

ST. MARY'S UNIVERSITY
SCHOOL OF LAW

STUDENT HANDBOOK

Academic Year 2018 – 2019

St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.

Amy Hardberger
Associate Dean for the School
of Law and Professor of Law

THIS HANDBOOK IS NOT A CONTRACT.

THE PROVISIONS OF THE HANDBOOK ARE SUBJECT TO CHANGE
AT ANY TIME, INCLUDING DURING THE ACADEMIC YEAR.

THE STUDENT HANDBOOK
AND IMPORTANT CHANGES TO THE TEXT OF THE HANDBOOK
ARE AVAILABLE ON GATEWAY.

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I. INTRODUCTION

By publishing the *Student Handbook*, St. Mary's University School of Law attempts to bring together from various sources rules, policies, and procedures of interest to enrolled law students. Some of the statements included in the *Handbook* may change during the academic year. Other rules, policies, or procedures may be added in the future as required. Important changes will be posted on GATEWAY and published in the *Witan*, the law school's internal newsletter.

To the extent that the *Student Handbook* addresses rules, policies, and procedures within the law school, it is authoritative. It is not, however, the exclusive source of guidance. Students wishing additional information regarding a particular matter not addressed within the *Handbook* should inquire at the Office of the Associate Dean for the School of Law.

All students are subject to the rules, policies, and procedures contained herein. Faculty members must comply with the stated academic standards for evaluation of students. It is the responsibility of students and faculty members affected by these rules, policies, and procedures to become familiar with them and to adhere to them closely. LL.M. and M.Jur. students should also consult their program specific handbooks for rules specific to those academic programs.

Because certain rights, privileges, and remedies, and the ways in which these may be exercised or forfeited, are included in the *Handbook*, students are directed to read carefully the materials contained herein. With regard to any provision of the *Handbook*, fair notice to the student is conclusively presumed from its publication and, except where expressly noted to the contrary, no further notice is required.

II. JURIS DOCTORATE DEGREE GRADUATION REQUIREMENTS

A. Ninety or Ninety-One Credit-Hours Requirement

A candidate for the degree of Juris Doctor who matriculated in Fall 2018 or prior to Fall 2016 must earn a minimum of ninety (90) credit hours in order to graduate. All candidates for the degree of Juris Doctor (JD) who matriculated in Fall 2016 or Fall 2017 must earn a minimum of ninety-one (91) credit hours in order to graduate. The candidate is eligible to graduate if the candidate's cumulative grade point average is 2.0 or better. Special requirements on credit hours apply to students in joint degree programs. *See* Section II.I.

B. Five-Year/Seven-Year Limitation

The ninety (90) (or, as applicable, ninety-one (91)) credit hours must be earned within a five-year period (seven-years for evening or part-time students) from the date of the semester the student matriculated. The five-year/seven-year limitation is strictly enforced.

C. Graduation/Commencement Application

JD candidates who qualify for graduation must apply on GATEWAY by the following dates to ensure timely certification by the School of Law:

October 1 for December completion
March 1 for May completion
June 1 for August completion (no ceremony)

Failure to apply in a timely matter could prevent participation in the commencement ceremony.

A JD candidate may petition to walk early at the December or May ceremony if, at the completion of the semester, they will lack no more than four (4) credit hours to fulfill their ninety (90) (or, as applicable, ninety-one (91)) credit requirement. Petition forms can be obtained on GATEWAY and must be submitted for approval by the Associate Dean for the School of Law by the graduation application deadline listed above.

Students who withdraw from a class or fail to obtain a passing grade in a class their final semester must submit an early walk petition within forty-eight (48) hours of when the failing grade is posted or immediately after class withdrawal.

D. Pass/Fail Hours Limitation

Ordinarily, no more than eight (8) ungraded elective credit hours earned at any law school may count towards graduation. However, up to ten (10) ungraded elective credit hours are permissible if a portion of the ungraded elective credit hours are earned as a staff writer or editor for *Law Journal* or *The Scholar*. In extraordinary cases, the Associate Dean may be petitioned for a waiver to receive a higher limit.

Any graded course in which a student receives a “pass” (e.g., in the case of a successful grade appeal) will not be counted against the maximum limit of pass/fail credit hours. All credit hours accepted for students who transfer to St. Mary's University School of Law will not be counted in determining the maximum limit of pass/fail credit hours; however, ungraded transient hours (*see* Section VII.B.1) are subject to the same limitations that apply to hours taken on the home campus.

A student may not elect to take a course “pass/fail” unless the faculty as a whole has expressly approved such an election. (Only independent study credits and credits earned for *Law Journal*, *The Scholar*, Regional and National Advocacy Competition, Internships, and the Externship Program are currently approved for this election. Independent study credits may be earned on a pass/fail basis only with the approval of the supervising faculty member.) Conversely, a course designated “pass/fail” may not be taken for a grade.

In extraordinary situations, the law school administration may authorize pass/fail grades, rather than letter grades.

See the discussion of “Pass/Fail Credit” in Section III.A.

E. Online Class Hours Limitation

No more than twelve (12) online class credit hours earned may count towards graduation. In extraordinary cases, the Associate Dean may be petitioned for a waiver to receive a higher limit.

F. Independent Study

At any time after the first year of law school, a student may arrange an independent study. There are two types of independent studies. The first acts as a class (which may or may not also qualify for the upper level writing requirement). The second type is for an internship or research assistant. Non-internship independent studies should not be viewed as a substitute for a scheduled class and should only be utilized when a class in the topic area is not available or exigent circumstances are present. All students pursuing an independent study must maintain timesheets recording time spent on their project and submit timesheets to the supervising faculty member on a bi-weekly basis.

1. Maximum Independent-Study Hours

A JD student may count no more than two (2) hours of non-internship independent study or up to three (3) hours of internship independent study toward the ninety (90) (or, as applicable, ninety-one (91)) hours required for graduation by completing a research paper and/or such other work as the supervising faculty member may require. (See LL.M. & M.Jur. student handbooks for program specific rules.)

2. Significant Writing Requirement

Not all independent study projects require completion of a substantial research paper, but *significant written work is required*. Although disfavored, students may use an independent study to earn up to two (2) credit hours and satisfy their upper level writing requirement. Prior to choosing this alternative, students should make every effort to meet this requirement through a scheduled class.

In the event that a student seeks to satisfy the graduation Research Writing Requirement (see Section II.H.2) through an independent study, the student may do so without regard to the number of credits assigned to the independent study. That is, satisfaction of the writing requirement does not depend upon whether the student earns one or two credits, as long as the research satisfies all other requirements. To earn one credit, a student must complete a work, or compilation of works, totaling at least 6,000 words, excluding footnotes. For two credits, students must submit a minimum of 9,000 words, excluding footnotes. Approval of the Associate Dean for the School of Law is required if a student is using the independent study to fulfill the upper level writing requirement.

Faculty members supervising a writing project designed to satisfy the writing requirement must certify to the Associate Dean for the School of Law that the project meets the minimum standards for word count and hours worked for the requisite number of credit hours requested. Faculty members must meet with

students at least twice during the term of the project and review at least one draft of the project in order to meet the writing requirement.

3. Faculty Sponsorship

Faculty eligible to supervise an independent study include professors of law, associate professors of law, assistant professors of law, clinical professors of law, and visiting professors. Instructors of law and practicing faculty members may not supervise independent studies. (The Facebook Directory and school website lists the most recent entering class lists the professional titles of members of the full-time faculty. Practicing faculty members are not listed in the Facebook Directory or website.) The sponsoring professor and the student must agree about the length of the research paper, whether the paper will be graded or evaluated on a pass/fail basis, whether any work in addition to the paper is required, and what semester the student will enroll for the independent study.

No faculty member is obliged to supervise an independent study and no faculty member may supervise more than three (3) hours of independent study during the Fall or Spring semester or during a single summer session. The Associate Dean for the School of Law may, in his or her discretion, allow supervision of more than three (3) hours.

A student and sponsoring faculty member must agree at the time of enrollment whether the independent study will be graded or pass/fail. The designation of the course as graded or ungraded may be changed at any time during the semester, but not after the final paper or project has been submitted to the faculty member for evaluation.

Independent studies for three (3) credit hours require prior request and approval from the Associate Dean for the School of Law.

A student wishing to arrange an independent study should obtain the appropriate form from GATEWAY, take it to the sponsoring faculty member for his or her signature and, if necessary, the signature of the Associate Dean, and return the form during the registration process.

4. Independent Study Internship

A student who is offered an **unpaid internship**, with a **non-profit or government agency**, not on the "approved" list of experiential learning internships or part of the Externship Program¹ may receive up to three (3) credits through the Independent Study structure.

- A student may receive up to three credit hours on a pass/fail basis through Independent Study Internship.

¹ Different policies may apply to Experiential Learning Externships. For more information see Gateway or contact the externship office.

- A student must work at least 60 hours per credit hour received. Students must maintain accurate time accounting and submit paperwork to the supervising faculty.
- A student is not permitted to receive payment for the internship.
- Students may seek approval for reimbursement of reasonable out-of-pocket expenses from an employing entity or third party as long as student provides an accurate accounting and demonstrates expenses were incurred as result of employment.
- Independent Study Internship hours will not count against the student's 3-hour Independent Study limit.
- Independent Study Internship hours will not count against the faculty 3-hour Independent Study Limit.
- Any full-time faculty member may supervise an Independent Study Internship. Normally a student should find a faculty member with some expertise in the area to supervise the internship.

Before enrollment, the student must meet with the faculty sponsor to discuss the internship placement and requirements using Independent Study Faculty Summary Form. The student, supervising attorney, and sponsoring faculty member must complete and sign the Independent Study Internship Agreement Form and submit it with the Independent Study Registration Form to the registrar during the registration period.

At the start of the internship, the student must complete and submit to the sponsoring faculty member a Learning Plan created in coordination with the supervising attorney. The Learning Plan ensures that the goals and opportunities for practice include substantial legal duties in addition to oversight. The sponsoring faculty member must review the student's Learning Plan and maintain regular contact with the student and supervising attorney.

During the semester, the student must complete the minimum hours based on the enrolled credit and all requirements outlined in the Independent Study Internship Agreement Form as designated by the sponsoring faculty member including, but not limited to, attending classes, meetings, discussion forums, and/or submitting any writing assignments. Throughout semester, student must keep careful time accounting and provide a final time record to the sponsoring faculty member and meet all requirements outlined in the Independent Study Internship Agreement Form.

At the termination of the internship, the faculty member must complete the Independent Study Faculty Summary memorializing and reviewing the requirements, evaluated material, method/frequency of contact made with the student and supervising attorney, and time records to certify completion and that all relevant ABA Standards were met. All records associated with the internship must be retained for ABA site visit inspection.

G. Course Load Registration Limitations

1. Maximum Credit Enrollment Limitations

A full-time student working less than twenty (20) hours per week is permitted to take up to seventeen (17) credit hours per semester. Written approval of the Associate Dean for the School of Law is required to enroll for additional credit hours.

Full-time joint degree students working less than twenty (20) hours a week can register for eighteen (18) credit hours during a semester without a waiver.

A full-time student working less than twenty (20) hours per week can register for up to six (6) credit hours during either summer session totaling no more than ten (10) credit hours during the summer term, which includes both summer sessions.

A part-time student working more than twenty (20) hours per week can register for up to eleven (11) credit hours during the Fall or Spring semester or three (3) credit hours during the first or the second summer session.

Any student found in violation of this policy may be involuntarily disenrolled from classes as deemed appropriate by the Associate Dean for the School of Law and may be subjected to an Honor Code review.

2. Tuition Structure

- a) Students taking 8-11 hours in a semester will be charged under the part-time tuition structure, and students taking between 12-17 hours will be charged a full-time tuition structure. Hours outside these two ranges will be charged at the posted hourly rate (*see* Section VI.A).
- b) Different tuition structures may apply for summer semester and for mini-courses. Tuition structures will be posted at the time of the registration for summer semester and mini-courses.
- c) This tuition determination is only in regards to charges related to tuition. It does not describe the academic enrollment status for financial aid. *See* Section VI.A for applicable fees.
- d) Applicable tuition and fee structure will be used in determining a student's COA.

3. Twenty-Hour per Week Limitation on Employment

No **full-time** student enrolled in twelve (12) or more credit hours during a semester or five (5) credit hours in a summer session may hold employment outside the Law School for more than twenty (20) hours per week. *Full-time first-year students are strongly discouraged from engaging in any employment.*

H. Curriculum Requirements

Each student must take and pass the courses required by the faculty for graduation. Students can view their graduation requirement status on GATEWAY using the Graduation Planning System (GPS). For a complete list of required classes, *see* Section XIII.

1. First-Year

First year students are assigned to a section with a set schedule that takes all classes together all year as a cohort. First year students are generally not permitted to select their section or schedule. In rare circumstances, a student can petition the Associate Dean for the School of Law to take a class with another section. Such a change will only be granted if an extenuating and unexpected hardship can be demonstrated. Student convenience or work schedule generally will not be sufficient to permit a change.

2. Upper Level Requirements

Core Curriculum

A student must take and pass at least the number of courses indicated in designated subject areas. For a complete list of required classes, *see* Section XIII.

Writing Requirement

The student must complete one of the following. A writing or writings consisting of:

- a) A research paper of at least 6,000 words (approximately 25 double-spaced pages) plus footnotes or endnotes, which may be completed in a writing seminar, course or independent study; or
- b) One or more memoranda or other writings focused on transactional or litigation documents which may be completed in a writing seminar, course or independent study. These writings may include, for example, drafting articles of incorporation or bylaws, creating an ERISA plan or memorandum in support of a pleading or motion. The student must write a total of at least 6,000 words of her or his original work.

At least one preliminary draft of any writing made in partial or full satisfaction of this requirement must be given to the full-time faculty member who is supervising the writing. A faculty member may require a student to submit more than one draft of a writing before submitting a final version for approval. The faculty member must certify to the Office of the Dean that the student has satisfied the writing requirement; or

- c) A law journal comment that is successfully completed. Students may not serve simultaneously on the *St. Mary's Law Journal* and *The Scholar: St. Mary's Law Review on Race and Social Justice*.

3. Service Requirement

All students who matriculate Fall 2018 or later are required to complete thirty (30) hours of service before graduation. At least ten (10) of the required service hours must be completed before student completes their first thirty (30) credit hours. Students must complete at least twenty (20) service hours before they complete sixty (60) credit hours.

No more than fifteen (15) of the service hours may be general community service hours with a qualifying non-profit or public entity. The student must be a volunteer and may not receive payment or course credit for the work performed. Additionally, general community service hours should fall outside of the student's familial responsibilities. Examples of possible general community service opportunities are available from the Director of Pro Bono Programs.

At least fifteen (15) hours must be law school-approved hours. Law school-approved hours are defined as:

- services provided by law students, without compensation or credit, performed under attorney supervision, to non-profit organizations that primarily address the needs of individuals and families of limited financial means;
- services provided by law students, without compensation or credit, performed under attorney supervision, to public agencies engaged in legal work, including courts;
- services provided by law students, without compensation or credit, performed in connection with activities and organizations approved by the Director of Pro Bono Programs.
- services provided by law students, without compensation or credit, under attorney supervision, for organizations, clients, or entities not listed above, that primarily address the needs of individuals and families of limited financial means, provided the student requests and receives approval from the Director of Pro Bono Programs prior to the provision of law student services.

For certification, service hours must be submitted to the Director of Pro Bono Programs in the manner defined by that office within two months of when student completes the service hours.

I. Joint-Degree Programs

The Law School offers the opportunity to earn several JD joint degrees in coordination with the Graduate School of St. Mary's University, including:

- Doctor of Jurisprudence/Master of Arts in Theology (JD/MTh)
- Doctor of Jurisprudence/Master of Business Administration (JD/MBA)
- Doctor of Jurisprudence/Master of International Relations (JD/MIR)
- Doctor of Jurisprudence/Master of Science in Public Administration (JD/MPA)

A student wishing to enroll in a JD/Masters joint degree program must notify the Office of the Associate Dean for the School of Law prior to enrolling in any course outside the Law School. The Associate Dean must approve in advance the student's pursuit of a joint-degree. The law student must also separately apply and obtain admission to the Graduate School of St. Mary's University. The first year of academic work normally will consist entirely of law courses.

Once accepted into a joint-degree program, six non-JD credit hours earned in a graduate program can be used to satisfy the ninety (90) (or, as applicable, ninety-one (91)) hours of law courses required for the JD degree. Graduate degree requirements may vary by program. Interested candidates should contact the applicable department for details. *Students enrolled in a joint-degree program are not awarded the JD degree until they have satisfactorily completed either ninety (90) (or, as applicable, ninety-one (91)) hours of law school course work or all of the work necessary for both degrees.* A student who has not completed all of the JD graduation requirements may not participate in the Law School's graduation ceremony and may be ineligible to take a bar examination. Although credits earned in graduate classes count towards a JD degree, grades earned in those classes will not be calculated into the JD cumulative GPA.

LL.M. and M.Jur. students interested in joint degree programs should consult degree specific student handbooks for details.

J. Certificate of Concentration in Criminal Law

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of criminal law, the faculty of St. Mary's School of Law has approved a Certificate program in Criminal Law. The Certificate in Criminal Law is awarded only to those graduating students who pursue and successfully complete a balanced course of study which includes learning in the procedural, substantive, and practical aspects of criminal law.

1. Requirements

To receive the Certificate in Criminal Law, a student must complete a significant course of study in criminal law prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required:

- a) Constitutional Criminal Procedure (3 credits)
- b) Elective Requirement: One or more of the following for not less than 4 credits:
 - (a) *Texas Criminal Procedure*
 - (b) *Federal Criminal Procedure*
 - (c) *Advanced Criminal Law*
- c) Seven (7) hours of elective courses or seminars in criminal law or criminal procedure other than those required or applied to the requirements listed above. Any credit hours earned in excess of those necessary to meet another requirement of the certificate program may be applied to the elective requirement (e.g., if a candidate takes eight (8) credit hours in the Criminal Justice Clinic, four (4) credit hours will be applied to the practice requirement and the remaining four (4) credits may be applied to the elective requirement). Written approval of elective courses must be obtained from the thesis advisor.
- d) *Thesis.* (2 credits) The thesis must be at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study and/or practice of criminal law. See next section for additional information on the thesis requirement.

(2) Practice

Practice Requirement: Four (4) credits in any combination of clinic, *Trial Advocacy*, and/or faculty approved externships.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, a student seeking the Certificate in Criminal Law must file a written statement of intent to seek such a certificate with the Associate Dean for the School of Law. Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law, and may not be a visiting professor.

During the penultimate semester prior to graduation, a student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During this course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, *at a minimum*, the completion of an outline, all

necessary research, necessary drafts and a significant final draft of the thesis. Such progress will be judged by the thesis advisor, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails to complete satisfactorily the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study segment and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails satisfactorily to complete the final hour of thesis credit.

During the final semester prior to graduation, a student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall convene a thesis review panel which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the certificate no later than thirty calendar days (30) prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event that the initial defense is insufficient, the thesis review panel may meet one additional time prior to graduation with the student seeking the certificate. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the two summer sessions may be counted as one regular semester.

K. Certificate of Concentration in Advocacy

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of advocacy, the faculty of St. Mary's University School of Law approved the creation and implementation of a Certificate program in Advocacy. The Certificate in Advocacy Law is awarded only to those graduating students who pursue and successfully complete a balanced course of study, which combines learning in the procedural, substantive, and practical aspects of advocacy.

1. Requirements

To receive the Certificate in Advocacy, a student must complete a significant course of study in advocacy law prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required:

- a) Trial Advocacy (3 credits)
- b) Evidence (3 or 4 Credits)
- c) Twelve (12) hours of elective courses or seminars in any of the following courses:
 - Alternative Dispute Resolution (2 or 3 credits)
 - Arbitration (2 or 3 credits)
 - Advanced Trial Advocacy; Civil or Criminal (2 credits)
 - Appellate Practice (2 credits)
 - Civil Justice Clinic (3 or 8 credits)
 - Criminal Justice Clinic (3 or 8 credits)
 - Immigration Clinic (3 or 8 credits)
 - Jessup Seminar (2 credits)
 - Negotiation (3 credits)
 - Mediation (3 credits)
 - Texas Civil Procedure II (3 credits)
 - State Pretrial Practice (2 credits)
- d) *Thesis.* (2 credits) The student must complete a thesis of at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study of trial or appellate advocacy. See next page for additional information on the thesis requirement.

(2) Participation in Advocacy Competitions

The student must compete in at least two of the following internal (BOA) advocacy competitions:

- Jimi Derrick Competition
- Fall Mock Trial Competition
- Fall Moot Court Competition
- Spring Mock Trial Competition
- Spring Moot Court Competition
- Negotiation Competition

OR compete in one of the following external competitions:

- A National or Regional Mock Trial Competition
- A National or Regional Moot Court Competition (including Admiralty Competition and Jessup Moot Court Competition)
- A National, Regional or international Negotiation Competition
- A National, Regional or International Mediation Competition
- A National, Regional or International Arbitration Competition

OR satisfactorily complete a clinic course and obtain a certification from a professor that the student has appeared in a court

proceeding and has demonstrated proficiency in trial or appellate advocacy.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, any student seeking the Certificate in Advocacy must file a written intent to seek such a certificate with the Associate Dean for the School of Law previously approved by the Director of Advocacy. Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law, and may not be a visiting professor. It is highly recommended that students begin to meet with the Director of Advocacy before the registration period to ensure all of the requirements for the application process are met.

Prior to submitting written intent, the student must meet with the Director of Advocacy with sufficient time to complete a certificate worksheet to help guide the student and ensure timely completion of the program requirements. Once reviewed and approved by the Director of Advocacy, the completed worksheet and memorandum of intent shall be forwarded to the Associate Dean with a recommendation. The Associate Dean may accept or deny the recommendation.

During the penultimate semester prior to graduation, the student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During the course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, *at a minimum*, the completion of an outline, all necessary research, necessary drafts and a significant final draft of the thesis. The thesis advisor will judge such progress, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails satisfactorily to complete the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study Segment, and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails satisfactorily to complete the final hour of thesis credit.

During the final semester prior to graduation, the student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall request the convention of a thesis review panel, which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the

certificate no later than thirty (30) calendar days prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event the initial defense is insufficient, the thesis review panel may meet with the student seeking the certificate one additional time prior to graduation. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the two summer sessions may be counted as one regular semester.

L. Certificate of Concentration in Conflict Resolution Studies

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of conflict resolution, the faculty of St. Mary's University School of Law has approved the creation and implementation of a Certificate program in Conflict Resolution Studies. The Certificate in Conflict Resolution Studies is awarded only to those graduating students who pursue and successfully complete a balanced course of study, which combines learning in the procedural, substantive, and practical aspects of conflict resolution.

1. Requirements

To receive the Certificate in Conflict Resolution Studies, a student must complete a significant course of study in conflict studies prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required.

- a) Negotiations (3 credits)
- b) Mediation (3 credits)
- c) Arbitration (3 credits)
- d) Six (6) hours of elective courses or seminars in any of the following courses:
 - Advanced Trial Advocacy (2 credits)
 - Alternative Dispute Resolution (2 or 3 credits)
 - Appellate Practice (2 credits)
 - Civil Justice Clinic (3 or 8 credits)
 - Criminal Justice Clinic (3 or 8 credits)
 - Immigration Clinic (3 or 8 credits)
 - State Pretrial Practice (2 credits)

- Texas Civil Procedure II (3 credits)
- Trial Advocacy (3 credits)
- e) Thesis (2 credits). The student must complete a thesis of at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study of conflict resolution. See next page for additional information on the thesis requirement.

(2) Participation in Conflict Resolution Competitions

The student must participate in one of the following:

- A negotiation competition conducted by the Board of Advocates (BOA)
- Compete in a National, Regional or International Negotiation Competition
- Compete in a National, Regional International Mediation Competition
- Compete in a National, Regional or International Arbitration Competition; or
- Satisfactorily complete a clinic course and obtain a certification from a professor that the student has appeared in a proceeding and has demonstrated proficiency in Negotiation, Mediation or Arbitration.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, any student seeking the Certificate in Conflict Resolution Studies must file a written intent to seek such a certificate with the Associate Dean the School of Law previously approved by the Director of Conflict Resolution Studies. Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law, and may not be a visiting professor. It is highly recommended that students begin to meet with the Director of Conflict Resolution Studies before the registration period to ensure all of the requirements for the application process are met.

Prior to submitting written intent, the student must meet with the Director of Conflict Resolution Studies with sufficient time to complete a certificate worksheet to help guide the student and ensure timely completion of the program requirements. Once reviewed and approved by the Director of Conflict Resolution Studies, the completed worksheet and memorandum of

intent shall be forwarded to the Associate Dean with a recommendation. The Associate Dean may accept or deny the recommendation.

During the penultimate semester prior to graduation, the student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During this course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, at a minimum, the completion of an outline, all necessary research, necessary drafts and a significant final draft of the thesis. The thesis advisor will judge such progress, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails to satisfactorily to complete the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study segment, and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails satisfactorily to complete the final hour of thesis credit.

During the final semester prior to graduation, the student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall request the convention of a thesis review panel, which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the certificate no later than thirty (30) calendar days prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event that the initial defense is insufficient, the thesis review panel may meet with the student seeking the certificate one additional time prior to graduation. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the two summer sessions may be counted as one regular semester.

M. Graduate Courses Taken at St. Mary's University

In rare cases, course credit may be given for graduate level classes taken in the St. Mary's University School of Business Administration. Two such courses have been approved for credit: International Tax and Partnership Tax. Any student wishing to enroll in either of these courses must obtain written permission from the Associate Dean for the School of Law prior to registering for the course.

N. Auditing and Withdrawing from Courses

An upper-level student in good standing may withdraw from all courses by filing a written request with the Director of Student Enrollment. The deadline for such a request is the final class day of the semester. If an early final examination has been held before the request is filed, no withdrawal will be allowed from that course. If a student withdraws from a course, the course will appear on the student's transcript with a "W" in lieu of a grade. A student does not obtain a tuition refund or credit by withdrawing from all courses after the refund period. An upper-level student who withdraws from all courses while in good standing may return to the Law School, but must satisfy the requirements for graduation within five (full-time) or seven (part-time) years after enrollment (*see* Section II.B).

By written request filed with the Director of Student Enrollment, a student may change any upper-level course taken for credit to an audited course or may withdraw from the course. The deadline for such a request is the final class day of the semester, or, if the final examination is held earlier in the semester, before the examination. A student may not change a course to audit or withdraw from it if, before the request is filed, he or she has missed 1/3 or more of scheduled class meetings for a course, since that necessitates automatic withdrawal (*see* Section III.F.3).

A student who audits a course has the right to attend, but will not be required to take the final examination. The hours assigned to an audited course will not be earned toward graduation, but an audited course will be included on the student's transcript with a "U" designation in lieu of a grade. A student does not obtain a tuition refund or credit by changing a course to audit.

O. Law Success Program

The Law Success Program is designed to ensure that students have the skills, professionalism, work habits and competencies necessary to succeed in law school, on the bar examination and in practice. JD students may be required to participate in and satisfactorily complete various programs sponsored by the Law Success Program. The Law Success Program includes various required or recommended curricular offerings, as well as various courses of required and recommended assessments (including formative assessments, skills assessments and comprehensive and institutional assessments), instruction, remediation, counseling, academic advising and additional work held prior to matriculation, during the academic year and during breaks in the academic year. These courses may include sessions during the day, in the evenings, on Saturdays and via synchronous or asynchronous distance learning.

Students will be advised of their progress through the Law Success Program. Students will be advised if their performance either in Law Success or at the law school is at risk of being determined unsatisfactory. Standards of satisfactory and unsatisfactory performance will be recurrently reviewed and refined according to data that may include student performance in the Law Success Program and in the regular law school academic curriculum, as well as to historical bar passage data. Each student's performance will be measured by the then-operative standard, and students whose performance is unsatisfactory or at risk of becoming unsatisfactory will be provided additional assessment, remediation when appropriate and counseling.

In order to improve a student's likelihood of succeeding, a student may be subject to certain conditions on continued enrollment, such as:

1. A requirement that the student complete specific courses, even if the practical effect of this requirement requires the extension of studies and the delay of graduation;
2. A requirement that the student complete specific instruction and assessment in the Law Success Program to a specified level of performance;
3. A requirement that the student reduce his or her course-load, reduce participation in extra-curricular activities or abstain from study for one or more semesters; and
4. Other prudential limitations that could improve a student's likelihood of succeeding.

In addition, conditions such as the following may be required of individual students whose academic records, conduct, or assessments indicate a significant risk that a given student may not succeed in law school, may not pass the bar examination or may not be prepared for the practice of law. Any such conditions are to be recommended by the Law Success Program staff, under the supervision of the Associate Dean for the School of Law, and with the written authorization of the Dean. A student who is then required to complete any such condition must do so satisfactorily prior to graduation.

1. A requirement to complete certain assessments, instruction, remediation and additional work;
2. A requirement to enroll in and complete with a passing grade one or more specific courses, including courses substantively preparatory to a subject examined by the bar examination; and
3. A requirement to complete academic assessment, advising and counseling.

P. Non-JD Degree Graduation Requirements

LL.M. and M.Jur. students should consult their degree specific Student Handbooks for graduation information and requirements.

III. GRADES AND GRADING

Grading is among the most important responsibilities that a faculty member performs. The evaluation of students enables the faculty to certify graduates of the school as being qualified to assume the serious responsibilities of the legal profession. This chapter includes rules that bear upon grades and grading.

Because evaluation through grading has a significant effect on students, many of the rules are designed to protect students from unfairness. On the other hand, it is widely agreed that professors must have the freedom to exercise independent judgment in making difficult decisions relating to teaching and testing. The rules here reflect a balance between professorial discretion and the urge to restrict that discretion on behalf of students.

The deadline for submission of grades by faculty members is dependent on class year and semester. For the Fall semester, 1L grades are due by 5:00 pm the first working day the University reopens after the Christmas break. Upper level (2L and 3L) grades are due by 5:00 pm three (3)

business days later. For the Spring semester, Upper level (2L and 3L) grades are due by 5:00 pm the Tuesday before graduation, while all other grades are due three (3) weeks after the last exam for that term. For summer sessions, all grades are due three (3) weeks after the last exam for that term.

A. Pass/Fail Credit

The only courses approved for evaluation solely by a pass/fail determination are *Law Journal*, *The Scholar*, Regional and National Advocacy Competition, Internships, and the Externship Program. Independent-study hours may be earned on a pass/fail basis if the supervising professor agrees. Also, pass/fail credit hours earned at another law school or credit hours awarded by St. Mary's for service or achievement are recorded with a "pass" rather than a grade.

All courses that have not been designated by the faculty as pass/fail courses are graded courses. Students may not "elect" to take a graded course pass/fail, or to receive a grade in a course designated as only pass/fail. The number of pass/fail credits that can be counted toward graduation is limited.

In extraordinary situations, the law school administration may authorize pass/fail grades, rather than letter grades (*see* Section II.D).

B. The Letter Grading Scale

"Graded courses" are evaluated according to a ten-level system using letter grades. The letter grades are assigned numerical values on a four-point scale for the purpose of calculating grade point averages. The letter-grading system and its numerical scale is:

A	= 4.00	C+	= 2.33
A-	= 3.67	C	= 2.00
B+	= 3.33	C-	= 1.67
B	= 3.00	D	= 1.00
B-	= 2.67	F	= 0.00

If a student receives a grade of *D* or higher, the credit hours assigned to the course are earned. The only failing grade is *F*, and receipt of this grade causes a student to lose the credit hours otherwise available for the course. Even though no hours are earned, a failing grade is used in calculating the student's grade-point average and is included on the student's transcript.

C. Anonymous Grading Policy

Each student is issued a four-digit number every semester, including each summer session. The four-digit examination number is available to students on GATEWAY. The examination number normally should be the only student identification placed on

examination responses.² For Spring semester exams, a student should not indicate he or she intends to graduate. That information is already provided to professors through their Instructor Grade Reports (IGRs). Any attempt by a student to identify themselves on an anonymous assessment is a violation of the Honor Code.

D. Median Grades and Percentage Limitations

The law faculty has adopted the rules described below that circumscribe the grading discretion of a professor in a course. These rules do not apply to a graded independent study.

1. Multiple Sections of the Same Course

A professor who teaches two sections of a course and uses the same examination for both may combine the final grades of both sections to satisfy the applicable required median and other limitations. In other words, the two sections may constitute a single course for application of the following rules, or the professor may choose to treat the two sections as individual courses.

2. First-Year Courses

- a) The median grade in all graded first-year courses must be B-.
- b) For Day and Evening Students in all first year courses, other than Legal Research and Writing, no fewer than 10% and no more than 25% of the grades must be C-'s, D's, or F's. No fewer than 10% and no more than 25% of the grades must be A's, A-'s, or B+'s.

In both semesters of Legal Research and Writing there may be (1) B-median and (2) no more than 20% A, A- and B+ and no more than 20% C-, D, F.

3. Upper Level Courses

- a) If *more than twenty students* are to be evaluated in a letter-graded course, the median grade must be B. No fewer than 10% and no more than 25% of the grades must be C-'s, D's, or F's. No fewer than 10% and no more than 25% of the grades must be A's, A-'s, or B+'s.
- b) In a letter-graded course or seminar of *thirteen to twenty students*, the median grade must be B and no other limit applies.
- c) In a letter-graded course or seminar of *twelve or fewer students*, the median grade must be B+ or B, and no other limit applies.

² The anonymous-grading policy broadly applies to written evaluation instruments, including papers, mid-terms, quizzes, finals, and other documents that count toward a student's grade. There are some exceptions to the anonymous-grading policy, such as the evaluation of skills in a trial advocacy course; a required special oral presentation in a classroom course and a research paper written under close faculty supervision as part of a registered independent study. Professors should resolve doubts about the applicability of the anonymous-grading policy in favor of anonymity.

- d) In a letter-graded course or seminar of *eight or fewer* students, the Associate Dean for the School of Law may, in *extraordinary cases* and at the request of the faculty member teaching the course, grant an exception to the median limitation.

4. LL.M. and M.Jur. Grades

LL.M. and M.Jur. students should consult the degree specific student handbooks for grading policies.

E. Points for Class Participation

“Class participation and recitation” include the routine recitation on appellate court opinions contained in the required course book and the routine participation of students in class discussion. This phrase does not include special oral or written presentations required by the professor.

A professor may not raise or lower a student's final grade by more than one level because of “class participation and recitation.” (For example, a final grade of C+ may be reduced to C if a student had poor participation.)³

If a professor chooses to value “class participation and recitation,” he or she must notify the class of this intention during the first week that a course meets. Once the final examination grades are determined,⁴ the professor must note on the class roster the values to be added or subtracted and forward this roster to the Director of Student Records. The professor's examination grades will be included on a separate list of student examination numbers that does not identify students by name. The Director of Student Records, not the professor, will correlate the information contained on the two lists and calculate each student's final grade in the course. Once all grades have been delivered to the Director of Student Records, the Director will provide professors with a list containing the names of students and their final grades. Professors who choose to value “class participation and recitation” must ensure that the required median grade for the course is achieved *after* all points have been added or subtracted. That is, the median for the course is the median of the final grades in a course rather than the unadjusted grades.

F. Class Attendance

1. Grade Reduction for Excessive Absences (The Three/Five Rule)

³ Any effort to increase or decrease a student's grade based on class participation must be undertaken in such a way as to preserve anonymity. Accordingly, if a faculty member increases or decreases a student's grade less than one grade level, that faculty member must preserve anonymity in the grading process. The faculty member must work with the Director of Student Records in doing so, and provide assurances to the Associate Dean for the School of Law that she or he complied with the faculty rule concerning anonymous grading.

⁴ The same process for recording credit for class participation applies to courses where grades are based upon multiple exams, papers, or other evaluation instruments, as well as to situations where part of a student's grade is based on “special oral or written presentations.”

St. Mary's requires regular class attendance. The School of Law does not recognize excused absences. Students with problems that will cause numerous absences should see the Associate Dean for the School of Law. In addition to the rules described below, a professor may impose alternate policies that do not affect a student's grade or course registration. (For example, a student may be required to meet with the professor after a set number of absences.)

On the ten-level grading scale (*see* Section III.B), a professor may deduct no more than one grade level from a student's final grade for three absences, and may deduct another grade level if the total reaches five absences, irrespective of the reason for such absences. (For example, a final grade of C+ may be reduced to C if a student has three absences. A grade of C+ may be reduced to C- if a student has five absences.) A professor who intends to apply this rule must notify students of this intention sufficiently in advance of the imposition of the sanction to permit the student to avoid the grade reduction.

2. Penalties for Being Tardy

A faculty member may treat a tardy as equivalent to an absence or a fractional part thereof, provided that notice of the practice is provided to students during the first week of class. A student who leaves before the conclusion of class may, at the professor's discretion, with notice, be treated as tardy. (This includes students who leave class and return.)

3. Withdrawal for Excessive Absences

A student will be administratively excluded if he or she misses one-third or more of the scheduled classes. A student withdrawn for excessive absences will be required to meet with the Assistant Dean for Law Student Affairs or the Associate Dean for the School of Law. A faculty member teaching a practice skills course of Clinic, Negotiations, Mediation, Arbitration, or Trial Advocacy may opt to adhere to the one-fifth rule.

4. Unauthorized Electronics Usage

Class attendance at the School of Law includes active listening and participation in class. A professor has the inherent right to prohibit all classroom use of laptops, computers, notebooks and any similar electronic devices. The use of electronic devices, for purposes other than those directly related to and authorized for the class, is prohibited during class time. As examples, students may not access social media, entertainment, shopping or other internet sources not directly related to the class content. Students may not text or use other electronic forms of communication during class.

A professor may treat any instance of a student found to be engaged in the use of electronic devices for other than class purposes as an absence and may withdraw the privilege of using any electronic device from such student. In addition, a professor has the right to impose any other sanctions to a student found to be

engaged in the use of electronic devices for other than class purposes, if the nature of the sanctions is communicated to the students in advance so that the students fully understand the possible ramifications of using electronic devices improperly. In determining that a student has engaged in unauthorized use of an electronic device, a professor may consider any evidence reasonably bearing on that question, including, but not limited to, the observation of classmates and law school personnel. If a student requires an electronic device because of a disability, *see* Section IX.E.

5. LL.M. and M.Jur. Requirements

LL.M. and M.Jur. students should consult the degree specific student handbooks for absence policies.

G. Grade Point Averaging

In determining grade point average, each course is weighted according to the credit hours assigned to it. To calculate the number of grade points earned in a course, multiply the number of credit hours assigned to the course by the numerical equivalent of the letter grade received in that course (*see* Section III.B). To arrive at one's cumulative grade-point average, divide the sum of grade points for all courses by the total number of attempted credit hours. A failing grade is used in the calculation of a grade-point average even though the student will not receive credit for a failed course.

H. Distinguished Academic Achievement

1. Graduation with Honors

Upon graduation, students who rank in the top two percent of their class are graduated *summa cum laude*, those who rank in the top five percent of their class are graduated *magna cum laude*, and those who rank in the top twenty percent of their class are graduated *cum laude*. The top 10% are also eligible for induction into the Harlan Society. These determinations are made in the Spring semester for the entire class (including students who graduate earlier in the academic year). The appropriate designation is included on a student's final diploma and is announced during the graduation ceremony.

2. Dean's List

After each Fall and Spring semester, the names of those students whose semester grade-point averages rank in the top ten percent of the third-year class, in the top ten percent of the second-year class, or in the top ten percent of the first-year class will be listed on the Dean's List, which is posted on official law school bulletin boards. To be eligible, second- and third-year students must have completed at least twelve (nine for evening students) graded law school hours during the semester, and first-year students must have been enrolled in all courses required during the initial year of law study. A student may request that his or her name not be listed on the Dean's List that is published after each semester. The Law School cannot guarantee removal of a name from the list unless the request is filed

in the Registrar's Office before the end of the appropriate examination period, but such requests will be accepted after that time. In such cases, the honor will be noted in the student's file even though his or her name is not on the list, and the student may include the honor on his or her résumé.

3. Class Rankings

After each semester, individual class rankings are calculated and can be viewed on GATEWAY. The Law School also discloses, through the website and otherwise, the median and certain percentile rankings for each class, for the use of potential employers and others.

I. Appeal of Grades

Once a grade is posted, it is final. The Law School has established a procedure to be used in appealing a final grade should no error be present. That procedure is summarized below:

- a) A student wishing to complain about a final grade received in a course must first discuss the examination, either orally or in writing, with the professor during the exam review period (*see* Section IV.E).
- b) If this discussion does not satisfy the student, the student may appeal the grade to the Associate Dean for the School of Law. Following the procedure set forth below, the Associate Dean will recommend appropriate action to the Dean.
- c) The Dean will decide the appeal and the student and professor involved in the appeal will be notified of the result in writing.
- d) The *sole remedy* available in a grade appeal is the conversion of the disputed grade to a grade of "pass."

The Associate Dean *will not* consider an appeal unless the aggrieved student has brought the complaint to his or her attention or to the attention of the professor during the period within which students have a right to review examinations (*see* Section IV.E). If a dispute is not resolved in the discussion with the professor, the student may file an appeal by delivering to the Associate Dean a written statement explaining the specific grounds for the appeal and providing current contact information for the student (mailing address, phone number(s), and email address(es)). The written statement must be filed within thirty days after the end of the applicable exam review period, unless the Associate Dean grants an extension of time.

Before making a recommendation to the Dean, the Associate Dean will send a copy of the student's written statement to the professor and allow the professor a reasonable time within which to respond. The Associate Dean's findings and recommendations will be forwarded thereafter to the Dean, with a copy to be delivered to the complaining student and to the professor. Both the student and the professor must be given a reasonable time within which to respond to the Associate Dean's finding and recommendations.

To be successful on appeal, a student must demonstrate, *by clear and convincing evidence*, that a professor has determined the student's grade *in a wholly arbitrary and capricious manner*. This is an exceedingly demanding standard and therefore *grade appeals rarely succeed*.

The Associate Dean for the School of Law has determined that a grade might be found to be "wholly arbitrary and capricious":

- If it is not based on standards that constrain the exercise of professorial discretion;
- If the standards are unrelated to the educational goals of the law school;
- If the professor failed to follow academic rules; or
- If the grade was awarded in bad faith.

However, there is an important difference between conduct that is "erroneous" or "clearly erroneous" and conduct that is "wholly arbitrary and capricious"; the latter standard is considerably more demanding than the former. Evidence that a professor may have erred in following or applying academic standards does not make a grade "wholly arbitrary and capricious."

If a dispute centers on a conflict between the judgment of the professor and the judgment of the student, the professor's judgment will be accepted. Complaints about the harshness or inadequacy of a professor's examination will not sustain a grade appeal.

In the interest of preserving academic freedom, an appeal of a grade will fail unless the standard described above is clearly met. The Associate Dean or Dean may request information that may be helpful. No student is entitled to any particular process, investigation, or inquiry other than that set forth in this subsection.

J. Transient Grades

Grades earned at other law schools while a student is in transient status are not used in calculating the student's cumulative grade-point average. A transient-status course is listed on the student's transcript with a grade of "CR" (credit). To receive credit in transient status, a student must receive a grade of "C" or better in the transient status course. Credit hours earned in transient-status courses count toward the 90-credit (or, as applicable, ninety-one (91)) credit hour requirement for graduation, but do not count

against the limit on "ungraded elective credit hours" (that is, the pass/fail hours limitation), if the student received a letter grade or a numerical grade (rather than a generic "pass") in the transient-status course. Transient students earning more than fifteen (15) hours at another institution may not be considered for an honors designation.

K. Retaking Courses

A student who fails a required course must retake and pass the course. The student need not retake the required course from the same professor. The failing grade remains on the student's transcript and will be averaged with the grade received after retaking the required course.

A student who fails an elective course is not required to retake the course. As a general rule, the administration neither requires nor permits the retaking of courses that are not required by the faculty for graduation. A student or professor seeking an exception to this rule must obtain permission from the Associate Dean for the School of Law. A student who enrolls for ("retakes") a course without prior written approval earns no credit in the subsequently taken course and the grade received in that course is not used for any purpose.

L. Grades of "Incomplete"

At the request of a professor, a grade of "I" or "Incomplete" may be entered temporarily for a student who for some *legitimate and compelling reason* has not completed the course requirements (e.g., an exam postponed due to illness or other good excuse). *The work not finished on time must be completed within 60 days of the last day of the examination period in which the course was offered.* In the event that a student does not complete all course requirements within the time required, the "I" or "Incomplete" automatically will be converted to a withdrawal and the student will receive no credit for the course. In such a case, the withdrawal will be treated as if the student had voluntarily withdrawn, and no tuition payment for the course will be refunded. The *faculty member* who requested the "Incomplete" may petition the Associate Dean for the School of Law for an additional, specific period in which the student may complete the course requirements, but such an extension will not be granted except in *compelling circumstances*.

IV. EXAMINATIONS

A. Examinations, Papers, and Evaluation of Skills

In many courses, student performance is evaluated through the use of a single final examination scheduled during a period set aside for this purpose at the end of each semester or summer session. In some courses, however, a professor may provide students with the option of writing a paper in lieu of taking a final examination, or may require a paper or other projects in addition to the final examination. The professor may choose to evaluate students through tests but give both a mid-term and a final examination, or several tests, in lieu of or in addition to a final examination.

As a general practice, individual final examinations last the same number of hours as are assigned as credit hours to the course. In a two-credit course, for example, the professor ordinarily will allow two hours in which to complete the final examination. However, some professors give three-hour exams in two-credit courses, and others may give two-hour exams in three-credit courses. The faculty has not established a rule to control the time required by a professor for the taking of his or her examination. A student should contact the professor to determine the duration of the examination in a course.

Seminars, live-client clinics, and trial advocacy courses are among the exceptions to the general practice. In a seminar, the professor assigns grades by evaluating a research paper prepared during the semester. In clinics, the supervising attorney evaluates the student's work with and on behalf of clients, and in Trial Advocacy the professor evaluates performance in exercises.

B. Practice Examinations

Each professor who teaches a first-year course in the Fall must give students a practice examination prior to the Fall semester final examination period. A professor who teaches a first-year course that is offered only in the Spring semester must make available some examination instrument to students.

The practice examination requirement is intended to acquaint first-year students with the examination style of each of their professors and to give them some feedback before final examinations. Therefore, the problems posed by the practice examination should be similar in both form and substance to those that will appear on the final examination. The professor should supply model answers or an explanation of the proper response to each problem.

C. Exam Administration

Students are bound by the Honor Code and should report irregularities to the law school administration or to the exam proctor.

In general, law school exams and grades are awarded on an anonymous basis. This is to protect the integrity of the grading process for both professors and students. Professors should make an effort to avoid identifying students by name on exams in courses where grading is anonymous. Anonymity should be attempted in good faith by faculty members, but is not guaranteed to the student (*see* Section III.C.).

Faculty members should generally be available by telephone or in person during their graded exam administration. If a faculty member will not be available, he or she needs to notify the law school administration and to make the students and the law school administration aware of the exam instructions in advance of the exam.

1. Timing and Preparation

Faculty members may not administer final exams other than during the finals period. This does not apply to classes that finish during the semester.

Faculty members may give a take home exam for the final, but it may not be due to the professor before the final is scheduled.

Midterms or other graded and timed assessments (quizzes, etc.) must be administered during class time. The exam may not be longer than the class time minus five (5) minutes. For example, if the class is seventy-five (75) minutes, the exam may not exceed seventy (70) minutes in length. A professor may contact the administration to schedule an out of class exam, but students with conflicts must be accommodated by the professor (the professor may work with the law school administration to arrange alternate exam times for the students with conflicts).

Faculty members must complete and submit their final exams to the administration (Director of Student Records and the Assistant to the Deans for accommodations) at least two (2) business days prior to the administration of the

exam. A faculty member may request a waiver to the two (2) day requirement. Faculty members must submit midterms or other graded and timed assessments to the administration two (2) business days prior to the administration of the exam if the exam is being proctored by someone other than the faculty member.

Final exams must be offered at the scheduled exam time (8:00 a.m., 1:00 p.m., or 6:00 p.m.)⁵, may not exceed four (4) hours in length and may not extend past 9:00 p.m. for evening exams.

Professors must notify the students of the basic structure and type of final exam (e.g. multiple choice, essay, short answer, etc.), as well as timed exam length prior to the end of the semester.

2. Late Arrivals and Missed Exams

Students who arrive late to an exam must sit for the exam upon arrival and complete it within the scheduled exam time. No additional time will be provided. Faculty will be notified that the student was late and may adjust the student's grade at her or his discretion as a consequence of any delinquency. A student who misses an exam without proof of an emergency may be prohibited from taking the exam and will receive a grade commiserate with performance.

3. Final Exam Protocols and Procedures

Students are obligated to comply with all final exam protocols. An up to date list of Proctoring Guidelines and Procedures for all examinations can be found at:

<https://www.stmarytx.edu/policies/school-of-law/law-school-exam-policies-procedures-students/>

4. Exam Management Software and Laptops

Students must download their exam management software (for exams where needed) prior to the day and time of the exam. The exam start will not be delayed for students to download the software. Students who are not ready to begin with the exam management software on exam day may handwrite their exam.

The exam management software will not have spell check capability during any law school exam.

If a laptop fails to operate during an exam, the student will be permitted to handwrite the exam. The law school IT department will assist the student, but no extra time will be allowed for the exam.

⁵ A four (4) hour exam for an evening class may begin at 5:00 p.m. to allow completion by 9:00 p.m. Accommodations exams that require additional time may be scheduled to extend beyond 9:00 p.m.

Students must upload a completed exam at the end of the exam period when using the exam management software. . If a student fails to do so, the professor will be notified of the fact of the delay and the extent of the delay by the law school administration. The professor may lower the student's grade based on the reported delay.

D. Exam Rescheduling

Students should *assume that examinations will not be rescheduled for any reason other than direct conflict or bona fide medical or other emergency.*

1. Rescheduling for the Entire Class

A professor may not change the scheduled date of a final examination unless every student in the course consents. With the exception of courses designed to end early in the semester, a professor may not reschedule an exam to occur before or during the “dead days” immediately preceding the exam period without the approval of the faculty. Thus, final examinations may not be held the final week of the semester.

2. Rescheduling for Individual Students

Any student wishing to take a final examination on a date or at a time different from the scheduled date and time must submit a written request to the Assistant Dean for Law Student Affairs at least three (3) days prior to the beginning of the exam period, other than in cases of bona fide medical or other emergency.

A bona fide emergency does **not** include the following circumstances:

- a) Conflict with weddings, receptions, or similar special events;
- b) Conflict with travel plans or reservations;
- c) Conflict with employment plans, opportunities, or obligations;
- d) Examinations scheduled on sequential days or two examinations scheduled on the same day, or exams that are spread out over the exam period;
- e) Permission of the instructor alone; and
- f) Minimization of commuting time.

The Assistant Dean shall not grant any request in a case not involving a direct conflict or bona fide medical or other emergency without offering the alternate time to all students enrolled in the course. Because multiple administrations of an exam pose a risk to the security of the contents of the exam, the Assistant Dean will ordinarily decline to offer an alternate time to all students enrolled in the course and will deny the individual student's request to take the exam on a different date or at a different time.

3. Medical and Other Emergencies

Any student who is unable because of a medical or other emergency to take an examination at the regularly scheduled time for such examination should contact the Assistant Dean immediately, but no later than close of business on the date of the exam. To preserve anonymity during the grading process, students with emergencies should *not* contact the professor giving the examination. Rescheduling of an exam due to a medical condition may require a doctor's note or other documentation.

4. Conflicting Exam Times

Whenever a student is scheduled for exams that are to occur during the same time period or during overlapping time periods (or emergencies that can be

accommodated), one of the exams will be rescheduled for the scheduled alternate test day.

If a student has more than two exams scheduled to begin within a 24-hour period, he or she may work with the law administration to reschedule one of the exams as a conflicting exam. As an example, if a student has exams scheduled at 8 a.m., 1 p.m., and 6 p.m.; or 1 p.m., 6 p.m., and 8 a.m.; or 6 p.m., 8 a.m., and 1 p.m.; or 8:00 a.m., 1:00 p.m., and 8:00 a.m.; or 8:00 a.m., 6:00 p.m., and 8:00 a.m.; or 1:00 p.m., 6:00 p.m., and 1:00 p.m.; or 6:00 p.m., 1:00 p.m., and 6:00 p.m., one of the exams may be rescheduled since the student has three consecutive exams.

A student with an exam conflict must notify the Office of the Assistant Dean for Law Student Affairs no less than two (2) weeks prior to the first day of the final exam period. If a student fails to meet this deadline, the faculty member of the rescheduled exam will be notified of the late exam change.

The Assistant Dean for Law Student Affairs shall have sole discretion to determine which exam will be rescheduled and the alternate time for the exam.

5. Students with Disabilities and Accommodations

Exams and other assessments for students with documented disabilities are administered as required by the Americans with Disabilities Act through the Office of the Assistant Dean for Law Student Affairs. For more information about disabilities and related accommodations, contact the university Student Psychological and Testing Center, (210) 436-3135, or check the university website (<https://www.stmarytx.edu/campuslife/student-services/testing/>) or the *St. Mary's University Student Handbook*.

A student with an approved accommodation must submit their accommodation letter to the Assistant Dean for Law Student Affairs no less than five (5) business days prior to a scheduled mid-semester assessment and ten (10) business days prior to the first day of the final exam period if the student wishes to use the accommodation in the assessment. With the exception of an unexpected medical issue, exam accommodations will not be granted if documentation is received after the deadline.

A student with an in-class accommodation must submit the accommodation letter to the Assistant Dean for Law Student Affairs. The office of the Assistant Dean of Law Student Affairs will notify the professor of the accommodation. Students should not submit letters of accommodation directly to the professor.

If a student wishes to use their accommodation for an in-class assessment, student must notify faculty member and the Assistant Dean for Law Student Affairs no less than forty-eight (48) hours before the scheduled assessment and must have an accommodation letter on file with that office.

6. Non-Native English Speakers

JD students who are not native English speakers can be granted additional time – up to time and a half – for exams with prior request and approval from the Assistant Dean for Law Student Affairs.

7. Miscellaneous

In all other cases, the Assistant Dean for Law Student Affairs in consultation with the Associate Dean for the School of Law shall have sole discretion with respect to issues relating to the scheduling of exams. If a request for an early or late examination is granted, the faculty member may prepare a different examination and grade it separately.

E. Examination Review

A law student has the right to review his or her examination during a thirty-day (30) period which begins on the first working day after the Director of Student Records posts a notice indicating that all law school grades have been received for the semester or summer session. If the thirty-day (30) period ends on a weekend or holiday, it will be extended until 5:00 p.m. on the next working day. In addition, a student has the right to review Spring semester or summer session examinations during the first two (2) weeks of the following Fall semester.

Review of individual examinations is postponed until all grades are received in order to prevent premature disclosure of student examination numbers. However, a professor may choose to return graded examinations to students before all grades are received if the return is affected in a manner that does not require disclosure of student numbers.

A student must be given sufficient time for the review of an examination and must be provided a copy of the examination questions, his or her answers, and information sufficient to indicate what were correct or valued responses. The professor may provide this information by supplying model answers, a grading sheet or chart, a copy of the responses of another student (whose identity should not be disclosed), or other materials or information that enables the student to discover his or her errors or deficiencies. If a final grade has been determined in part because of class participation and recitation or absences, the professor must inform the student of the extent to which his or her exam grade was altered. All materials which have not been returned to students and which are necessary for review of an examination must be made available on the law school campus during the review period.

A professor is not required to allow review of an examination other than during the review period. However, a professor may permit review of examinations in any manner after the expiration of the review period.

V. ACADEMIC SUPPORT, PROBATION, AND EXCLUSION

A. Academic Support Resources

A student who is experiencing academic difficulties in law school should seek assistance before troubles become overwhelming. Students may contact faculty members, the Assistant Dean for Law Student Affairs or the Associate Dean for the School of Law for advice or for referral to someone who can provide assistance. The University's Learning Assistance and Counseling Centers can aid law students requiring accommodations.

The Law School's Law Success Program also will work closely with students experiencing academic or emotional difficulties. In addition, the Law School employs a counselor who can advise students and assist in identifying potential resources to assist students.

B. Academic Exclusion of First-Year Students

1. After Completion of First Semester Credits prior to the end of the First Year

If a student's grade-point average for the first semester (or second semester for evening students who have not finished the first year)⁶ in law school is below 1.8, the student will be academically excluded from law school and will be given a full refund of all tuition and fees paid for the current semester in which he or she may have enrolled before notice of exclusion. **This exclusion cannot be appealed.**

If a student's grade-point average is at or above 1.8 and below 2.0 after the first semester (or second semester for evening students who have not finished the first year) in law school, he or she may withdraw and receive a full refund of tuition and fees paid for the current semester. In order to receive the full refund, the affected student must notify the Associate Dean for the School of Law within fourteen (14) calendar days after the date of the first letter sent by the law school to notify the student of his or her grade point average.

2. After the First Year

A student whose grade-point average is below 2.0 after the completion of their first-year of law school credits will be academically excluded. A student excluded after the first year in law school will be given a full refund of all tuition and fees paid for a session in which he or she may have enrolled before notice of exclusion.

3. Appeal of Academic Exclusion at the End of the First-Year

Although an appeal of academic exclusion is allowed in the case of a first-year student, a *strong presumption* exists against altering the effect of the faculty's grading decisions.

⁶ First semester refers to the completion of the first 15 credits.

A student wishing to appeal exclusion must file a written statement with the Associate Dean for the School of Law within fourteen (14) days after the date of the exclusion letter sent to that student. The Associate Dean may, for good cause, grant an extension of time. The appeal of academic exclusion shall be determined by the Dean of the Law School. The Dean, at the Dean's discretion, may consult with the Assistant Dean for Law Student Affairs and the Associate Dean for the School of Law in making these decisions.

Upon a showing of *compelling circumstances*, a student who is academically excluded may be given one additional probationary semester in order to bring his or her cumulative grade-point average up to the minimum level for continued enrollment.

The Dean may allow a student an additional semester, but must make a written report of such a decision to the law faculty.

The Dean may decide to begin the additional semester immediately after the academic exclusion of a student or after a period not to exceed one year from the date of exclusion. All decisions of the Dean on these matters are final and non-appealable.

C. Academic Probation and Exclusion of Second- and Third-Year Students

If an upper-level student who has not been on probation earns a cumulative grade-point average below 2.0 at the end of the third or any subsequent semester, he or she will be on academic probation for the following semester.

Any student who is on academic probation (including any student excluded at the end of the first year of law school who was granted an additional probationary semester) who fails to raise his or her cumulative grade-point average to 2.0 or better with the grades earned during the semester on academic probation will be academically excluded with no right to appeal. Grades earned during the summer will not place a student on academic probation or remove a student from that status, but those grades will be used in the calculation of the student's cumulative grade-point average.

A student may be on academic probation only once. Therefore, a student who has been on probation during one semester will be academically excluded if, after any subsequent semester, he or she fails to maintain a cumulative grade-point average of at least 2.0. **This exclusion cannot be appealed.** Any student may pursue the grade-appeal process (*see* Section III.I).

D. Re-Admission after Academic Exclusion

A student who is excluded or who withdraws with an average below 2.0 can reenter the Law School only by obtaining admission as a beginning law student after at least one complete academic year has elapsed since either exclusion or withdrawal. Re-admission is not automatic. The student must apply as any other new applicant and will be considered according to the admissions criteria in effect at the time of application, including any requirements established by ABA Standard 505. If a student is accepted for

readmission, no credits earned from a previous enrollment will be credited towards degree.

E. Law Success

At any time during any portion of a student's enrollment at St. Mary's, the faculty or administration of the law school may determine that the student, as a condition of their continued enrollment and/or graduation, shall be required to participate in and complete satisfactorily academic advising and other programs or services offered by the Law Success Program (*see* Section II, O).

VI. TUITION AND FEES

A. Payment Policies

Payment of all tuition, room and board charges, and fees (listed below, with the most current information available at time of publication of the handbook, check the University website if questions arise), or arrangements for payment, must be made at or prior to registration for each academic term. In determining the balance due at the time of registration, financial aid from the University or external sources is taken into consideration if the student's eligibility for financial aid has been properly certified.

In some cases, the Business Office approves extending the payment period beyond registration; ordinarily, interest is assessed on deferred payments. During the fall and Spring semesters of the second and third years of study, the University offers several monthly payment plans that extend payments over two or three months. Consult the Business Office for further details. Monthly payment plans are not available to beginning students for the Fall semester.

Students should notify the Law School, the Registrar's Office and Business Office of any address change or of withdrawal from the University.

Registration for an academic term is not complete until full payment for the current and prior terms has been made, or satisfactory arrangements have been made with the Business Office. *Students who have not met their total financial obligations to the University may not be permitted to enroll for a subsequent academic term. Credits, honors and credentials (including transcripts) are withheld until all accounts with the University are paid in full.*

Rates valid August 1, 2018 – July 31, 2019

JD and M.JUR. LAW TUITION RATES	
JD and M.JUR. Law Tuition (1-7 hrs, >17 hrs)	\$ 1,270 per hour
JD and M.JUR. Law Tuition (8-11 hrs)	\$12,150 per semester
JD and M.JUR. Law Tuition (12-17 hrs)	\$18,275 per semester

LL.M. LAW TUITION RATES	
LL.M. Law Tuition (1-7 hrs, >17 hrs)	\$ 1,285 per hour
LL.M. Law Tuition (8-11 hrs)	\$12,410 per semester
LL.M. Law Tuition (12-17 hrs)	\$18,660 per semester

Rates for Summer Semester 2019 and Mini-courses will be provided at the time of registration for such courses.

OTHER FEES:

Student Activity Fee ^{*7} (>8 hours) per semester.....	330
Student Activity Fee [*] (<9 hours) per semester	170
Summer Student Activity Fee [*] (>2 hours)	165
Summer Student Activity Fee [*] (<3 hours)	82
Information Services Fee ^{**8} (>8 hours) per semester.....	100
Information Services Fee ^{**} (<9 hours) per semester	50
Summer Information Services Fee ^{**} (>2 hours)	50
Summer Student Activity Fee [*] (<3 hours)	25
Parking Fee	
Fall Semester (effective Aug 2018 – Aug 2019).....	135
Spring Semester (effective Jan 2019 – Aug 2019)	90
Summer Term (effective May 2019 – Aug 2019)	45
Identification (New and replacement ID).....	10
Late Registration Fee per semester	150
Late Payment Fee per semester	200
Installment Late Payment Fee (monthly)	50
Returned Check Fee	50
Stop Payment Fee	50
Official Transcript	10
Health Insurance (Fall/Spring)	
Mandatory Domestic or International Student	1,074
Voluntary Non-Dorm/Commuter	1,074
Click here to apply for an insurance waiver	

⁷ *The Student Activity Fee partially supports a wide variety of professional services and organizations available to all St. Mary's students. These include: Student Health Center, Student Psychological and Testing Services, Civic Engagement and Career Development, the Dean of Students and Student Life, Campus Recreation and the following student organizations: Student Government Association, Student Bar Association, the Rattler student newspaper, and the University Programming Council. Students receive free admission to athletic events (other than conference playoffs) and most concerts, lectures, and drama productions.

⁸ **The Information Services Fee supports a wide variety of services provided to all St. Mary's students. These services include but are not limited to bandwidth, wifi, infrastructure upgrades, student printing, information security systems, library databases, research journals, Canvas system components and classroom technology upgrades. The fee applies to all students regardless of instructional method (on campus or off campus). Full details can be found on GATEWAY.

A complete listing of tuition fees may be found on the St. Mary's website at <https://law.stmarytx.edu/admission/financial-aid/tuition/>

Individuals may obtain an official transcript of their work completed at St. Mary's University provided they have satisfactorily met all University obligations.

B. Tuition Refunds

At the beginning of each semester, the Director of Student Enrollment or the Associate Dean for the School of Law posts a schedule for tuition refunds on the academic calendar. This information is ordinarily also available on the Law School Academic Calendar on GATEWAY. Although the official dates must be obtained from the Director of Student Enrollment or the Associate Dean for the School of Law, a 100% refund for dropped courses normally is allowed during the first week of classes, a 75% refund normally is allowed during the second week, and so forth until no refund is allowed. The refund schedule applies to courses dropped after registration and add/drop days.

C. Non-Degree Candidates

A member of the bar or graduate of another approved law school may enroll in a particular course or limited number of courses as an auditor or as a non-degree candidate. An auditor is not required to take a final examination in a course, and does not receive credit or a grade for the audited course. A non-degree candidate may enroll and receive course credit and a grade upon successful completion of all requirements imposed on degree candidates in the course. Admission of such persons as auditors or non-degree candidates must be approved by the Associate Dean for the School of Law.

D. Enrollment Status for Financial Aid

For financial aid purposes, including Veteran's Affairs and other financial aid benefits, full-time enrollment requires at least ten (10) hours in a semester (8 hours for LL.M. students) or three (3) hours in a summer session. In a student's final semester, enrollment in final courses for graduation is considered full time.

For joint-degree students, full-time enrollment includes enrolled hours in the School of Law as well as enrolled joint-degree program hours. School of Law scholarships will be pro-rated pursuant to the percentage of semester enrolled hours that are in the School of Law.

The student's Cost of Attendance (COA) will be based upon the number of enrolled hours and the tuition and fees structure.

Please contact the Office of Financial Assistance for further information.

VII. TRANSFER AND TRANSIENT STATUS

There is a difference between “transfer” and “transient” status. A student who transfers to another law school will be certified as a graduate of that law school. A student who seeks transient (or visiting) status at another law school remains a St. Mary's student. The question presented by a request for transient credit is whether the hours earned at another law school will be accepted by St. Mary's in partial fulfillment of the ninety (90) (or, as applicable, ninety-one (91)) hour graduation requirement.

A. Transfer

The credit hours earned by a student at St. Mary's University School of Law may be transferred to another law school so long as and to the extent the transferee law school will accept them. St. Mary's asserts no control over transfer and is involved only because it must provide a letter of good standing and an official transcript. Whether a law student can transfer to another law school depends solely on the rules of that school. Because a transfer student will become the potential graduate of the transferee law school, that school will apply its own admission requirements.

A notice of intent to transfer must be signed by the student seeking transfer and delivered to the Director of Student Records before July 15 of each year. This must be received by July 15 or the request cannot be processed. The student seeking to transfer must meet with the Associate Dean for the School of Law, in person, by telephone, or by e-mail for an exit interview. The Director will prepare the letter of good standing which is required for transfer applications. This letter will be signed by the Associate Dean for the School of Law and forwarded to the transferee law school. The transferring student also will be required to obtain an official transcript from the University's Registrar. A student whose cumulative grade point average is below 2.0 is not in good standing and therefore cannot obtain a letter of good standing.

B. Transient Status

A St. Mary's student may take courses at any other law school, but the credit hours earned will be accepted by St. Mary's in fulfillment of its graduation requirements only under certain circumstances. The American Bar Association (ABA) prohibits the granting of academic credit for courses taken at a law school that is not accredited by the ABA. Also, transient hours are accepted by St. Mary's only when the student earns a passing grade in the course, according to the grading scale of the other law school. St. Mary's will not accept transient hours earned in a course which the student has already taken at St. Mary's. A transient student may not take a course required by St. Mary's at another school without the permission of the Associate Dean for the School of Law.

Regarding grades earned while in transient status, *see* Section III.J.

Students must obtain approval for transient status prior to presenting courses taken elsewhere for credit at St. Mary's. The requisite form is available from the Director of Student Records. In addition, the following rules restrict the acceptance by St. Mary's of transient hours.

1. Limitation on Summer Transient Hours

A St. Mary's law student may receive credit toward graduation for a maximum of six (6) credit hours earned at another law school during the summer(s). If a student participates in an Austin internship (*see below*), the number of summer transient hours already earned will reduce the number of transient hours otherwise available in the internship program.

2. Austin Internships

St. Mary's students may participate in three internship programs with courts in Austin conducted under the auspices of the University of Texas. These programs—at the Texas Supreme Court, the Texas Court of Criminal Appeals, and the Third Court of Appeals—require a student to spend one semester in Austin. A student may earn credit for only one Austin internship during the student's law school career. The Austin internships have different prerequisites and procedures for application. Contact the Internship for further information.

Each Austin internship requires the intern to spend approximately twenty hours per week at the particular court, and each intern is graded on a pass/fail basis according to how well he or she completes certain writing assignments. Overall supervision is provided by a court official or judge, and St. Mary's will accept four (4) credit hours for successful completion of the internship. These internship credits are awarded by the University of Texas School of Law and are, therefore, transient hours.

A student accepted in an Austin internship program is allowed to count a maximum of fifteen (15) transient hours (eleven in addition to the four (4) credit internship) toward fulfillment of the ninety (90) (or, as applicable, ninety-one (91)) graduation requirement. If an intern has previously earned summer transient hours, the number of earned summer transient hours reduces the number of hours that can be earned while attending the University of Texas School of Law during the semester of the internship. For example, a student who has earned six (6) summer transient hours can, by being accepted in an Austin internship program, earn only nine (9) more transient hours (15 minus 6 equals 9).

Attendance at the University of Texas School of Law during the semester of an internship counts toward fulfillment of the ninety-week residence requirement.

3. Special Transient Status

Special transient status must be approved by the Associate Dean for the School of Law before transient hours, other than those described above, will be accepted by St. Mary's toward fulfillment of the ninety (90) (or, as applicable, ninety-one (91)) credit hours graduation requirement. Special transient status will not be approved except for *compelling* reasons.

Compelling reasons are those that, at a minimum, could not have been foreseen at the time of initial enrollment and which have to do with unique personal or family difficulties.

Financial or job-related reasons are not considered compelling. Special transient status will not be granted in all cases in which applicants present compelling reasons.

Students wishing to take classes at another law school for a semester or longer should first attempt to transfer to that school (*see* Section VII.A for more information). If the applicant is not accepted as a transfer student, he or she may apply for special transient status, but the presumption is heavily against approval of such status because St. Mary's graduates should complete virtually all of their legal education at St. Mary's (with a minimum of sixty (60) hours).

To apply for special transient status, a law student must make a written request to the Associate Dean for the School of Law. The request should include a statement of: the number of transient hours sought; the number of transient hours already earned; the number of hours completed at St. Mary's; the required courses which will be completed at St. Mary's; and the reason for seeking transient status. The request also should address in detail why the applicant must take transient status rather than a leave of absence or transfer. The decision of the Associate Dean is non-appealable and final.

Requests for special transient status in a Spring semester must be filed with the Associate Dean before November 1 of the preceding Fall semester. Requests for special transient status to begin with or to include a summer session or Fall semester must be filed before April 1 of the preceding Spring semester. Only requests for special transient status because of medical emergencies will be considered if filed after these dates. *These dates are considered jurisdictional and cannot be waived in other circumstances.*

Attendance at another law school pursuant to a grant of special transient status by the Associate Dean will count toward satisfaction of the ninety-week, resident-study requirement. Regarding grades earned while in transient status, *see* Section III, J. Students granted special transient status who have not completed all required courses must seek and obtain approval of the Associate Dean for the School of Law prior to enrolling in a required course at the law school the student is visiting.

Transient students are bound by the St. Mary's calendar for administrative purposes including graduation certification. Students must provide an official, hardcopy transcript from the transient university to the St. Mary's Director of Student Records no later than close of business on the date of the St. Mary's deadline. Final grade verifications by the transient university received after this deadline may result in a delay of graduation date and an inability to certify the student's eligibility to take the state bar exam.

VIII. REGISTERED STUDENT ORGANIZATIONS POLICIES

A. General

Registered Student Organizations (RSOs) are valued members of the law school community and contribute greatly to the law student experience. St. Mary's Law School encourages all students to participate in RSOs as part of their professional development, to help them manage stress, to create new social outlets, and to bolster their networking efforts. In addition, RSOs help St. Mary's Law School support the mission and goals of the law school and the University.

All RSOs report to and are subject to the Assistant Dean for Law Student Affairs. All organizations that receive any funding through St. Mary's University or the School of Law must **annually** file with the Assistant Dean for Law Student Affairs, according to a schedule set by that office and upload each of the following on Rattler Tracks:

- an activities charter
- by-laws
- an annual list of all their officers and members with their contact information, including telephone numbers and St. Mary's email addresses
- all activities during the school year
- an annual budget
- faculty sponsor (if any)

B. Financial and Contracting Issues

Without the express, written permission of the Assistant Dean for Law Student Affairs, a RSO is not permitted to open a bank account(s) at an outside financial institution. RSO's shall only have accounts with the University Finance Office.

If an RSO wishes to enter into a contract for any purpose they must first, ensure that the contract is on the approved St. Mary's form. Second, the RSO president or designee must review all contracts before forwarding them to the Assistant Dean for Law Student Affairs for final approval. If the St. Mary's form is not applicable or changes are made to the St. Mary's form, it must first be approved by the RSO president or designee.

When a contract is submitted to the Assistant Dean for Law Student Affairs for approval, the RSO president or designee must provide a narrative summary which includes the following information: purpose of the contract, justification for the event and expenditures, issues of concern in the contract, if any.

All contracts between an RSO and an outside entity must be approved by the Assistant Dean for Law Student Affairs. An RSO may not unilaterally sign any contracts. Once a contract has been fully executed based on these guidelines, the original shall be stored in the Office of Student Affairs and a copy maintained by the RSO. Additional contract obligations for events are described below.

C. Activities and Events

1. General

a) Orientation Meeting

At the onset of each academic year, Student Bar Association (SBA) will host a mandatory risk-management information session required by Texas statute. Each RSO must send at least one (1) representative of their organization to this meeting. Failure to attend will prohibit the RSO from participating in Docket Call unless they receive a waiver from the Assistant Dean for Law Student Affairs.

b) Scheduling

Any activity or event hosted by a RSO that includes faculty or staff and is otherwise open to individuals beyond the organization's membership must be scheduled on both the faculty calendar and the law school master calendar. In order to receive date approval, a request for a primary and alternate date selection must be submitted to the Associate Dean for the School of Law for approval prior to making any financial commitments or publicizing the event.

The Associate Dean will make every effort to use the preferred date so long as no conflict is present. Failure to comply with this policy may result in a reduction or denial of University and Law School funding for the event. Repeated failures may lead to the denial of all University and Law School funding as well as the termination of the RSO.

c) Expenditures

Any RSO event or activity that requires the expenditure by the RSO of more than \$250 must be approved by the Assistant Dean of Law Student Affairs before any commitments for or any actual expenditures are incurred. Additional budgetary obligations are enumerated below. Any contract entered into by an RSO that may create any obligation or liability for more than \$250 must be approved by the Assistant Dean for Law Student Affairs before a commitment has been made.

d) Alcohol Policy

Any RSO hosted event in which alcohol is available for free or by purchase must be first be approved by the Associate Dean for the School of Law. A RSO hosted event shall not provide more than two (2) drinks to any person without payment. Any event serving alcohol must also have water and non-alcoholic drinks easily available for participants.

2. On-campus events

a) Room reservations

Rooms must be reserved in advance for all on-campus events through the Director of Student Records, Ms. Yvonne Olfers. No University or Law School room may be used without first receiving confirmation of its availability and obtaining a reservation.

3. Off-campus events

a) Venue and Catering Selection

RSOs wishing to host an off-campus event must, whenever possible, use a venue and caterer on the list of approved providers. This list of vendors has preapproved per capita pricing contracts negotiated with the School of Law.

In the event that a RSO wishes to use a vendor that is not on the pre-approved list, they must negotiate a per capita price that is lower than that which is on the approved vendor list and otherwise has more favorable contract terms. The contract must be approved by the Assistant Dean for Law Student Affairs and must meet the requirements enumerated above. The Assistant Dean for Law Student Affairs will coordinate with the Assistant Dean for Finance, before a financial commitment can be made. Failure to comply with this policy may result in a reduction or denial of University and Law School funding for the event. Repeated failures may lead to the denial of all University and Law School funding as well as the termination of the RSO.

4. Applicable University Policies

a) Visiting Dignitary

RSOs seeking to have a dignitary attend a meeting or event as a guest must receive the approval from the Assistant Dean of Law Student Affairs, who will then seek University approval, **before** inviting the dignitary to campus and must comply with University policy, which can be found at:

<https://www.stmarytx.edu/policies/university-communications/inviting-dignitaries-to-campus/>. For the sake of this rule, dignitary includes diplomats, local public figures including but not limited to, the Archbishop of San Antonio, the Mayor of San Antonio, judges, and other elected officials.

The approval application form can be found here:

<https://www.stmarytx.edu/policies/university-communications/speakers-awards-recognition-approval-form/>.

Failure to comply with the Visiting Dignitary rules could result in the immediate loss of University funding or RSO status.

b) Involvement with Political Events and Candidates

Any RSO involved with a political event or candidate is obligated to comply with St. Mary's University policy found here:

<https://www.stmarytx.edu/policies/academic-affairs/political-campaigns-political-activities/>.

c) Use of University or Law School Logo or Colors

A RSO wishing to use the St. Mary's University or Law School logo must request approval from the Director of Law Communication before use. Approval will only be granted if it qualifies as an appropriate usage. Usage may be deemed appropriate if the University or the Law School is an official joint sponsor of the event. In approved cases, the communications office should be consulted in the design of any materials. Except in these limited circumstances, RSOs are not permitted to use the University or Law School seal for any organizational events or memorabilia. University policy on use of the logo can be found here:

<https://www.stmarytx.edu/policies/policy/university-name-and-seal-official-use/>.

Additional guidance about St. Mary's University branding is available here: https://11902-presscdn-0-35-pagely.netdna-ssl.com/policies/wp-content/uploads/2016/03/St_Marys_communications_guide_0316.pdf

IX. MISCELLANEOUS

A. Law School Administration and Governance

The chief administrative officer of the Law School is the Dean. The Dean is assisted by the Associate Dean for the School of Law and various Assistant Deans. The individuals holding these positions are identified on the law school website (<https://law.stmarytx.edu/>) and in the entering class Facebook Directory published at the beginning of each academic year.

The legislative body for the Law School is the Faculty Council, which consists of all tenured and tenure-track members of the law faculty and clinical professors of law.

Various faculty committees consider proposals to revise the rules or administrative procedures of the Law School or carry out other tasks. Most committees have one or more student representatives appointed by the Student Bar Association. New committee appointments are made each year. A copy of the committee assignments for the current academic year may be obtained from the Associate Dean for the School of Law.

B. Veterans

The Veteran's Administration requires St. Mary's to notify that agency of any upper-level student who is receiving veteran's benefits and who earns a cumulative grade-point average below 2.0.

C. Nondiscrimination

It is the policy of St. Mary's University School of Law not to discriminate or segregate on the grounds of race, color, religion, disability, national origin, sex, age, handicap or sexual orientation in its educational programs, admissions policies, financial aid or other school-administered programs.

This policy is enforced in large part by federal law under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

Inquiries regarding compliance with these statutes may be directed to the Director of Human Resources for St. Mary's University at (210) 436-3725 or to the Director of the Office of Civil Rights, Department of Health and Human Services, Washington, D.C.

As a matter of conviction as well as of law, St. Mary's University School of Law seeks to be an equal opportunity educational institution. To this end, the Law Schools maintains a policy of nondiscrimination in employment.

Conformity with federal law is assured by the Equal Employment Opportunity Officer, the Vice President for Administration and Finance of the University.

D. Privacy of Student Information

The right of students to obtain information or to prevent disclosure of information from their educational record as maintained by St. Mary's University is prescribed by the Family Educational Rights and Privacy Act of 1974 ("The Buckley Amendment"), 20 U.S.C. § 1232g. In addition, the Department of Education has promulgated regulations, contained in 34 CFR Part 99, to implement the Act. In conformity with the Act and its implementing regulations, the University's policy is stated in its Catalog.

The Law School maintains unofficial records for its students and, therefore, discloses student information as allowed or required by the Family Education Rights and Privacy Act, its implementing regulations, and the University's policy. The Law School does make public certain directory information, which includes the following:

- a) A student's name, local address, and telephone number;
- b) A student's major field of study, year in law school, and academic and public service honors and awards;
- c) The dates of a student's attendance and graduation; and
- d) The most recent previous educational institution attended by the student and the degrees and awards received.

This information may be included in student directories; in lists of names posted on official bulletin boards; or in honors, awards, or graduation ceremony programs. The Law School also discloses by telephone the telephone number of a student *if* that number is included in a published student directory.

Each student has the right to restrict or to prevent the release of the above-listed directory information. A student may prevent the release of all directory information by filing such a request with the University's Office of the Registrar during the period running from the first day of classes and in the Fall semester through the twelfth day of classes in the Fall semester. Forms for this purpose are available at the Law School during fall semester registration. Early notice to the University is necessary to prevent use of student information in directories, which are prepared in the Fall semester. This notice also will prevent disclosure by the Law School. A request to prevent disclosure of directory information will remain in effect as long as the student is registered unless withdrawn by the student.

A student who fails to file a request with the Office of the Registrar during the prescribed period may thereafter restrict or prevent further publication by the Law School of directory information by filing a written request, describing the restrictions desired, with the Office of the Dean. This written request should be filed as soon as possible in order to avoid publication of the information in a Law school directory.

E. Persons with Disabilities (Americans with Disabilities Act)

A law student who has a disability and who wishes to secure accommodations under the Americans with Disabilities Act must notify the Student Psychological and Testing Center of the nature of his or her disability. The Student Psychological and Testing Center determines what accommodations will be made to assist a student with a documented disability. The School of Law will not provide any accommodations until a letter has been issued by the Student Psychological and Testing Center stating that the student is entitled to accommodation. The process of documenting learning disabilities is often time consuming. A student must apply to the Student Psychological and Testing Center for accommodation of a disability sufficiently far in advance to allow the processing of the student's case. It is the responsibility of the student, not the School of Law, to arrange for documentation of disabilities and to secure a determination of the entitlement to accommodation from the University. Special testing accommodations granted by the University are normally administered by the law school's Office of the Associate Dean for the School of Law. A student who fails to appear at the scheduled time for a specially administered examination will normally be deemed to have waived the right to accommodations. For exam and assessment accommodation deadlines, (*see* Section IV.D.5).

F. Academic and Disciplinary Misconduct

Law students must comply with the Code of Student Conduct of the School of Law. The Code of Student Conduct is reproduced in Section XI of this *Student Handbook*.

Complaints of academic or disciplinary misconduct by law students may be made to the Dean, Associate Dean for the School of Law or the Assistant Dean for Law Student Affairs.

Following any necessary investigation, the Associate Dean may dispose of the matter informally, recommend to the Dean that no action be taken, or recommend formal action. Formal action is initiated by the Associate Dean's written complaint to the Dean requesting referral to the Court of Student Conduct. The Court consists of five members, including two students in good standing at the Law School and three full-time members of the law faculty. The Court determines whether the accused violated the Code of Student Conduct and recommends an appropriate punishment for imposition by the Dean. The Dean's decision can be appealed by the accused to the Faculty Committee for Appeal of Student Violations.

Law students must also comply with the rules and regulations set forth in the *St. Mary's University Student Handbook*. Fair notice to law students of the rules and regulations contained in the *St. Mary's University Student Handbook* is conclusively presumed. Formal action on a complaint will be carried out by the University's Dean of Students in accordance with the *St. Mary's University Student Handbook*.

G. Abuse of Computer Hardware and Software

The Law School provides students with access to computer hardware and software to assist students with their academic studies. Students must comply with all posted rules regarding the use of computer hardware and software, and with the rules and regulations set forth in *Computing at St. Mary's University School of Law*, copies of which are available from the Director of Computer Administration.

Students are prohibited from installing any software on any law school computer. Students are also prohibited from modifying any software settings other than those modifying the format of documents to be printed (e.g., fonts) or those modifying the display of the software on the computer monitor (e.g., changing the size of a program window).

Students abusing computer hardware or software may have complaints of disciplinary and academic misconduct brought against them under the Code of Student Conduct of the School of Law (see Section XI) and the *St. Mary's University Student Handbook*.

H. Disclosure of Character and Fitness Issues

Students are required to disclose, in writing, any new or additional information, or changes to any matters affecting character and fitness not included in the students' application or occurring during their legal studies. This disclosure is made to the Associate Dean or Assistant Dean for Law Student Affairs.

A character and fitness addendum must include a full accounting of the circumstances surrounding and current disposition of the motivating event. The letter must be submitted with date and an original signature. An emailed PDF is not acceptable.

I. E-mail Accounts

Each student is assigned a Law School e-mail account and is required to check this account daily. Faculty and the Administration use e-mail to communicate with students and to

send official notices. Students are deemed to have knowledge of all communications from the Faculty and Administration which are sent to their Law School e-mail address. Therefore, not checking the school email account is not an acceptable defense for not responding to information disseminated by email. Additionally, various professors may have more specific requirements with respect to e-mail, TWEN, Blackboard and Canvas classrooms.

J. Student Complaints Concerning ABA Standards and the Program of Legal Education

As an ABA-accredited law school, St. Mary's University School of Law is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found at http://www.americanbar.org/groups/legal_education/resources/standards.html. Any student at the law school who wishes to bring a formal complaint to the administration of the law school of a significant problem that directly implicates the school's program of legal education and its compliance with the ABA Standards should do the following:

1. Submit the complaint in writing to the Associate Dean for the School of Law. The writing may consist of e-mail, U.S. mail, or fax. Hand delivery is not considered official delivery unless acknowledged in writing by the Associate Dean or the Director.
2. The writing should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).
3. The writing must provide the name, official law school e-mail address, a street address and the telephone number of the complaining student, for further communication about the complaint.
4. The administrator to whom the complaint is submitted will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgement may be made by e-mail, U.S. mail, or by personal delivery, at the option of the administrator.
5. Within two weeks of acknowledgment of the complaint, the administrator, or the administrator's designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. In this meeting or in this writing, the student should either receive a substantive response to the complaint, or information about what steps are being taken by the law school to address the complaint or further investigate the complaint. If further investigation is needed, when the investigation is completed, the student shall be provided either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint within two weeks after completion of the investigation.
6. Appeals regarding decisions on, or outcomes of, complaints may be taken to the Dean of the Law School. An appeal must be in writing and must be made within two weeks of the decision, outcome or resolution of the complaint. The Dean's decision should

be communicated to the student within two weeks of receipt of the appeal. Any decision made on appeal by the Dean shall be final.

7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Dean for a period of eight years from the date of final resolution of the complaint.
8. The Law School will not in any way retaliate against an individual who makes a complaint under this section, nor permit any employee or student to do so.

X. HARRASSMENT

A. University Sexual Harassment Policy

St. Mary's University prohibits sexual harassment. The Sexual Harassment Policy is stated on university website (www.stmarytx.edu) in the section dealing with the university Student Handbook. See also 29 C.F.R. § 1604.11. St. Mary's Policy on Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment can be found here: <https://www.stmarytx.edu/policies/human-resources/equal-opportunity-nondiscrimination-sexual-forms-harassment/>

The Law School interprets the university Sexual Harassment Policy as prohibiting sexual harassment by students who have been given authority over other law students and by recruiters who interview law students through the auspices of Career Services, and by lawyers, judges and other supervisory personnel from organization and entities who work with law students in externships and clinical programs which provide course credit.

B. Law School Conflicts-of-Interest Policy

The law faculty has adopted the following rules to prevent conflicts of interest:

No faculty member shall:

1. Instruct for law credit a person related to the faculty member within the second degree of consanguinity or affinity, except when such faculty member is the only person teaching the subject during an academic year and makes arrangements for another faculty member to grade such work;
2. Participate in a decision to employ, promote, or grant tenure to a person related to the faculty member within the second degree of consanguinity or affinity, vote on such decision, or attend that portion of any meeting at which such decision is discussed; or
3. Date any law student who is registered in any class taught by such faculty member or who is to be evaluated, supervised, or advised as part of a law program by such faculty member.

C. Other Forms of Harassment

Article II of the *St. Mary's University Student Handbook* prohibits as personal misconduct the following conduct by any student:

Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, assault (including sexual), stalking, hate speech and/or any other conduct that threatens or endangers the health or safety of any person or is based on race, creed, color, sex, national origin, religion, disability or illness.

Violations of Article II of the *Student Handbook* can be brought to the attention of any of the deans of the School of Law, but a formal complaint must be filed with the University's Dean of Students in order to initiate a proceeding.

Verbal conduct that denigrates any person or group on the grounds of race, creed, color, national origin, sex, religion, or handicap is prohibited because it interferes with a student's ability to participate equally in the educational opportunities offered by the Law School and enjoy fully the academic environment.

If you have been the victim of sexual harassment/misconduct/assault we encourage you to report this. If you report this to a faculty or staff member, she or he must notify the University's Title IX coordinator about the basic facts of the incident (you may choose whether you or anyone involved is identified by name). The Title IX coordinator will assist you in connecting with all possible resources both on and off campus. For more information please go to <https://www.stmarytx.edu/compliance/title-ix/>.

XI. CODE OF STUDENT CONDUCT (adopted March 26, 1986, amended April 26, 1990)

Chapter 1: Preamble

- 1.01: A law student's conduct on and off campus legitimately bears upon fitness for the study and practice of law. To aid students in governing their conduct and to channel the faculty's exercise of its inherent power to supervise and control the educational process, this Code of Student Conduct (hereinafter "Code") defines forms of behavior which St. Mary's University School of Law considers impermissible. In addition, this Code describes the procedures, tribunals, and individuals involved in adjudicating allegations of misconduct. Law students are also subject to the regulations of St. Mary's University.
- 1.02: A copy of this Code will be distributed to entering students and maintained on file in the Law Library. A student is deemed to have notice of the Code's provisions by virtue of enrollment in the Law School, and the failure of any student to receive a copy of the Code is not a defense.
- 1.03: In extraordinary or emergency situations, the Dean may act to suspend a student, place restrictions on a student, or otherwise act to protect the safety and security of the campus community.

Chapter 2: Prohibited Conduct

- 2.01: Prohibited conduct is divided into two categories: academic and disciplinary.

2.02: (a) An academic matter is any activity which may offer or in any way contribute to the satisfaction of requirements for graduation. Academic matters include, but are not limited to, examinations, research, or other class assignments.

(b) It is a violation of the Code for any student to engage in conduct which tends to gain that student or another, an unfair advantage in an academic matter. The following applications of this rule, offered to assist students in understanding the obligations imposed, are illustrative, not exhaustive.

1. In an examination, a student shall follow all instructions concerning its administration, shall not use any materials other than those specifically authorized by the professor, and shall not converse or communicate with any person(s) other than the person(s) administering the exam.
2. In research or other writing assignments, a student shall not use materials specifically forbidden by the instructor and must fairly identify passages or ideas from the work of others. The student shall make attribution by proper use of quotation marks, citations, or other forms of reference.
3. A student shall not submit or have submitted as his or her own, the work of another. Nor, except by permission of the instructor after full disclosure, shall a student submit in fulfillment of an assignment any work prepared, used, or submitted in another course or for a law journal, clinic, law firm, government agency, or any other organization.
4. A student shall not hide, mutilate, deface, or remove, without permission, library materials or the materials of another student. A student shall not violate the library's policies or procedures including consumption of food, noise reduction and licenses on digital information or database.
5. A student shall not breach the security maintained for the preparation and storage of exam materials. If a student learns, even inadvertently, of information concerning an examination, other than that released or authorized by the professor, the student must notify the professor and shall not take the examination without the professor's permission.
6. A student shall not discuss an examination he or she has already taken with a student scheduled to take a deferred examination in the same course or with any other person under circumstances likely to endanger the security of examination questions.
7. During the course of and prior to the completion of any examination, research, or other assignment, a student shall not provide to, compare with, or obtain from another student any answer or part of an answer, unless authorized by the professor.
8. A student shall not copy, photograph, or reproduce any examination without express permission from the class professor. Nor shall a student distribute or accept an unauthorized copy, photograph, or reproduction of an examination.

9. Any student who receives an unauthorized copy of an examination through whatever means, shall turn over the unauthorized copy to the Dean or the Associate Dean for the School of Law immediately and shall disclose the source of the unauthorized copy.
 10. A student suspected of academic dishonesty, depending on the severity of the incident, may be suspended immediately by the Dean to preserve the academic integrity of the law school.
 11. A student, at the request of the Dean or the Associate Dean for the School of Law, shall turn over all information and materials in his or her possession to assist in an investigation of academic dishonesty, including but not limited to notes, text messages, email, other electronic communications, computers, hard drives, electronic storage devices, PDA's and phone records.
 12. A student shall not destroy or attempt to destroy any information or materials that are the subject of an Honor Code investigation.
- 2.03 (a) A disciplinary matter is any activity bearing upon a student's fitness for the study and practice of law, other than an academic matter.
- (b) It is a violation of the Code for any student to engage in disciplinary misconduct. Disciplinary misconduct is behavior which clearly indicates an inability or unwillingness to conform to minimum ethical standards for the practice of law. The following applications of this rule, offered to assist students in understanding the obligations imposed, are illustrative, not exhaustive.
1. A student shall not commit an act prohibited by the Model Rules of Professional Conduct promulgated by the American Bar Association or by the Texas Disciplinary Rules of Professional Conduct.
 2. A student shall not commit an act amounting to a felony or a misdemeanor involving moral turpitude under the laws of the United States or of the State of Texas against the University, any employee or student of the University, or any immediate family member of any employee or student of the University.
 3. A violation occurs if one is found guilty of a felony or of a misdemeanor involving moral turpitude under the laws of the United States or of any state. The JD degree of a student will be automatically withheld if charges brought by federal or state authorities are pending against that student for any felony or misdemeanor involving moral turpitude, until such charges are disposed of by a finding of not guilty or by dismissal.
 4. A student shall not cause serious disruption of the Law School or of the University within the meaning of Tex. Educ. Code Ann. § 4.30 (Vernon 1972) [now § 37.123] or otherwise.
 5. A student shall not fail to comply with the terms of any sanction imposed in accordance with this Code.

6. A student shall not cause false, material information to be furnished to a University professor, administrator, staff member, organization, tribunal, or duly appointed investigator with intent to deceive.
 7. A student shall not refuse to cooperate with the Court of Student Conduct, with the Dean, or with the Faculty Committee for Student Appeals in the investigation or hearing of charges.
 8. A student shall not submit false or misleading information on resumes, in job applications, or in employment interviews.
- (c) It is the moral and professional obligation of all students and faculty members to report promptly a probable violation of this Code, and, if the facts warrant, the failure to report a probable violation may be considered a violation of § 2.03 (b) (1), § 2.03 (b) (7), and/or § 2.03 (d).
- (d) It is a violation of the Code for a student, with intent to promote or assist violation of the Code, to solicit, encourage, direct, aid, or attempt to aid another student to violate the Code.

Chapter 3: Filing and Referral of Complaints

- 3.01: A complaint concerning a violation of this Code of Student Conduct may be made by any person with knowledge of such violation, including, but not limited to, any student, member of the full-time or part-time faculty, member of the staff, or administrator. A complaint must be presented within fifteen (15) days of the time the complainant discovers or should have discovered the violation; if not, the complaint is waived, except as to any complainant who has acquired personal knowledge of the violation from another person and presents a complaint to the Dean within fifteen (15) days of having acquired such personal knowledge.
- 3.02: Complaints shall be presented to the office of the Dean of the Law School. The Dean shall give written notice of the complaint to the accused student, the same to be mailed or personally delivered within two (2) days of the time the complaint is filed with the Dean's office. Upon request of the accused student, the Dean shall advise the accused student of the name or names of the persons making the complaint.
- 3.03: In appropriate cases, the Dean may invite the accused student to discuss the allegations informally with a view to summary disposition of the matter. Summary measures may include requiring a student to complete an informal or formal probation process (e.g. preparation of a research project, attendance at recovery meetings, adherence to certain behavioral standards, etc.) If the Dean determines that summary disposition is not appropriate or if the accused student declines the Dean's offer of summary disposition, the Dean shall refer the case as outlined in § 3.04.
- 3.04: If the complaint involves a violation of the *St. Mary's University Personal and Group Code of Conduct (Non-Academic)*, the Dean, or a delegate appointed by the Dean, may refer the

complaint to the University Dean of Students. The Dean or the Dean's delegate shall refer all other complaints to the Court of Student Conduct.

Chapter 4: The Court of Student Conduct

4.01: The Court of Student Conduct (hereinafter "Court") shall consist of five members.

(a) Two members of the Court shall be students in good standing in the Law School. Each class shall elect one of its own as a member of the Court, according to rules promulgated by the Student Bar Association. The students elected shall continue in office for a one-year term, unless removed for cause, including dereliction of duty. The students sitting on the Court to hear a particular complaint shall be the two who are not on the same class level as the accused student. For example, if the accused is a third-year student, the students on the Court shall be those from the first year and the second year.

(b) If a complaint or complaints against students from two different grade levels are to be heard simultaneously, the Court by majority vote shall immediately appoint an additional student from a class level other than that of any accused student; or if students from all three grade levels are accused and are to be heard simultaneously, the Court by majority vote shall immediately appoint two disinterested students to serve as members of the Court at the hearing.

(c) Three members of the Court shall be selected from the full-time faculty by appointment of the Dean on an *ad hoc* basis for the particular violation or violations being heard. No faculty member who is currently a member of the Faculty Committee for Appeal of Student Violations (*see* Chapter 8) or who is an administrator for the Law School shall be eligible to serve on the Court. In appointing the faculty members of a Court, the Dean shall make every effort to appoint faculty members who are neutral and impartial in the matter. In furtherance of this objective, the Dean should attempt to avoid appointing any faculty member in whose class the student is currently enrolled or who employs the student as a research assistant. No faculty member may be reappointed to serve on more than one panel during an academic year unless all members of the full-time faculty have served at least once.

(d) The members of the Court shall elect one of the faculty members as Chairperson for the hearing on the complaint.

(e) All three faculty members of the Court must be present to constitute a quorum.

4.02: The Court is not bound by federal or Texas rules of evidence or procedure but should conduct its proceedings in an orderly manner.

4.03: A student prosecutor shall be elected, according to rules promulgated by the Student Bar Association, to serve during an academic year.

Chapter 5: Hearing by Court of Student Conduct

5.01: The Court shall proceed to hear the complaint within fifteen (15) days of the appointment of the faculty members, or sooner if required by the Dean.

- 5.02: The accused student may be represented by another law student or by a lawyer licensed to practice law in the State of Texas, but must give the Court notice of the intention to be represented at least seven (7) days before the scheduled hearing.
- 5.03: If the accused student advises the Court of an intent to be represented at the hearing, the Court shall immediately notify the student prosecutor who shall prepare and present the complaint. If the accused student does not elect to be represented, the student prosecutor shall not be used at the hearing.
- 5.04: If the student prosecutor is disqualified by bias or prejudice or is unavailable to prosecute the particular complaint, the Court shall immediately appoint a disinterested substitute from the student body.
- 5.05: The Court, the prosecutor, and the accused student may call and question any witness who has relevant testimony, including the complainant.
- 5.06: The entire hearing shall be videotaped.
- 5.07: By majority vote the Court, having heard the evidence, shall make findings on the relevant facts and shall determine whether the accused student is guilty of the violation or violations charged. If the Court finds the accused student to be guilty of the charged offense, it shall, by majority vote, recommend a sanction in accordance with § 7.01.

Chapter 6: Review by Dean

- 6.01: If the accused student is found guilty, the videotape of the hearing shall be delivered to the Dean's Office by the Chairperson of the Court within two (2) days after the Court's decision. After viewing the videotape and after considering the Court's recommended sanction, the Dean shall impose a sanction appropriate to the violation.
- 6.02: If dissatisfied with the findings of the Court, the accused student may appeal by filing a written statement of the grounds for appeal with the Dean within two (2) days after the Court's decision. The Dean shall consider the accused's grounds of appeal and the imposition of sanctions and may find the accused student not guilty or guilty of a lesser violation as appropriate.
- 6.03: The accused student is entitled to be represented by a fellow law student or by a lawyer licensed to practice law in the State of Texas at any time during the appeal to the Dean, and the Dean shall provide the student an opportunity to be heard on the question of sanctions or upon the propriety of the Court's findings.
- 6.04: In connection with an appeal, the Dean may request that further evidence be presented and, before rendering the final decision, may consult with any member or members of the faculty other than members of the Faculty Committee for Appeal of Student Violations. The accused student is entitled to be notified and to be present with a representative if the Dean hears further evidence.

- 6.05: The Dean shall render a final decision on an appeal within fifteen (15) days from the time the matter is first appealed and shall promptly notify the accused student in writing of the decision.

Chapter 7: Sanctions

- 7.01: The sanctions that may be recommended by the Court or considered and imposed by the Dean and the Faculty Committee for Appeal of Student Violations include expulsion, suspension for a specified period of time, loss of course credit, probation with appropriate conditions, recommendation for withdrawal of an awarded degree, withholding of the JD degree pending disposition of charges under this Code, public or private admonition, warning, reprimand, censure, counseling, and personal notification of affected persons.

Chapter 8: Appeal from Dean's Decision

- 8.01: A standing faculty committee, to be known as the Faculty Committee for Appeal of Student Violations (hereinafter "Committee"), shall be established to hear appeals from decisions of the Dean. The Committee shall be composed of three members of the tenured faculty who shall be elected at the beginning of each year. The three members of the tenured faculty receiving the three highest vote totals on a ballot by the full-time faculty shall be deemed elected. No faculty member currently serving as an administrator is eligible to serve on the Committee. The Committee shall meet as soon as possible after being elected and select a Chairperson.
- 8.02: If dissatisfied with Dean's disposition of the matter, the accused student may appeal to the Committee by filing written notice of appeal with the Chairperson within five (5) days after the mailing or personal delivery of the notice of the Dean's disposition of the matter. The student shall specify the grounds for dissatisfaction with the Dean's decision. If no appeal is timely taken, the Dean's decision is final.
- 8.03: The Committee shall schedule a hearing to be held within five (5) days after the filing of the notice of appeal and shall immediately notify the student of the date set for the hearing. At the hearing, the Committee shall review the case to the extent deemed necessary. The Committee must grant the accused student an opportunity to appear before the Committee personally or through counsel and to present arguments in support of the appeal. Any member of the Committee who is disqualified by interest or unavailability shall be immediately replaced by election of the faculty for that hearing only.
- 8.04: The Committee shall render a decision within fifteen (15) days of the time of filing the notice of the appeal with the Chairperson. It may affirm the Dean's decision in all respects. It may conclude that the accused student is not guilty of the violations charged, and it may lessen or increase the sanctions imposed by the Dean. The committee's decision shall be by majority vote.
- 8.05: There is no further right of appeal or review within the Law School.

Chapter 9: Records

- 9.01: All final decisions shall be made a part of the student's permanent school record.
- 9.02: Regardless of the decision on the merits, the record of the case shall be maintained on file in a location approved by the Dean for a period of three years after termination of the proceedings. The record includes any investigative reports, the videotape of the proceedings, and any written briefs and decisions. The record may be consulted by the Dean, the Court, or the Committee for any relevant purpose. Subject to § 9.03 below, the Dean shall destroy all or part of the record after three years unless good cause exists for preserving the record. In instances where an allegation of misconduct is investigated but no complaint is filed, the report of the Dean and a brief statement as to the disposition of the complaint shall be kept on file for three years and shall thereafter be destroyed.
- 9.03: If a student is finally found guilty of a violation of the Code, the finding and the sanction imposed shall be placed in the student's permanent file. If found not guilty, the student shall decide whether to place this finding in the permanent file.
- 9.04: Neither the content nor the existence of any disciplinary action may be disclosed except: when required by law or order of court; when required, consistent with law, by the Dean, by the Court, or by the Committee; or when the student has signed a waiver of confidentiality.
- 9.05: A student whose conduct has been investigated may place in his or her permanent record a statement commenting on the action of the Court, the Dean, or the Committee. If any part of the record is disclosed, the student's statement shall also be disclosed.

Chapter 10: Time Extension and Summer Session

- 10.01: The accused student may in advance secure an extension of any deadline in this Code by demonstrating good cause to the Court, to the Dean, or to the Faculty Committee for Appeal of Student Violations, as the case may be. No extension shall exceed fifty (50) percent of the time specified herein.
- 10.02: The failure of the Court, the Dean, or the Committee to comply with any time limitation set forth in this Code shall not be a ground for dismissal of a complaint provided that a reasonable effort has been made to comply or to secure an extension.
- 10.03: During the regular academic year, any period of time stated in this Code shall be computed as running only on week days when the Law School is in session.
- 10.04: If a quorum of the Court is unavailable to consider a case during the summer session, the matter shall be postponed until such quorum is available.

Chapter 11: Amendments

- 11.01: This Code may be amended by majority vote of the full-time faculty.

XII. TEXAS BAR EXAMINATION INFORMATION

The Texas Bar Examination takes place over two and one-half days, and is given twice every year, in late February and late July. For application deadlines, please see the Texas Board of Law Examiners website at <https://ble.texas.gov/home>. Deadlines are strictly enforced.

For certification purposes, requisite hours must be completed in the Fall or Spring semester before the desired bar exam. Due to grading deadlines, summer classes cannot be used to qualify for the same summer's bar exam.

A. Summary of the Texas Bar Exam

The bar examination consists of four parts: Multistate Performance Test (MPT) (10% of overall score); Texas Procedure and Evidence (10%); Multistate Bar Examination (MBE) (40%); and Texas Essays (40%). The maximum possible scaled score on the Texas bar examination is 1000. The minimum passing score is an overall scaled score of 675.

While most examinees take the bar examination after graduating from law school, Texas permits law students who lack up to four (4) law school credit hours to sit for the Texas Bar Examination. Despite this rule, students are *strongly discouraged* from sitting for the bar prior to graduation, particularly if they are taking classes while studying for the bar exam.

1. Day One

Multistate Performance Test (10% of overall score): One 90-minute problem. Examinees are given a set of materials and are required to prepare a document such as a memorandum of law, a pleading, or a motion.

Procedure and Evidence Examination (10% of overall score): 90 minutes. 40 short answer questions (answers are no more than five lines each): 20 on Civil Procedure and Evidence, and 20 on Criminal Procedure and Evidence. Subjects tested are:

- Civil Procedure (Federal and Texas court jurisdiction, pleading and practice);
- Texas Criminal Procedure;
- Texas Rules of Evidence.

2. Day Two

Multistate Bar Examination (40% of overall score): 200 multiple choice questions. Examinees have three (3) hours in the morning to complete the first 100 questions, and three (3) hours in the afternoon to answer the other 100 questions. Questions are evenly distributed among the subjects. Subjects tested are:

- Contracts
- Torts
- Constitutional Law
- Real Property
- Criminal Law
- Evidence

- Federal Civil Procedure

3. Day Three

Texas Essay Questions (40% of overall score): 12 essay questions on Texas law. Examinees have three (3) hours in the morning to write the first six essays, and three (3) hours in the afternoon to write the other six essays. The questions are in the following areas:

- Wills & Estate Administration (2 questions)
- Uniform Commercial Code (2 questions)
- Business Associations (including Corporations, Agency, and Partnerships) (2 questions)
- Family Law (including Community Property) (2 questions)
- Texas Property Law (including Oil and Gas) (2 questions)
- Trusts and Guardianship (1 question)
- Consumer Rights (including Insurance Law Issues) (1 question)

In addition, issues of tax law and bankruptcy law may be tested within those subject areas listed above.

The Texas Board of Law Examiners has a website with past Texas Procedure and Evidence and Texas Essay examinations posted. The site is <https://ble.texas.gov/home>. In addition, the drafter of the MPT and the MBE, the National Conference of Bar Examiners, has a website offering information concerning the materials tested in those examinations. See (<http://www.ncbex.org/>).

B. Student's Character and Fitness Portfolio

The Dean of the Law School is required to certify that students applying to be members of the Bar possess the character and fitness required for the legal profession before a student can sit for a state bar exam. During a student's tenure at St. Mary's Law School, a student should be aware of this duty, and should consistently demonstrate the professionalism inherent to the profession as well as the behaviors and competencies necessary to succeed in the profession. Behavior and actions inconsistent with St. Mary's Code of Conduct or the applicable Rules of Professional Conduct may prohibit the issuance of a character and fitness letter from the Dean of the Law School.

C. Multistate Professional Responsibility Examination

All applicants for admission to the Texas Bar must pass the MPRE. Law students often take the MPRE while still enrolled in Law School, after completing the course in Professional Responsibility. The MPRE consists of 50 multiple-choice questions, followed by 10 items that request the examinee's reactions to the testing conditions. The MPRE is two (2) hours and five (5) minutes long. Topics tested are the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules. Students are **highly** encouraged to take the MPRE before graduating law school and it is recommended in the second year.

XIII. CORE CURRICULUM CLASS REQUIREMENTS

A student must take and PASS the courses in each of the following subject areas. Day and Evening students. A passing grade is any grade above an "F".

**FIRST YEAR REQUIRED CURRICULUM
MATRICULATION PRIOR TO FALL 2018**

Number	Title	Credit Hrs
LW6477	Federal Civil Procedure	4
LW6741	Contracts I	3
LW6311	Property I	3
LW6375	Torts I	3
LW6201	Legal Research & Writing I	2
LW6150	Introduction to Legal Methods	1
LW6440	Constitutional Law	4
LW6641	Contracts II	2
LW6341	Criminal Law	3
LW6280	Property II	2
LW6275	Torts II	2
LW6601	Legal Research & Writing II	2
LW6152	Advanced Legal Methods	1

**FIRST YEAR REQUIRED CURRICULUM
MATRICULATION FALL 2018 OR LATER**

LW6477	Civil Procedure	4
LW6335	Legal Communication Analysis & Professionalism I	3
LW6478	Torts	4
LW6490	Contracts	4
LW6336	Legal Communication Analysis & Professionalism II	3
LW6480	Property	4
LW6341	Criminal Law	3
LW6440	Constitutional Law	4

See service requirement Section II.H.3.

SECOND AND THIRD YEAR REQUIRED CURRICULUM DAY AND EVENING PROGRAMS

Persons & Property (BEFORE FALL 2018) 2 courses		Credit Hrs	
LW8719	Community Property	2 or 3	
LW7331	Family Law	2 or 3	
LW8318	Mortgages & Real Estate Financing	3	
LW8328	Oil & Gas	3	
LW7314	Texas Land Titles	3	
LW8329	Trusts	2 or 3	
LW7327	Wills & Estates	3	
LW7427	Wills, Estates & Trusts	4	Counts as 2 courses
LW8720	Land Use	3	Effective Spring 2018

Persons & Property (FALL 2018 & LATER) 1 course from top list AND 2 from Advanced Property		Credit Hrs	
LW8719	Community Property	2 or 3	
LW7331	Family Law	2 or 3	
LW8329	Trusts	2 or 3	
LW7327	Wills & Estates	3	
LW7427	Wills, Estates & Trusts	4	Counts as 2 courses

Advanced Property (2 courses)		Credit Hrs	
LW8318	Mortgages & Real Estate Financing	3	
LW8328	Oil & Gas	3	
LW7314	Texas Land Titles	3	
LW8720	Land Use	3	Effective Spring 2018

Business & Commercial Trans (BEFORE FALL 2018) 2 courses		Credit Hrs	
LW8368	Creditor's Rights & Bankruptcy	2 or 3	Prereq: Secured Trans OR Mortgages & Real Estate
LW7410	Business Associations	3 or 4	
LW7394	Commercial Paper	3	
LW8735	Consumer Protection Law	3	If take Consumer Law, may not take DTPA
LW8610	Deceptive Trade Practices Act (DTPA)	2	If take DTPA, may not take Consumer Protection Law
LW7397	Insurance Law	3	
LW7694	Sales	2	If take Sales, may not take Sales & Secured Transactions
LW7494	Sales & Secured Transactions	4	If take Sales & Sec Trans, may not take Sales OR Sec Tran; counts as 2 classes
LW7395	Secured Transactions	3	If take Sec Trans, may not take Sales & Sec Transactions

Business & Commercial Trans (FALL 2018 & LATER) 1 course from top list AND 2 from list below		Credit Hrs	
LW7694	Sales	2	If take Sales, may not take Sales & Secured Transactions
LW7494	Sales & Secured Transactions	4	If take Sales & Sec Trans, may not take Sales OR Sec Tran; counts as 2 classes
LW8604	International Business Transactions	2	Includes China/Innsbruck
2 courses		Credit Hrs	
LW8396	Debtor/Creditor & Business Bankruptcy	3	
LW7410	Business Associations	3 or 4	
LW7394	Commercial Paper	3	
LW8735	Consumer Protection Law	3	If take Consumer Law, may not take DTPA
LW8610	Deceptive Trade Practices Act (DTPA)	2	If take DTPA, may not take Consumer Protection Law
LW7397	Insurance Law	3	
LW7395	Secured Transactions	3	If take Sec Trans, may not take Sales & Secured Transactions

Civil & Criminal Litigation (3 courses)		Credit Hrs	
LW7340	Appellate Courts	3	Effective Spring 2018
LW8715	Civil Restitution in Texas	3	
LW7356	Conflict of Laws	3	
LW7375	Constitutional Criminal Procedure	3	
LW6434	Evidence	4	Required
LW7386	Federal Courts	3	
LW7650	Federal Criminal Procedure	2	Prerequisite: Constitutional Criminal Procedure
LW7764	Remedies	3	
LW6350	Texas Civil Procedure I	3	Required if taking Texas Bar
LW6354	Texas Civil Procedure II	3	Prerequisite: Texas Civil Procedure I
LW8350	Texas Criminal Procedure	3	Prerequisite: Constitutional Criminal Procedure

Experiential Learning (FALL 2015 & LATER) 6 credit hours		Credit Hrs	
	Clinic	3 or 6	
LW7390	Contract Drafting	3	
LW8708	Corporate Planning	3	
LW7632	Evidence in Practice	2	
LW9202	US Attorney's Office Western District of Texas	2	Effective Fall 2017
LW9202	Bexar County District Attorney's Office	2	Effective Fall 2017
LW9202	Court of Criminal Appeals	2	Effective Fall 2017
LW9202	Federal Public Defender West District of Texas	2	Effective Fall 2017
LW9404	US Court of Criminal Appeals	4	Effective Fall 2017
LW9445	Bexar County District Attorney 3L	4	Effective Fall 2017
LW7295	Family Law Mediation	2	
LW8209	Law Practice Management	2	
	Mini courses	1	
LW8755	Mediation	3	Prerequisite: Negotiation
LW8761	Negotiation	3	
LW7302	Externship	2 or 3	
LW9758	Trial Advocacy	3	Prerequisite: Evidence
LW7640	Practices in Child Protective Services	2	

Law Success		Credit Hrs	
LW6170	Experiential Legal Analysis/MPT	1	REQUIRED Second Year
LW7628	Bar Preparation for Credit	2	REQUIRED for students who have ranked below the 50th percentile of their class at any time before their third-year of law school.

Philosophy of Law & Lawyers (2 courses)		Credit Hrs	
LW6308	American Legal History	3	
LW7380	Comparative Law	3	
LW6705	Jurisprudence (all classes)	3	
LW6310	Law & Economics	3	
LW6309	Law & Philosophy	3	
LW6607	Professional Responsibility	3	Required
LW8218	Race, Racism in American Law	2	

Public & International Law (1 course)		Credit Hrs	
LW7374	Administrative Law	3	
LW8380	Civil Rights	3	
LW8379	Estate & Gift Tax	3	Prerequisite: Federal Income Tax
LW7376	Federal Income Tax	3	
LW8304	International Business Transactions	3	
LW7704	International Public Law I: Intro	3	
LW7705	International Law Public II: Human Rights	3	
LW8340	European Union Law	3	

ALL students are required to complete a writing requirement (usually 1 or 2 credits) of at least 6,000 words/approximately 25-30 double-spaced pages. (See Section II.H.2).

All students who matriculate Fall 2018 or later are required to complete thirty (30) hours of service before graduation. At least ten (10) of the required service hours must be completed before student completes their first thirty (30) credit hours. Students must complete at least twenty (20) service hours before they complete sixty (60) credit hours. (See Section II.H.3).