. Required Courses**

Except as otherwise provided in these standards or by vote of the faculty, a candidate for graduation must have received credit in all courses specified in Section IV (A)(1) of these academic standards and be in full compliance with the Community Service Requirement.

#### **2. Total Hours**

A candidate for graduation must have received ninety semester credit hours. No more than a total of four of the required ninety hours may be in the form of Law Journal, Moot Court, or Independent Study credit.

### **3. Grade Average Requirements**

A candidate for graduation must have an academic grade average for all courses which is no lower than 2.10. There is no waiver of this standard.

A candidate who otherwise qualifies for graduation but has a cumulative average below 2.10 may petition to complete one additional semester on academic probation, subject to the following conditions: (1) the candidate is otherwise eligible for probation pursuant to Section X (C) of these Standards; (2) all coursework during the probationary semester is completed at The Appalachian School of Law; and (3) the candidate may enroll only in courses for which credit has not yet been granted. Under no circumstances shall a candidate be permitted more than one probationary semester under this provision.

### **4. Time for Completion of Graduation Requirements**

All coursework credited towards completion of the J.D. degree must be completed no sooner than 24 months and no longer than 84 months after a student has commenced law study at ASL or a law school from which the School has accepted transfer credit.

## **B. Honors**

### **1. Summa Cum Laude**

Any student who graduates in the top five percent of the graduating class, based on cumulative grade average, shall be designated as graduating summa cum laude.

### **2. Magna Cum Laude**

Any student who graduates in the top ten percent of the graduating class, based on cumulative grade average, shall be designated as graduating magna cum laude.

### **3. Cum Laude**

Any student who graduates in the top twenty-five percent of the graduating class, based on cumulative grade average, shall be designated as graduating cum laude.

### **XIII. Waivers and Appeals**

#### **A. Waivers of Academic Standards or Appeals of Decisions Applying the Academic Standards**

In limited circumstances, these Academic Standards permit students to petition the Faculty for waiver of an Academic Standard. In very limited circumstances, students may also appeal to the Faculty a decision of the Associate Dean for Academic Affairs, the Dean, or the Academic Standards Committee. The Faculty may grant or deny a written petition to the Faculty only in cases in which a Standard does not preclude a waiver petition or a decision by the Associate Dean of Academic Affairs, the Dean, or the Academic Standards Committee is not final, binding, and subject to no further appeal under these standards. The Faculty may grant or deny a properly filed petition, with or without conditions.

#### **B. Faculty Procedure for Waivers and Appeals**

Petitions for waivers or appeals to the Faculty permitted under these Academic Standards shall proceed in the following manner:

- (1) The student shall submit to the Dean a petition to the Faculty on a single typed (or word-processed) page in which the student identifies the issues presented by the waiver petition or appeal. If the petition is not permitted under these Academic Standards, the Dean shall notify the student within 10 days following receipt of the petition, in which case the petition and notification need not be provided to the Faculty.
- (2) The Dean may, at his or her option, prepare a single page response to the student petition.
- (3) Copies of the petition and the response shall then be provided to every Faculty member.
- (4) If within ten days of the date the petition is distributed to the Faculty, one-third of the Faculty requests that the Dean place the petition on the agenda of the next Faculty meeting, the Faculty will hear the waiver petition or appeal on the merits. If fewer than one third of the Faculty requests that the petition be heard, the request is denied and the Dean shall so inform the student.

- (5) The Faculty may, but need not, grant the student an opportunity to appear before it, present supplementary documents or written arguments, appear through counsel, call or cross-examine witnesses, or take a transcription of an appearance.

### **C. Referral of Jurisdiction to the Faculty**

- (1) In the Dean's sole discretion, the Dean may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Dean.
- (2) By a majority vote of the members of the Academic Standards Committee, the committee may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Academic Standards Committee.

## **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 Student Ombudsperson. Grievances not in writing, anonymous, or filed by third parties will be investigated to the fullest extent possible.

1. The Student Ombudsperson shall investigate the grievance. The Student Ombudsperson may obtain assistance with this responsibility from other appropriate persons who are not connected to the grievance.
2. The Student 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 Student 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,

ASL 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 Student 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 ASL 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 Student Ombudsperson's initial resolution of the grievance, he or she may request that the Student 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 ASL if all parties are provided written notice to his or her address of record.
  - b) The Associate Dean for Academic Affairs shall preside over the hearing
  - c) The two parties to the hearing are:
    - i. ASL 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 ASL 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 ASL representative or designee.
  - vii. Reply to the charges by the accused or designee
- (f) ASL 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 ASL 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 ASL 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, Student 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 Student Ombudsperson, Associate Dean, or the Dean.
11. If the Student 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 Student 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: ASL 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, ASL 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) afford 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, 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 is 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 and employment inquiries such as pre-employment attendance and graduation verifications. Examples include, but are not limited to :

- Dean’s List or other recognition lists;
- Graduation programs; and
- Attendance and graduation verifications from prospective employers.

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 race, color, gender, gender identity, sexual orientation, disability, religion, national and ethnic origin, age, veteran status or political affiliation. 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.

ASL 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 ASL. ASL 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.

The 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 ASL 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, The Appalachian School of Law has implemented this policy to ensure a drug-free work and educational environment.

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

ASL 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 ASL 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**

ASL 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, ASL offers individualization and reasonable accommodation, as

required by law. Reasonable accommodations are those that do not fundamentally alter the nature of ASL'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, ASL'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 ASL'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 ASL, and copies of the current version of the Academic Standards also may be found on ASL's website ([www.asl.edu](http://www.asl.edu)) and at the reserve desk in ASL's library. Individuals who believe they have been discriminated against on the basis of a disability may file a complaint under ASL'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 ASL's Registrar's Office or ASL's website.

## NOTES